



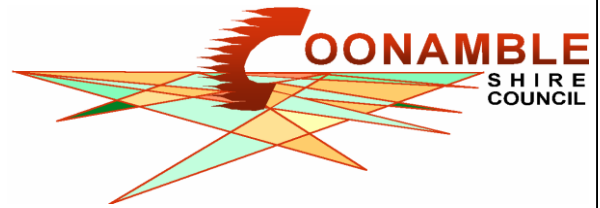
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**Coonamble Shire Council**

**PESTICIDE USE  
NOTIFICATION  
PLAN**

Feb 2016



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# PESTICIDE USE NOTIFICATION PLAN

## 1. DEFINITION

Under the *Pesticides Act 1999 No.80*, a pesticide is defined as:

- (a) an agricultural chemical product (within the meaning of the Agvet Code), or
- (b) a veterinary chemical product (within the meaning of the Agvet Code) that:
  - (i) is represented as being suitable for, or is manufactured, supplied or used for, the external control of ectoparasites of animals, and
  - (ii) is concentrated and requires dilution or mixing in water before use, and
  - (iii) is not prescribed under the Stock Medicines Act 1989 as a low-risk veterinary chemical product.

Note. The Agvet Code defines an agricultural chemical product to be a substance or a mixture of substances that is represented, imported, manufactured, supplied or used as a means of directly or indirectly:

- (a) 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
- (b) destroying a plant, or
- (c) modifying the physiology of a plant or pest so as to alter its natural development, productivity, quality or reproductive capacity, or
- (d) modifying an effect of another agricultural chemical product, or
- (e) attracting a pest for the purpose of destroying it. The term also includes a substance or mixture of substances declared by regulations to be an agricultural chemical product.

For the purposes of this Act, a pesticide continues to be regarded as a pesticide even when it is mixed with some other substance (whether or not the other substance is a pesticide). However, a pesticide does not include a prescribed mixture or a mixture of a prescribed class or description.

### 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** - 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 2009 (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.

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.

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

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

#### **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 18 of the 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.

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 2009. If the contractor does not have a plan or if the contractor's plan does not meet the Pesticides Regulation 2009, 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 20(1)(h) of the 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.

## **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 Coonamble Times.
- placing a notice in the NSW Government Gazette

## **7. FUTURE REVIEWS OF THE PLAN**

The notification plan will be reviewed every 5 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:

Project Engineer, K Atkins

P O Box 249

Coonamble NSW 2829

Phone: 02 6827 1900

fax: 02 6822 1626

email: [kookie@coonambleshire.nsw.gov.au](mailto:kookie@coonambleshire.nsw.gov.au)

or access the website [www.coonamble.org](http://www.coonamble.org)

## PESTICIDE USE NOTIFICATION FORM

<b>Product Name</b>	
<b>Purpose of Use</b>	
<b>Proposed Dates for Treatment</b>	Between ___ / ___ / ___ and ___ / ___ / ___
<b>Area to be Treated</b>	
<b>Sensitive Places Effected</b>	
<b>Special measures for Sensitive Places</b>	
<b>Any warnings regarding re-entry</b>	
<b>Contact Person</b>	Kookie Atkins
<b>Contact Telephone Number</b>	02 68 271900
<b>Contact Email Address</b>	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 2009

## Part 5 Notification of proposed use of pesticide

### Division 1 Preliminary

#### 18 Definitions

In this Part:

**pest management technician** means a person who holds a qualification referred to in clause 9 (1) (b), (e) or (f) or who is a trainee referred to in clause 10 (2) (b).

**pesticide use notification plan**—see clause 19 (1) (a).

**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) a public garden, picnic area, playground, park, sporting field or oval,
  - (ii) 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),
  - (iii) 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.

**sensitive place** means any of the following:

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

### Division 2 Notification by public authorities

#### 19 Obligations on public authorities concerning use of pesticide

- (1) A public authority must not use, 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 plan (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, or
- (b) in the case of an individual—200 penalty units.

- (2) A public authority may satisfy a requirement 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.
- (3) Subclause (1) does not apply in respect of the use of pesticide in a prescribed public place that is owned by or is under the control of a public authority if the pesticide is used by another public authority and that other public authority has:
  - (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 in accordance with that plan.
- (4) Subclause (1) does not apply in relation to the use of pesticide in public baths or in any swimming pool or spa.

## **20 Contents of pesticide use notification plans**

- (1) A public authority's pesticide use notification plan:
  - (a) must set out how and when the public authority will give public notice of the proposed use of pesticides in any prescribed public places, and
  - (b) must identify where the plan 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
  - (c) 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, & what those uses are, and
  - (d) 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
  - (e) must identify the categories of people (the affected persons) who regularly use the categories of prescribed public places identified in the plan, and
  - (f) must estimate the degree of use by affected persons of those categories of prescribed public places, and
  - (g) 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 (l)), and
  - (h) must specify the information that will be provided to the affected persons that are notified, which must include at least the following:
    - (i) the full product name of the pesticide to be used,
    - (ii) the purpose for which the pesticide is to be used,
    - (iii) the dates on which, or the range of dates during which, the pesticide is to be used,
    - (iv) the places where the pesticide is to be used,
    - (v) 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,
    - (vi) a contact telephone number or email address for the officer of the public authority whom the affected persons can contact to discuss the notice, and

- (i) 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
  - (j) 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
  - (k) must, subject to clauses 21 and 22, set out provisions for future reviews of the pesticide use notification plan, including arrangements for public involvement in those reviews, and
  - (l) must specify the prescribed public places or class of prescribed public places (if any) for which the public authority does not intend to provide notification, and
  - (m) may 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.
- (2) Without limiting subclause (1) (g), a pesticide use notification plan may provide that the public authority will provide information to affected persons of the proposed use of pesticide in the prescribed public places by a combination of methods and, if the plan does so provide, must specify the information that will be provided by each method.

## **21 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 advising that the plan has been prepared:
- (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.
- (2) 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 plan (which must be at least 4 weeks after the notice is published).
- (3) The public authority must make the draft plan available for inspection free of charge at its head office and on its internet website.
- (4) The draft plan must be on display for at least the period commencing on the date on which notice is first given under this clause and ending on the date of the deadline for public comments.
- (5) 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 before the deadline.

## **22 Giving notice of finalised pesticide use notification plans**

- (1) A public authority that has prepared a 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:

- (a) in writing to the Environment Protection Authority, and
  - (b) by publishing a notice in the Gazette and in a newspaper in accordance with clause 21 (1) (a)–(c) specifying the area in which the plan is to operate and where copies of the plan will be displayed.
- (2) The public authority must make the plan available for inspection free of charge at its head office and on its internet website.

### **23 Amendments to pesticide use notification plans**

A pesticide use notification plan may be amended by another pesticide use notification plan, and any such amending plan must comply with clauses 21 and 22 unless the public authority considers on reasonable grounds that the amendment is not of sufficient substance to warrant public consultation.