



Coonamble



Gulargambone



Quambone



Coonamble Shire Council

PESTICIDE USE NOTIFICATION PLAN

Draft
May 2006

TABLE OF CONTENTS

Section	Page
1. DEFINITION	2
2. INTRODUCTION	3
3. PUBLIC PLACES COVERED BY THIS PLAN	3
4. NOTIFICATION ARRANGEMENTS.....	6
Special measures for sensitive places	6
Notification of emergency pesticide applications	6
Pesticide contractors	7
Lessees of public places	7
5. WHAT INFORMATION WILL BE PROVIDED	7
6. HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN	7
7. FUTURE REVIEWS OF THE PLAN.....	8
8. CONTACT DETAILS.....	8

~APPENDIX~

Pesticide Use Notification Form	9
Pesticides Regulation 1995	
Part 4B Notification of proposed use of pesticide	
Division 2 Notification by public authorities.....	10

PESTICIDE USE NOTIFICATION PLAN

1. DEFINITION

Under the NSW *Pesticides Act 1999*, a pesticide is an 'agricultural chemical product' as defined in the Agricultural and Veterinary Chemicals Code Act 1994 (Cwlth), namely:

'a substance or mixture of substances that is represented, imported, manufactured, supplied or used as a means of directly or indirectly:

- destroying, stupefying, repelling, inhibiting the feeding of, or preventing infestation by or attacks of, any pest in relation to a plant, a place or a thing; or
- destroying a plant; or
- modifying the physiology of a plant or pest so as to alter its natural development, productivity, quality or reproductive capacity; or
- modifying an effect of another agricultural chemical product; or
- attracting a pest for the purpose of destroying it.'

What are some of the different types of pesticides?

Some families or groups of chemical products which are considered pesticides under current NSW legislation are:

Bactericides - These destroy, suppress or prevent the spread of bacteria.

Baits - These are ready-prepared products or products which need to be mixed with a food to control a pest.

Fungicides - These control, destroy, render ineffective or regulate the effect of a fungus.

Genetically Modified Organisms

Organisms - Agricultural crops can be genetically modified to incorporate resistance to pests and diseases, herbicide tolerance, or to slow the ripening of fruit or alter the timing and duration of flower production.

Herbicides - These destroy, suppress or prevent the spread of a weed or other unwanted vegetation.

Insecticides - These destroy, suppress, stupefy, inhibit the feeding of, or prevent infestations or attacks by an insect.

Lures - These are chemicals that attract a pest to a pesticide for the purpose of its destruction. Solely food-based lures.

Rodenticides - These are pesticides used specifically for controlling rodents such as mice and rats.

Repellents - These repel rather than destroy a pest. Included in this category are personal insect repellents used to repel biting insects.

2. INTRODUCTION

This pesticide use notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 1995 (the Regulation). The plan sets out how *Coonamble Shire Council* will notify members of the community of pesticide applications it makes or allows to be made to public places that it owns or controls.

This pesticide use notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 1995 (the Regulation).

The aim of this plan is to meet the community's general right to know about pesticide applications made to outdoor public places that are owned or controlled by Coonamble Shire Council. The plan allows members of the community to take action to avoid contact with pesticides, if they wish. Council ensures that pesticides are applied to public places in a safe, responsible manner, minimising harm to the community or the environment.

The plan sets out how Coonamble Shire Council will notify members of the community of pesticide applications made by Council to public places.

The plan describes:

- what public places are covered by the plan
- who regularly uses these public places and an estimate of the level of use
- how and when Council will provide the community with information about its pesticide applications in public places
- how the community can access this plan and get more information about Council's notification arrangements
- how future reviews of the plan will be conducted
- contact details for anyone wishing to discuss this plan with Council.

3. PUBLIC PLACES COVERED BY THIS PLAN

Coonamble Shire Council proposes to use or allow the use of pesticides in the following categories of outdoor public places that it owns or controls.

- public parks, gardens & playgrounds
- sporting fields and ovals
- road verges, lanes and reserves & footpaths
- road, rail, utility or other easements accessible to the public
- drains
- grounds of public buildings
- swimming pool grounds
- camping grounds
- commons
- other public places

Coonamble Shire Council's estimate of the level of community use, regular user groups and types of pesticide use in each of these categories of public places is summarised in the following table.

Public places	Regular user groups	Level of use	Type of pesticide use
Public parks, gardens & playgrounds	<ul style="list-style-type: none"> • children and young families • elderly people • general recreational users (e.g. joggers, dog-walkers, picnickers). 	Very high (frequent use by multiple users, with short to medium length stays)	<ul style="list-style-type: none"> • spot herbicides • spot insecticides • broadscale selective herbicides • broadscale non-selective herbicides • broadscale insecticides • fungicide (usually garden beds) • spray ant control
Grounds of public buildings	<ul style="list-style-type: none"> • General public 	Very high (frequent use by multiple users, with short to medium length stays)	<ul style="list-style-type: none"> • spot herbicides • spot insecticides • broadscale selective herbicides • broadscale non-selective herbicides • broadscale insecticides • fungicide (usually garden beds) • spray ant control
Sporting fields and ovals	<ul style="list-style-type: none"> • sporting clubs and associations • school sports groups • general recreational users (e.g. joggers, dog-walkers) 	High	<ul style="list-style-type: none"> • spot herbicides • spot insecticides • broadscale selective herbicides • broadscale non-selective herbicides • broadscale insecticides
Road verges, lanes, reserves & footpaths	<ul style="list-style-type: none"> • local residents or visitors walking or driving on the road 	Low for rural roads; Medium to high for urban roads	<ul style="list-style-type: none"> • spot herbicides • broadscale non-selective herbicides • spray ant control

Public places	Regular user groups	Level of use	Type of pesticide use
Easements accessible to the public	<ul style="list-style-type: none"> • local residents and people who work in the area 	Low to medium	<ul style="list-style-type: none"> • spot herbicides • broadscale non-selective herbicides
Drains	<ul style="list-style-type: none"> • local residents living adjacent to a drain; • local residents or visitors who walk or drive past a drain. 	Low to medium	<ul style="list-style-type: none"> • spot herbicides • broadscale non-selective herbicides
Swimming pool grounds	<ul style="list-style-type: none"> • swimming clubs and associations • school swimming groups • general recreational users 	High	<ul style="list-style-type: none"> • spot herbicides • spot insecticides • broadscale selective herbicides • broadscale non-selective herbicides • broadscale insecticides • spray ant control
Camping grounds	<ul style="list-style-type: none"> • Visitors 	High	<ul style="list-style-type: none"> • spot herbicides • spot insecticides • broadscale selective herbicides • broadscale non-selective herbicides • broadscale insecticides • spray ant control
Commons	<ul style="list-style-type: none"> • local residents or visitors 	Low to Medium	<ul style="list-style-type: none"> • spot herbicides • broadscale non-selective herbicides
Other public places	<ul style="list-style-type: none"> • local residents or visitors 	Low to Medium	<ul style="list-style-type: none"> • spot herbicides • broadscale non-selective herbicides

4. NOTIFICATION ARRANGEMENTS

This section of the plan describes how and when Coonamble Shire Council will provide notice of pesticide use in public places.

These notification requirements are based on Coonamble Shire Council's, assessment of:

- the level of usage of public places where pesticides may be used
- the extent to which members of the public who are most likely to be sensitive to pesticides and are likely to use these areas regularly
- the extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides (such as picnic areas where food is consumed; sporting or other recreational activities that result in contact with the ground)

Council uses small quantities of some pesticides that are widely available in retail outlets and ordinarily used for domestic purposes (including home gardening). Council does not intend to provide notice for such pesticide applications other than by way of this description in this plan (or general information on Council's website). This will apply to minor control of outdoor insect pests aerosol spray cans and spot weed control using a wand or hand-held spray bottle.

All other incidences of spraying, the public will be notified by way of one or more of the following:

- information on Council's website
- publication in local newspaper
- signs
- personal contact (sensitive places and emergency applications only)

Special measures for sensitive places

Clause 11J(1) of the *Pesticides Regulation* defines a sensitive place to be any:

- school or pre-school
- kindergarten
- childcare centre
- hospital
- community health centre
- nursing home
- place declared to be a sensitive place by the Environment Protection Authority (now a part of the Department of Environment and Conservation).

Special notification measures for programmed pesticide use in public places adjacent to any listed sensitive place will consist of personal contact for all pesticide uses.

Notification of emergency pesticide applications

In cases where emergency pesticide applications in public places are required to deal with biting or dangerous pests such as wasps, bees, venomous spiders, fleas, bird mites or rodents (that pose an immediate health hazard), Council will, where possible, provide notice by posting signs nearby at the time of the application. If this is not possible, Council will provide information by request to the person applying the pesticide.

Pesticide contractors

Where Council uses contractors to apply pesticides on its behalf, Council will ensure that the contractor has their own notification plan prepared in accordance with the requirements of the Pesticides Regulation 1995. If the contractor does not have a plan or if the contractor's plan does not meet the Pesticides Regulation 1995, the contractor will be required to make notification in accordance with Council's plan.

Lessees of public places

Where persons or organisations hold an existing lease on Council land that remains a public place and if they use pesticides in this area, Council will still require notification in accordance with the requirements of this plan.

5. WHAT INFORMATION WILL BE PROVIDED

In accordance with clause 11L(2)(g) of the Pesticides Regulation, notices of pesticide use must include all the following information:

- the full product name of the pesticide to be used
- the purpose of the use, clearly setting out what pest or pests are being treated
- the proposed date/s or date range of the pesticide use
- the place where the pesticide is to be used
- contact telephone number and email address of the Council officer who people can contact to discuss the notice
- any warnings regarding re-entry to or use of the place of application specified on the product label or the Australian Pesticides and Veterinary Medicines Authority (APVMA) permit.

Signs will be of a standardised design that will be easily recognisable to the public and workers.

As already noted, Council's website will have a dedicated area that describes its programmed, reactive and, if practicable, emergency pesticide use in public places with a link to this notification plan. The relevant website address will be publicised in rate notices and by regular inclusions in Council's weekly newspaper section in the Coonamble Times.

6. HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN

Coonamble Shire Council will advise residents of this plan and its contents by:

- making a copy of the plan available for viewing, free of charge, at its main office at 80 Castlereagh Street, Coonamble.
- placing a copy of the plan on its website
- placing a notice in the Sydney Morning Herald and the Coonamble Times.
- placing a notice in the NSW Government Gazette

7. FUTURE REVIEWS OF THE PLAN

The notification plan will be reviewed every 3 years or when circumstances require a review of the plan. The review will include:

- a report on progress of implementing the plan
- placing the plan on public exhibition, with any proposed changes and calling for public submissions
- in the light of public submissions, making recommendations for alterations (if applicable) to the plan.

8. CONTACT DETAILS

Anyone wishing to contact Coonamble Shire Council to discuss the notification plan or to obtain details of pesticide applications in public places should contact:

Staff Engineer, K Atkins
P O Box 249
Coonamble NSW 2829
Phone: 02 6827 1900
fax: 02 6822 1626
email: kookie@coonambleshire.nsw.gov.au

or access the website www.coonamble.org

PESTICIDE USE NOTIFICATION FORM

Product Name	
Purpose of Use	
Proposed Dates for Treatment	Between ___ / ___ / ___ and ___ / ___ / ___
Area to be Treated	
Sensitive Places Effected	
Special measures for Sensitive Places	
Any warnings regarding re-entry	
Contact Person	Kookie Atkins
Contact Telephone Number	02 68 271900
Contact Email Address	kookie@coonambleshire.nsw.gov.au

- Note:
- 1) Full product name to be stated
 - 2) Purpose of use eg: weed control, ant control etc.
 - 3) Date must be at least 1 week in advance
 - 4) Area, park name, street name, (if need be identification of section of road or street.

A copy of this form is to be given the GM's secretary for inclusion in Council's weekly news, published in the Coonamble Times and if necessary the Gulargambone or Quambone newsletters.

A copy is also given to the IT Officer for posting on Councils website.

This Original is to be filed on Councils filing system in file number N7-1

Pesticides Regulation 1995
Part 4B Notification of proposed use of pesticide
Division 2 Notification by public authorities

11J Definitions

(1) In this Division:

pesticide use notification plan means a plan referred to in clause 11L (1).

prescribed public place means:

- (a) any of the following to which the public is entitled to have access (whether or not on payment of a fee):
 - (i) any public garden,
 - (ii) any picnic area,
 - (iii) any playground,
 - (iv) any park, sporting field or oval,
 - (v) any public land owned or controlled by a public authority (for example, a road verge, rail easement or an easement for electricity purposes or for the purposes of other utilities),
 - (vi) any land reserved under the [National Parks and Wildlife Act 1974](#) or any State forest or Crown land, or
- (b) the grounds of any government school (within the meaning of the [Education Act 1990](#)) or any establishment maintained by the Technical and Further Education Commission,

but does not include the inside of any building or structure located at such a place.

public authority, in addition to the meaning given by the Act, includes a Minister.

Note, Public authority is defined in the Act to mean a public or local authority constituted by or under an Act, and to include:

- (a) a government department, or
- (b) a statutory body representing the Crown, a State owned corporation or a local council, or
- (c) a member of staff or other person who exercises functions on behalf of a public authority.

The above definition extends the meaning of the term public authority for the purposes of this Division so as to include a Minister.

sensitive place means:

- (a) any school or pre-school, or
- (b) any kindergarten, or
- (c) any childcare centre, or
- (d) any hospital, or
- (e) any community health centre, or
- (f) any nursing home, or
- (g) any place declared to be a sensitive place by the Environment Protection Authority by notice in the Gazette.

use does not include store.

- (2) The Environment Protection Authority may, by further notice in the Gazette, amend or revoke any declaration made under paragraph (g) of the definition of **sensitive place** in subclause (1).

11K Obligations on public authorities concerning use of pesticide

- (1) A public authority must not use any pesticide in a prescribed public place that is owned by or is under the control of the public authority, or allow any person to use any pesticide in a prescribed public place that is owned by or is under the control of the public authority, unless the public authority has first:
- (a) prepared, finalised and notified the Environment Protection Authority of a pesticide use notification plan in accordance with this Division, and
 - (b) given public notice of the proposed use of pesticide in accordance with that plan.

Maximum penalty:

- (a) in the case of a corporation—400 penalty units, and
 - (b) in the case of an individual—200 penalty units.
- (2) A public authority may satisfy an obligation under this clause if it prepares and notifies one or more pesticide use notification plans that apply to all prescribed public places that it owns or controls.

11L Contents of pesticide use notification plans

- (1) A pesticide use notification plan for a public authority must set out how and when the public authority will give public notice of the proposed use of pesticides in any prescribed public places owned by the public authority or under its control.
- (2) In particular, a pesticide use notification plan:
- (a) must identify where it operates, that is, it must identify the categories of prescribed public places in which the public authority proposes to use pesticide or allow its use, and
 - (b) must identify the categories of, or specific, prescribed public places in respect of which the public authority intends to provide notification of:
 - (i) all proposed uses of pesticides under the plan, or
 - (ii) only some proposed uses of pesticides under the plan, and what those uses are, and
 - (c) must indicate, as a separate item, the special protection measures that will be taken if the pesticide is proposed to be used in a prescribed public place that is adjacent to a sensitive place, and
 - (d) must identify the categories of people (the **affected persons**) who regularly use the categories of prescribed public places identified in the plan, and
 - (e) must estimate the degree of use by affected persons of those categories of prescribed public places, and
 - (f) must specify how and when the public authority will notify the affected persons of the proposed use of pesticide in the prescribed public places (other than a prescribed public place referred to in paragraph (k)), and

- (g) must specify what will be included in that notification, which must include at least the following:
 - (i) the full product name of the pesticide to be used,
 - (ii) the purpose of the use,
 - (iii) the proposed date of use, dates of use or range of dates of use,
 - (iv) the place of use,
 - (v) a contact telephone number or email address for the officer of the public authority whom the affected persons can contact to discuss the notice,
 - (vi) any warnings about limitations on the subsequent use of or entry onto the land if such warnings are specified on the approved label for the pesticide or in the permit for use of the pesticide, and
 - (h) must specify how and when the public authority will inform the general public (and not just the affected persons) of the plan and its contents, and
 - (i) must identify by job title or description, and provide the telephone number or email address of, the officer of the public authority whom any member of the public can contact to discuss the plan, and
 - (j) must set out provisions for future reviews of the pesticide use notification plan, including arrangements for public involvement in those reviews, and
 - (k) must specify the prescribed public places (if any) for which the public authority does not intend to provide notification.
- (3) A pesticide use notification plan for a public authority may, in addition to the matters required by this clause, set out how and when the public authority will give public notice of its use, or its allowing of the use, of pesticide in places other than prescribed public places.

11M Public consultation on draft pesticide use notification plans

- (1) A public authority that has prepared a draft pesticide use notification plan must publish a notice, in accordance with this clause, advising that the plan has been prepared.
- (2) The notice must be published:
 - (a) in the case of a public authority that operates throughout the State—in at least one newspaper circulating generally in the State, and
 - (b) in the case of a public authority that operates only in a particular local area or local areas—in at least one newspaper circulating generally in that local area or those local areas, and
 - (c) in the case of a public authority that is a local council—in at least one newspaper circulating generally in the local government area of that council.
- (3) The notice must specify:
 - (a) the area in which the plan is to operate, and
 - (b) where a copy of the draft plan will be displayed for the purposes of public inspection, and
 - (c) the way in which the public may comment on the draft plan, and
 - (d) the deadline for public comment on the draft pesticide use notification plan (which must be at least 4 weeks after the notice is published).
- (4) A public authority must place its draft pesticide use notification plan on display during office hours at the place mentioned in the notice. The public authority must make the draft plan available for inspection free of charge.

- (5) A public authority must also place its draft pesticide use notification plan on its internet website, if it has one.
- (6) The draft pesticide use notification plan must be on display for at least the period commencing on the date on which notice of the display is first given under this clause and ending on the date of the deadline for public comments.
- (7) As soon as practicable after the date of the deadline for submissions for public comment, the public authority must prepare a final version of the plan, taking into consideration any comments made by the public before the deadline.

11N Giving notice of final pesticide use notification plans

- (1) A public authority that has prepared a final pesticide use notification plan in accordance with this Division must, as soon as practicable after the finalisation of the plan, give notice of the plan in accordance with this clause.
- (2) The notice must be published:
 - (a) in the Gazette, and
 - (b) in accordance with clause 11M (2).
- (3) The notice must specify:
 - (a) the area in which the plan is to operate, and
 - (b) where a copy of the plan will be displayed.
- (4) A public authority must place its pesticide use notification plan on display during office hours at the main address of the public authority. The public authority must make the plan available for inspection free of charge.
- (5) A public authority must also place its pesticide use notification plan on its internet website, if it has one.

11O Notification to the Environment Protection Authority of final pesticide use notification plans

- (1) A public authority that has prepared a final pesticide use notification plan must notify the Environment Protection Authority in writing that the plan has been finalised.
- (2) Such notice must include a statement as to whether or not clauses 11L, 11M and 11N have been complied with in relation to the plan.
- (3) Such notice must be given as soon as practicable after finalisation of the plan.

11P Review of final pesticide use notification plans

- (1) A public authority that has prepared a final pesticide use notification plan may review that plan.
- (2) If, as a result of that review, a public authority wishes to amend the plan, or adopt a new plan, it must comply with this Division in relation to the making of the amended or new plan unless (in the case of an amendment) the public authority considers on reasonable grounds that the amendment is not of sufficient substance to warrant public consultation, in which case, it need not comply with clauses 11M and 11N.