

6.3.31 Draft Pesticide Use Notification Plan

REPORT BY THE NOXIOUS WEEDS ADMINISTRATOR TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, A0130033

RECOMMENDATION

That:

1. **the report by the Noxious Weeds Administrator on the Draft Pesticide Use Notification Plan be received;**
2. **the Draft Pesticide Use Notification Plan be placed on public exhibition for a period of not less than twenty-eight (28) days.**

Executive summary

The purpose of this report is to ensure Council complies with the requirements of the Pesticides Regulation 2009.

Detailed report

The Pesticides Regulation 2009 requires public authorities, such as local councils and government agencies, to notify the community, in accordance with a notification plan, when they use or allow the use of pesticides in public places that are owned or controlled by the public authority.

These rules are based on the principle that people who live and work in an area have a basic right to know when public places in the area are treated with pesticides. Notifying people about pesticide applications means they can make an informed decision, for example, parents with young children may choose to delay a visit to the playground if they know pesticides have been applied that day.

Notifying members of the public about pesticide use before it happens does not mean that they can prevent the use of pesticides in the area. The aim of notification is to allow people to choose to reduce their exposure to pesticides if they wish. Notifying the community is now internationally recognised as best practice in pesticides management.

Under the Pesticides Regulation 2009, section 19, 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 prepared, finalised and notified the Environment Protection Authority of a plan (*a pesticide use notification plan*) in accordance with this Division, and given public notice of the proposed use of pesticide in accordance with that plan.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

SUSAN BURNS
NOXIOUS WEEDS ADMINISTRATOR

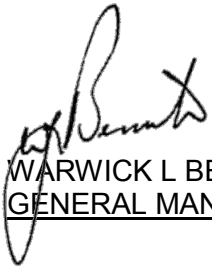


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

16 January 2014


Attachments: 1. Draft Pesticide Use Notification Plan

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

	POLICY	ADOPTED C/M MINUTE NO. XXX /
	DRAFT PESTICIDE USE NOTIFICATION PLAN	REF: INSERT REFERENCE REV: INSERT REVISION NUMBER FILE NO. A0130033

This pesticide notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 2009 (the Regulation).

The aim of this plan is to meet the community's general right to know about pesticide applications undertaken by Mid-Western Regional Council in outdoor public places that are owned or managed by Council. This plan allows members of the community to take action to avoid potential contact with pesticides, if they wish. The council ensures that pesticides are applied to public places in a safe, responsible manner minimising harm to the community or environment.

The plan details how Mid-Western Regional Council will notify members of the community of pesticide applications made by the Council to public places.

The term 'pesticide' is applied to chemicals used to kill pests and minimise their impact on agriculture, health and other human interests. Pesticides are the general term given to herbicides, insecticides, fungicides, rodenticides etc.

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 on the pesticide applications in public places.
- Where the community can access the plan and get more information regarding Council's notification arrangements
- How future reviews of the plan will be conducted
- Contact details for anyone wishing to discuss this plan with Council.

The majority of pesticide use will comprise of applying herbicides for the control of weeds and applying insecticides to manage identified insect pests.

Further information on Council's pesticide use can be obtained by contacting Council's Noxious Weeds Administrator or Parks Technical Assistant on (02) 6378 2850 or by visiting the website www.midwestern.nsw.gov.au

1. PUBLIC PLACES COVERED BY THIS PLAN

Mid-Western Regional Council proposes to use and/or allow the use of pesticides in the following outdoor public places within the Council's area of responsibility:

- Parks and public gardens
- Child Care and Family Day Care Centres
- Playgrounds
- Pools
- Sporting Fields and Ovals
- Road verges and reserves
- Laneways and pathways
- Easements
- Drains
- Cemeteries
- Showground
- Saleyards
- Aerodrome
- Water treatment and sewerage plants/pump stations
- Animal Shelter/Pound
- Waste Management Facilities

This plan will also provide information on how notice will be provided to the community of pesticide use in the interiors of the following council buildings: Council chambers, library, community halls/centres and childcare facilities.

The 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.

Although not required by the Regulation, a summary of the type of pesticide use in each category of public place is also provided.

Public places owned or controlled by Council	Regular user groups	Level of use of public place	Type of pesticide use
(a) Public parks and gardens	<ul style="list-style-type: none"> • Children and young families • Elderly people • General recreational users (joggers, dog walkers, picnickers etc) • Council staff 	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 • Fungicides • Fruit fly baits
b) Child Care Centres and Family Day Care	<ul style="list-style-type: none"> • Children • Young families • Parents • Council staff 	High	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides
c) Playgrounds	<ul style="list-style-type: none"> • Children • Young families • Council staff 	High	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides
d) Pools	<ul style="list-style-type: none"> • Families • Social groups • Council staff • Tourists • Swimming club • Community groups 	High	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides
e) Sporting Fields, ovals and related facilities	<ul style="list-style-type: none"> • Sporting clubs and associations • School sports groups • General recreational use (joggers, dog walkers etc) • Council staff 	High	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Broadscale insecticides • Fruit fly baits • Fungicides
f) Road verges and reserves	<ul style="list-style-type: none"> • Local residents or visitors • Council staff 	Low for rural roads Medium to high for urban roads	<ul style="list-style-type: none"> • Spot herbicides • Broadscale non-selective herbicides
g) Laneways and pathways	<ul style="list-style-type: none"> • Local residents • People in the vicinity • Visitors to the area • Children • Council staff 	Medium to high	<ul style="list-style-type: none"> • Spot herbicides • Broadscale non-selective herbicides

Public places owned or controlled by Council	Regular user groups	Level of use of public place	Type of pesticide use
h) Easements	<ul style="list-style-type: none"> • Local residents • People working in the vicinity • Children • Council staff 	Low to medium	<ul style="list-style-type: none"> • Spot herbicides • Broadscale non-selective herbicides
i) Drains	<ul style="list-style-type: none"> • Local residents living adjacent to the drain • Local residents or visitors walking or driving past drain • Council staff 	Low to medium	<ul style="list-style-type: none"> • Spot herbicides • Broadscale non-selective herbicides
j) Cemeteries	<ul style="list-style-type: none"> • Funeral Directors • Residents • Relatives of deceased • Visitors • Council staff 	Medium to high, especially at certain times of year such as Christmas, Mothers Day, Fathers Day	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Vermin Control (rabbit baits)
k) Water Treatment works and sewerage pumping stations	<ul style="list-style-type: none"> • Inspectors • Auditors • Public walking or driving past • Council staff 	Low	<ul style="list-style-type: none"> • Spot herbicides • Broadscale non-selective herbicides
l) Showgrounds	<ul style="list-style-type: none"> • Local residents • Showtime users • Horse users • Visitors to the area • Children • Council staff • Community groups 	Low - medium	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides
m) Aerodrome	<ul style="list-style-type: none"> • Pilots • Passengers • Families • Aero sport clubs • Farmers • Council staff 	Medium	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Vermin control (rabbit baits)

Public places owned or controlled by Council	Regular user groups	Level of use of public place	Type of pesticide use
n) Saleyards	<ul style="list-style-type: none"> • Stock • Farmers • Auctioneers • Council staff • Truck drivers 	Low - medium	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Vermin control (rabbit baits)
o) Works Depot	<ul style="list-style-type: none"> • Council staff • visitors • company reps • couriers • delivery drivers • sports reps 	Low	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Vermin control (rabbit baits)
p) Animal Shelter - Pound	<ul style="list-style-type: none"> • Council staff • Visitors 	Low - medium	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Vermin control (rabbit baits)
q) Interior or certain council buildings	<ul style="list-style-type: none"> • Library users (including young children, school groups and the elderly) • Young children and their carers (childcare facilities) • Parents groups / playgroups • Community associations • Church groups • General members of the public 	High	<ul style="list-style-type: none"> • Spot insecticides • Bait rodenticides • Spray termiticides • Spray ant control • Bait termiticides • Bait ant control • Bait bird control

2. NOTIFICATION ARRANGEMENTS

This section of the plan describes how and when Mid-Western Regional Council will provide notice of pesticide use in public spaces. It includes special measures for sensitive places that are adjacent to public places, arrangements for emergency pesticide applications and circumstances where notification will not be given.

These notification requirements are based on Mid-Western Regional Council's assessment of:

- the level of usage of public places where pesticide may be used
- the extent to which members of the public who are most likely to be affected by the pesticides (young children, sick, pregnant and elderly people) 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)
- the type of pesticide used

Notice of pesticide use will be provided by one of the following or a combination of:

- signs
- information on Council's website (which will describe programmed, reactive and emergency pesticide use in public places)
- social media (Facebook)
- letter box drops
- advertising in Mudgee Guardian and The Weekly newspapers
- door knocks (in person)
- phone contact

Mid-Western Regional Council will also have a central register whereby individuals or organisations can nominate to have their details listed which allow them to be notified when certain types of pesticides are going to be used in certain places.

The Council uses small quantities of some pesticides that are widely available in retail outlets and ordinarily used for domestic purposes (including home gardening). The 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 indoor and outdoor insect pests using baits or aerosol spray cans and spot weed control using a wand or hand-held spray bottle.

All staff and contractors are to apply the pesticides according to best management practice whilst taking into account the particular conditions of each site requiring the application of pesticide.

When baiting of vermin such as rabbits occurs, staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

2.1 Outdoor Recreation Areas

The notification arrangements described below will apply to the following categories of public place owned or controlled by Mid-Western Regional Council.

- public parks and gardens
- playgrounds
- pools
- sporting fields, ovals and related sporting facilities

In these public places, signs will be provided to the general community near the application area or main entrances at least 48 hours prior to application and remain for at least 48 hours afterwards for the following pesticide uses:

- spot spraying herbicides
- broadscale selective herbicides
- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- fruit fly baiting (where part of ongoing program, first pesticide use only)

Where any of the above pesticide uses occur adjacent to **sensitive places** (see *definition of sensitive places under subsection 2.11 'Special measures for sensitive places'*), or are registered with Council on the **Pesticide Notification Central Register**, the occupiers will be provided 48 hours prior notice by phone, letterbox drop or in person (whichever is most practicable)

For **playgrounds, picnic areas and pools**, where an application of spot pesticide is necessary, prior notice will be extended to 7 days by placing signs for all the above pesticide uses. For these areas only, signage will be placed at entrances or near play area for at least 48 hours after application of spot herbicide or insecticide use or placement of ant control baits.

For **sporting fields, ovals and related sporting facilities**, sporting groups and occupiers of adjacent sensitive places who register interest with Council can also have notice of the above pesticide uses by email, phone or in person, of pesticide use 48 hours prior to application of pesticides.

For **roadside rest areas**, signs will be provided near the application area at the time of application and remain for at least 48 hours afterwards.

2.2 Outdoor public thoroughfares and easements accessible to the public

The notification arrangements described below will apply to the following categories of public place owned or controlled by Mid-Western Regional Council within the LGA:

- laneways and pathways
- road shoulders and verges
- road easements accessible or adjacent to public
- drains

Notification will only be given if the pesticide use will be adjacent to sensitive places or if the occupier has registered interest with Council on the Central Register.

2.3 Cemeteries

Information on the following types of pesticide use shall consist of signage placed at the entrance to each of the Council's cemeteries at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- large vertebrate baiting (rabbit control)

2.4 Showground

Information on the following types of pesticide use shall consist of signage placed at the each entrance to the showground at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Application of pesticides shall be carried out when there is no user group booking the area:

- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- large vertebrate baiting (rabbit control)

2.5 Aerodrome

Information on the following types of pesticide use shall consist of signage placed at each entrance to the aerodrome where application is near entrances, at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Where it is not near pedestrian areas, no notification will be provided unless required under the conditions for that pesticide.

- spot spraying herbicides
- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- large vertebrate baiting (rabbit control)

2.6 Saleyards

Information on the following types of pesticide use shall consist of signage placed at the entrance to the saleyards at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Timing of pesticide application should be so not to be carried out when saleyards are in use. Where it is not near pedestrian areas, no notification will be provided unless required under the conditions for that pesticide.

- spot spraying herbicides
- large vertebrate baiting (rabbit control)
- spot spraying of non selective herbicide

2.7 Works Depot

Information on the following types of pesticide use shall consist of signage placed at the each entrance to the depot where application is near entrances, at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Where it is not near pedestrian areas, no notification will be provided unless required under the conditions for that pesticide.

- spot spraying of non selective herbicide

- large vertebrate baiting (rabbit control)

2.8 Water treatment and sewerage plants/pump stations

Information on the following types of pesticide use shall consist of signage placed at the each entrance to the site where application is near entrances, at least 48 hours prior to application and remain in place for 48 hours after application. Where it is not adjacent to residential areas, no notification will be provided.

- spot spraying of non selective herbicide

2.9 *Animal Shelter/Pound*

Information on the following types of pesticide use shall consist of signage placed at the entrance to the site where application is near the entrance, at least 48 hours prior to application and remain in place for 48 hours after application. Where it is not near pedestrian areas, no notification will be provided.

- spot spraying of non selective herbicide
- broadscale insecticides

2.10 Certain Council buildings

For pesticide use in council chambers, council-owned libraries, community halls and centres and childcare facilities that are owned or controlled by Council, signs will be provided near the application area or main entrance at least 48 hours prior to application and remain for at least 48 hours afterwards for the following pesticide uses:

- spot use of insecticides
- bait rodenticides
- spray termiticides
- spray ant control

Information for the general community will be posted on Council's website and on social media about the above applications and on the following pesticide uses in the above council buildings:

- bait termiticides
- bait ant control
- bait bird control

In addition, 7 days prior notice of all programmed pesticide use in Council childcare facilities will be given to operators of the facilities.

2.11 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
- vineyard
- place declared to be a sensitive place by the EPA

For broadscale applications notice will be provided 48 hours prior to date of application. Where pesticide application is required near vineyards, application will be timed to avoid damage to crop and carried out in appropriate weather conditions. For non-emergency reactive spot pesticide use in outdoor public places adjacent to sensitive places, Council will provide 48 hours notice before commencing spraying application, to the occupier/user by phone or in person, whichever is most practicable.

For emergency pesticide application such as treating wasps or bees where the public may be harmed, 30 minutes notification, where practicable, by phone or in person will be provided so people are aware of the situation and why the pesticide must be used.

2.12 Emergency pesticide applications

In those cases where emergency applications of pesticides must be carried out in outdoor public places, Mid-Western Regional Council will, where possible, give notice by way of signage nearby at the time of application and on social media. When this is not possible, information can be obtained by request to the staff applying the pesticide.

3. WHAT INFORMATION WILL BE PROVIDED

In accordance with clause 20(1)(h) of the Regulation. Notices of pesticide use must include **all** of the following information:

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

Signs will be clearly recognisable to the general public and Council staff.

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.

4. HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN

Mid-Western Regional Council will advise residents of the plan and its contents by:

- making a copy available for public viewing free of charge during office hours at all Council Offices:
 - 56 Market Street Mudgee
 - Herbert Street Gulgong
 - Louee Street Rylstone
 - Depot Road Mudgee
- placing a copy of the plan on the Council website at www.midwestern.nsw.gov.au
- placing a notice in the Sydney Morning Herald, The Mudgee Guardian and The Weekly newspapers
- placing a notice in the NSW Government Gazette
- include a leaflet in the annual rates notice advising residents of the plan and where they can view a copy of it

5. FUTURE REVIEWS OF THE PLAN

The notification plan will be reviewed every 3 years unless regulations change during that period in which it will be reviewed as directed. The review will include:

- placing the plan on public exhibition, with the proposed changes and calling for public submissions
- in the light of public submissions, make recommendations for alterations to the plan if applicable.

6. CONTACT DETAILS

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

Susan Burns
Noxious Weeds Administrator
PO Box 156
Mudgee NSW 2850

Phone (02) 6378 2850
Fax (02) 6378 2815
Email council@midwestern.nsw.gov.au

or access Council's website www.midwestern.nsw.gov.au