

PESTICIDES NOTIFICATION

Developing a pesticide use notification plan for outdoor public places

A Guide for Local Councils

Department of **Environment and Conservation** NSW



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Developing a pesticide use notification plan

Pesticides notification is based on the principle that the community has a basic 'right to know' about pesticide use in public places. Giving people notice about pesticide use lets them reduce their contact with pesticides, if they wish. Pesticides include herbicides, fungicides, insecticides, fumigants, bactericides, rodenticides, baits, lures, repellents and pesticides used on animals to control external parasites (for further information see the *Environment Matters* fact sheet [What are pesticides](#)).

Under new amendments to the Pesticides Regulation 1995, councils are required to prepare a pesticide use notification plan. A pesticide use notification plan will explain how a council will notify members of the community about the use of pesticides in the public places that it owns or controls. From 1 February 2007, pesticides cannot be used in those areas unless council has finalised its pesticide use notification plan and follows the steps set out in the plan when using pesticides in public places.

Under the Regulation the following information **must** be included in a council's notification plan:

- the categories of **outdoor public places** owned or controlled by council where pesticides will be used
- **who** regularly uses these public places and an estimate of the level of use (for example, high, medium, low)
- **how** and **when** council will provide those people with information about proposed pesticides use in these public places (for example, what notification arrangements will be used)
- the **special steps** council will take when pesticides are used in outdoor public places that are adjacent to **sensitive places** (for example, child care centres, schools, nursing homes)
- **what** information will be provided (this **must** include the name of the pesticide used, why it is being used, date/s of use, place of use, council officer contact details and any re-entry warnings on the label/permit)
- how the **community will be informed** of the notification plan
- how **future reviews** of the notification plan will be conducted
- **contact details** for anyone wishing to discuss the notification plan with council.

The Regulation does **not** specify how a council gives notice to the community, nor does it specify for which pesticide uses notice must be given. It is up to councils to work out what method of notification is the most practical, cost effective and suited to their community's needs. For example, councils may choose to use signs, web-postings, letterbox drops, newspaper advertisements, or a combination of methods.

Whatever notification methods are chosen, it **must** also be clear from the plan where notice of pesticide use in public places will **not** be provided for particular pesticide uses and/or for particular public places and the plan must specify those uses and/or places.

A notification plan can be developed as a stand alone document, or it can be incorporated into existing plans, such as council plans of management for community lands. More than one plan can be prepared, as long as all pesticide use in outdoor public places is covered by these plans.

Suggested format for the plan

The following guidance material suggests a format that you might use to prepare a pesticide use notification plan. An example plan and blank template that you can use is also provided on the Department of Environment and Conservation (DEC) website at www.environment.nsw.gov.au/pesticides/. You are free to develop a notification plan in any format you wish, as long as it includes the information required by the Pesticides Regulation 1995, as outlined above. Remember that this is only a guide and does not constitute legal advice. See Part 4B of the [Pesticides Regulation 1995](#) for full details of notification plan requirements.

1. INTRODUCTION

The introduction should outline the purpose of council's notification plan and summarise the information that will be contained in the plan. It is also useful for this part of the plan to summarise council's overall pesticide use. For example, council could briefly describe what kinds of pesticides are used, how often and how they are applied. The example plan on DEC's website includes some explanatory text that you may wish to use: its introduction says that the aim of the notification plan is to meet the community's general right to know about pesticide applications made in public places owned by, or under the control of, the particular council.

2. PUBLIC PLACES AND THEIR USES

This section of the notification plan can describe:

- the categories of public places covered by the plan
- the level of community use and types of users of these places
- the general nature of pesticide use that may occur in these places.

SUGGESTED STEPS TO FOLLOW

a) Determine the categories of public places

The notification plan **must** describe where it operates and the categories of public places it covers – these are the outdoor public areas owned or controlled by council where it uses pesticides or allows other people to use pesticides. Public places include the following areas that the public is entitled to access:

- public gardens
- picnic areas
- playgrounds
- parks
- sporting fields or ovals
- any public land owned or controlled by a public authority such as a road verge, laneway, pathway, drain or easement
- any Crown land.

Public places also include government school grounds and TAFE grounds.

The plan may describe places within these categories more specifically (for example, netball courts, electricity easement) or if needed define other categories of outdoor public places. A public place also includes outdoor property that is **leased** out by a public authority but which the public is entitled to access.

Council's notification plan does not need to specify the location of each public place. Instead, it can group them by category – DEC's example plan shows how this could be done. However, where the community requires more information, a map or other appendix that identifies the name of each public park, for example, could be attached.

You can also include indoor public spaces in your notification plan, although the Regulation does not require this. Consultation with your community might reveal that there is a strong desire for council's plan to cover pesticide applications in or around buildings or structures such as toilet blocks, sporting stands or public libraries. The example plan includes the interiors of certain council buildings, noting that they are frequently used by children.

b) Estimate use of these public places

For each of these categories of public places, council's notification plan **must** estimate:

- the level of use, and
- who regularly uses them.

It may be possible to estimate the **level of use** closely – for example, the number of public tennis court users. In other cases a rough estimate – high, medium, low – will be all council can provide.

The notification plan **must** also identify the categories of people who regularly **use** each category of public place identified in your plan. For example, it may state that public parks in council areas are used by a cross-section of the community for recreational purposes, and that these include children, families, older people and office workers during lunch-time.

c) Summarise pesticide use in these public places

Where council intends to provide notification of only some proposed uses of pesticides for a category of public place, council must identify what those uses are. This does not need to be done in detail and does not need to name specific chemicals or products – the information in this part of your plan can be general in order to accommodate a range of possible pesticide uses. Even where council intends to provide notice for all proposed uses, it may also be helpful to your community to note the types of pesticides that may be used in each category of public place owned or controlled by council.

For example, the plan could state that in public parks council will provide notification for the proposed use of: spot herbicides; spot insecticides; broadscale selective herbicides; broadscale non-selective herbicides; broadscale insecticides; fungicides on garden beds only; sprays to control termites or ants; and baits to control termites or ants.

d) Decide how to present the above information

This information can often be presented as a table, as shown in the example plan. Laying out this information will assist council and the community to decide what the best notification arrangements for each category of public place will be. For example, if community use of a public place is high, council may choose notification arrangements that reach as many users as possible.

3. NOTIFICATION ARRANGEMENTS

This section of the notification plan can set out:

- how notification of pesticide use will occur
- when notification will occur
- who is to be notified
- special arrangements for sensitive places
- special arrangements for emergency pesticide use
- arrangements governing pesticide use by contractors and lessees of public places.

SUGGESTED STEPS TO FOLLOW

a) Determine what type of notice will be provided

Council's notification plan **must** explain how users of public places will be given notice about pesticide use. It is up to council to decide what kind of notice will be practical in each situation and will best meet the community's expectations. Because pesticide notification is based on the principle of the community's right to know, choosing how to give notice could be based on your consideration of, among other relevant matters:

- how often people use a public place
- how the public place is used
- the likelihood of members of the community coming into contact with the pesticide
- the type of pesticide used.

The example plan shows how the use of a notification method or combination of methods for different types of public places might be explained.

Your notification plan can list one or a combination of any of the following:

- **signs** prominently displayed at the entrances to a public place or in other highly used areas, for example toilet blocks, spectator stands, or on trucks used to spray pesticides
- **advertisements** in the local newspaper or on the local radio station
- **website** information
- **letterbox drops** to residents
- **mailouts** to known users of the public place, for example, representatives of sporting teams
- **permanent signage**, for example where public places are routinely treated with pesticides
- **individual notification** to anyone who has requested such notice – this could be by telephone, letter, fax, face-to-face contact etc
- **phone** contact line or recorded information service
- **community meetings**
- council **information fact sheets**, for example, mailed with rates notices
- council to **respond** to all reasonable requests for information – this is particularly useful when spraying large areas such as road verges, where it may not be not practical to post signs
- any other forms of notification (which should be specified).

b) Decide when notice will be provided

The notification plan **must** state when the community will be notified about a pesticide application. Notice can be provided prior to pesticide use, during pesticide use, and/or afterwards.

For example, your notification plan may state that for parks and playgrounds notices will be in place **during** the pesticide application and that they will remain in place for 48 hours **after** the application.

For other public areas (such as planned applications to sports ground), **prior notification** of several days or weeks (through signage, advertisements etc) may be more appropriate. Council may want to consider **permanent** notification in the form of permanent signage or a

notice at the council office or a page on its website that outlines council's annual spraying program.

In many cases a **combination** of these approaches will be appropriate. For example, residents may be provided with an annual spray notice **and** signs may be posted during and after the application.

c) Decide who will be notified

Notice of pesticide use can be provided to the general community and/or targeted at particular groups or individuals, based on who is likely to have the greatest interest in particular public places.

For example, for pesticide use on a sports field, council could choose to place signs around it – that is, give general notice – and to fax written information to sports clubs who use that field – that is, give targeted notice.

Council could also consider establishing a 'notification register' – a list of individuals or groups who wish to be notified of pesticide use in specific locations or at particular times.

For example, a resident with children attending the local school may request to be notified of any pesticide applications made to council owned pathways or drains adjacent to the school.

d) Specify sensitive place notification arrangements

The notification plan **must** separately state what notification arrangements will be in place to provide special protection where pesticides are used in public places that are adjacent to sensitive places. A sensitive place is any:

- school or pre-school
- kindergarten
- childcare centre
- hospital
- community health centre
- nursing home.

The Environment Protection Authority (EPA) – which is now part of DEC – can declare additional sites to be sensitive places by a notice in the NSW Government Gazette. DEC intends to list any additions on its website at www.environment.nsw.gov.au/pesticides/. Councils may want to have special notification arrangements for pesticide use in public places adjacent to other areas that council considers sensitive, such as organic farms or school bus stops, and these special arrangements may also be included in the notification plan.

Special protection measures could, for example, include providing notification earlier, in greater detail and/or in a different form to ensure that the risk of people at sensitive sites coming into contact with the pesticide application is minimised.

e) Make provision for emergency pesticide use

The notification plan should allow for unavoidable emergency pesticide use. In situations where council needs to make an emergency pesticide application (for example, to treat a wasps' nest), it may be difficult to erect a sign or provide other forms of notice that would otherwise be provided before the emergency pesticide use.

To cover these situations, council could undertake in the plan to respond in full to any reasonable requests for information. For example, the plan could state: *"In cases where emergency pesticide applications are required to deal with biting or dangerous pests such as wasps, bees, rodents, venomous spiders, fleas and bird mites, council will, where possible erect notices at the time of the application. If this is not possible, council will provide*

information on the pesticide application on request at council offices, on council's infoline or to the person applying the pesticide."

In contrast, if a pesticide must be used to deal with an emergency near a sensitive place, extra steps could be taken to let people know about it even though there is only a limited time available before the application of the pesticide.

For example, public authorities could make sure a door-knock takes place so people are aware that a pesticide is about to be used to deal with a dangerous pest infestation.

f) Make provision for pesticide use by contractors, lessees of outdoor public places and members of the public

Where **contractors** apply pesticides on council's behalf, council is still responsible for ensuring notification occurs in accordance with the plan. As previously stated, the Regulation also still applies where an outdoor public place is **leased** out by council but remains accessible to the public (for example, a golf course), so again council is responsible for ensuring notification occurs in accordance with the plan.

It is highly recommended that the notification plan includes practical and workable arrangements for pesticide use in public places by contractors and lessees. For example, council could commit to making notification according to its plan a standard condition of both its pesticides application contracts and relevant leases.

In some circumstances, members of the **public** may use some pesticides to maintain public places, such as the verge area at the front of their property. Where council allows such pesticide use, it would be appropriate for the plan to clarify whether any notice will be given.

4. WHAT INFORMATION WILL BE PROVIDED

Whatever types of notice are used – notices placed at the entrances of a park, newspaper advertisements, website information, letters to residents, or a response to a phone call from a resident requesting information – the Regulation still requires that **all** of the following information **must** be provided:

- the **name of the pesticide** to be used (the full product name of the pesticide is listed on the approved label for the pesticide)
- the **purpose** of the pesticide use (e.g. to treat specified pest)
- the **date** or date range of the proposed pesticide use
- the **place** where the pesticide will be used
- council officer's **contact** telephone number or email address
- any warnings about **when the land can be re-entered** or used if a warning is specified on the product label or the APVMA permit)

This section of the plan could set out other related matters such as whether any other information will be provided and the preferred style of signage.

5. HOW THE COMMUNITY WILL BE INFORMED OF THE PLAN

Your notification plan must set out how council will ensure that the general public (not just the users of the public places identified earlier in its plan) will be made aware of the plan and its contents.

At minimum, the Regulation requires council to place its plan on display, free of charge, during office hours at its main address, and also be available on council's website. A notice of the plan must also be placed in the NSW Government Gazette and in at least one newspaper circulating generally in council's local government area as soon as practicable after the finalisation of the plan.

Note that the Regulation also sets out the way in which the public must be notified and consulted on the draft plan.

6. FUTURE REVIEWS OF THE PLAN

The notification plan must outline how it will be reviewed in the future, including how the public will be involved in the review. A reasonable time-frame for review (for example, every three years) and what will be covered in the review might also be included in the plan.

If after reviewing the plan, council wishes to make changes to the plan that warrant public consultation, it should be treated as though a new plan has been made – it should be exhibited and when finalised it should be advertised, gazetted and the DEC notified (see 'What happens when the plan is finalised' at the end of this guide). If only minor changes are proposed, then some of the public consultation and advertising requirements set out in the Regulation will not apply.

7. CONTACT DETAILS

The notification plan must include a contact officer (identified by job title or description), phone number or email address) who can answer any public inquiries about the plan.

How should the community be consulted about the draft plan?

- 1. At a minimum, council must place the draft plan for public consultation for 4 weeks and ensure that a copy of the plan is available for public viewing during this time.*
- 2. Council must also publish a notice in at least one newspaper circulating generally in its local government area, advising that a draft plan has been prepared. The notice must state the area in which it is to operate, where a copy will be on display for public inspection and how the public can comment on the draft plan.*

What happens when the notification plan is finalised?

- 1. Once the draft plan is finalised, council must place a notice in the NSW Government Gazette and at least one newspaper circulating generally in its LGA that states:*
 - the area in which the plan operates*
 - where a copy of the plan will be displayed.*
- 2. Council must also notify DEC in writing that the plan has been finalised, and whether or not the plan was prepared, exhibited and notified in accordance with the Regulation.*

COUNCIL CHECKLIST FOR PESTICIDE USE NOTIFICATION PLAN

Content of a pesticide use notification plan

To meet the requirements of the Pesticides Regulation 1995, the finalised notification plan must include the following:

- Where the plan operates, that is, the categories of outdoor public places where pesticides are used
- Groups who regularly use these public places
- An estimate of the level of use (e.g. high, medium, low)
- How and when notice of pesticides use in these public places will be provided
- Specify the pesticide uses and/or public places where notification will not be provided
- Special notification measures for pesticide use in public places adjacent to sensitive places
- What information will be provided
- Who will be notified
- How the general public will be informed of the plan's notification arrangements
- How future reviews of the plan will be conducted
- Contact details for anyone wishing to discuss the plan with council

Steps to be followed in developing a plan

To meet the requirements of the Pesticides Regulation 1995, the following steps must be followed:

- Develop draft notification plan
- Advertise notice of draft plan in papers circulating in the local government area
- Place the draft plan on public exhibition and invite public comment for at least 28 days
- Prepare a final version of the plan taking into account any public comments
- Council internal approval of final plan
- Copy of finalised plan is made available on the council's website and at main office
- Place notice in NSW *Government Gazette* of final plan
- Place notice in at least one newspaper circulating generally in council's local government area
- Notify DEC in writing confirming that the notification plan is finalised