

# KYOGLE COUNCIL



# PESTICIDE USE NOTIFICATION PLAN

Date of Adoption 2016

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## TABLE OF CONTENTS

1. INTRODUCTION	3
2. DEFINITION	4
3. PUBLIC PLACES COVERED BY THIS PLAN	5
4. NOTIFICATION ARRANGEMENTS	7
5. HOW AND WHEN NOTICE OF PESTICIDE USE WILL BE PROVIDED	8
6. SPECIAL MEASURES FOR SENSITIVE PLACES	12
7. NOTIFICATION OF EMERGENCY PESTICIDE APPLICATIONS	12
8. PESTICIDE CONTRACTORS AND LESSEES OF PUBLIC PLACES	12
9. WHAT INFORMATION WILL BE PROVIDED	14
10. HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN	14
11. FUTURE REVIEW OF THE PLAN	14
12. CONTACT DETAILS	15

### ~APPENDIX~

Pesticide Use Notification Form	13
Pesticides Regulation 2009 Part 4B Notification of proposed use of pesticide Division 2 Notification by Public Authorities	14

# PESTICIDE USE NOTIFICATION PLAN

## 1. INTRODUCTION

This Pesticide Use 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 made to outdoor public places that are owned or controlled by Kyogle Council. The plan allows members of the community to take action to avoid contact with pesticides, if they wish.

The term 'pesticide' is applied to chemicals used to kill pests and minimise their impact on agriculture, health and other human interests. Pesticides are often classified according to the organisms which they are used to control, eg fungicides, herbicides, insecticides, molluscicides, nematicides, rodenticides, algacides, baits, repellants etc.

Council ensures that staff and contractors adopt best management practices in the application of pesticides to public places minimising harm to the community or the environment. Examples of best management practices involve using pesticides only for the purpose described on the product label and following all the instructions on the label, observing the weather conditions at the control site, continual observance of the general public at the control site, taking care to protect their own health and the health of others while using a pesticide (wearing the appropriate personal protective equipment etc), making every reasonable attempt to prevent damage occurring from the use of a pesticide.

The majority of pesticide use by Council staff and contractors consists of applying herbicides for weed control (blackberries, grass etc) and applying insecticides to manage insect pests (European Wasps etc). The seasonal conditions and prevailing weather conditions have a major influence on any control work carried out.

The plan sets out how 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 plan describes:

- What public places are covered by the plan
- Who regularly uses these public places and an estimated 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

## 2. DEFINITION

Under the NSW *Pesticides Act 2009*, 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:

<b>Bactericides -</b>	These destroy, suppress or prevent the spread of bacteria
<b>Baits -</b>	These are ready-prepared products or products which need to be mixed with a food to control a pest.
<b>Fungicides -</b>	These control, destroy, render ineffective or regulate the effect of a fungus.
<b>Genetically Modified Organisms -</b>	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.
<b>Herbicides -</b>	These destroy, suppress or prevent the spread of a weed or other unwanted vegetation.
<b>Insecticides -</b>	These destroy, suppress, stupefy, inhibit the feeding of, or prevent infestations or attacks by an insect.
<b>Lures -</b>	These are chemicals that attract a pest to a pesticide for the purpose of its destruction. Solely food-based lures.
<b>Rodenticides -</b>	These are pesticides used specifically for controlling rodents such as mice and rats.
<b>Repellants -</b>	These repel rather than destroy a pest. Included in this category are personal insect repellents used to repel biting insects.

### 3. PUBLIC PLACES COVERED BY THIS PLAN

Kyogle Council proposes to use or allow the use of pesticides in the following categories of outdoor public places that it owns or control in the Kyogle Council area:

Public land owned or controlled by the Kyogle Council, including

- Public parks and garden areas
- Sporting fields and ovals
- Road and laneway verges
- Pathways
- Reserves
- Drains and other easements
- Caravan Parks
- Showgrounds and rodeo grounds
- Swimming pools
- Cemeteries
- Kerb and gutters
- Water filtration plants
- Waste Water (Sewerage) Treatment Plants
- Landfills and Waste Transfer Stations
- Works Depots
- Grounds of Public Buildings
- Lookouts
- Camping Grounds
- Other public places

Kyogle Council's estimate of the level of community use, regular user groups and types of pesticide used in each of these categories of public places are summarised in the following tables.

<b>Public Places</b>	<b>Regular user groups</b>	<b>Level of use of public place</b>	<b>Types of pesticide use</b>
<b>Public parks, garden areas, lookouts, grounds of public building and other public places</b>	<ul style="list-style-type: none"> <li>• Children</li> <li>• Families</li> <li>• Elderly people</li> <li>• Recreational users (joggers etc)</li> <li>• Groups</li> <li>• Contractors</li> <li>• Education and Tour Groups</li> <li>• Maintenance staff</li> <li>• Cyclists</li> <li>• Tourists</li> <li>• General Public</li> </ul>	Low to med	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> <li>• Spot spray fungicide</li> <li>• Broadscale spraying herbicides</li> <li>• Broadscale spraying insecticides</li> <li>• Vermin control (baiting rabbits etc)</li> <li>• Cut &amp; paint herbicides</li> <li>• Spray &amp; bait termiticides</li> <li>• Spray &amp; bait ant control</li> </ul>
<b>Sporting fields and ovals</b>	<ul style="list-style-type: none"> <li>• Sport clubs and associations</li> <li>• School groups</li> <li>• General public</li> <li>• Spectators</li> <li>• Maintenance staff</li> </ul>	Low to med	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> <li>• Spot spray fungicide</li> <li>• Broadscale spraying herbicides</li> <li>• Broadscale spraying insecticides</li> </ul>
<b>Road and laneway verges, kerb and gutters</b>	<ul style="list-style-type: none"> <li>• Adjoining landholders and residents</li> <li>• Walkers and joggers</li> <li>• Maintenance staff</li> </ul>	Low to high	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> <li>• Broadscale spraying herbicides</li> <li>• Broadscale spraying insecticides</li> </ul>
<b>Pathways</b>	<ul style="list-style-type: none"> <li>• Residents</li> <li>• Joggers</li> <li>• Visitors</li> <li>• Maintenance staff</li> </ul>	Low to high	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> </ul>
<b>Reserves including Crown Reserves</b>	<ul style="list-style-type: none"> <li>• Family groups</li> <li>• Walkers &amp; joggers</li> <li>• Picnic groups</li> <li>• Maintenance staff</li> </ul>	Low to med	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> <li>• Cut &amp; paint herbicides</li> </ul>
<b>Drains and easements</b>	<ul style="list-style-type: none"> <li>• Maintenance staff</li> <li>• Local residents</li> </ul>	Low	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> </ul>
<b>Caravan Parks and Camping Grounds</b>	<ul style="list-style-type: none"> <li>• Visitors and families</li> <li>• Maintenance staff</li> <li>• Campers</li> </ul>	Low to high	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> <li>• Broadscale selective herbicides</li> <li>• Broadscale non-selective herbicides</li> <li>• Broadscale insecticides</li> <li>• Spray ant control</li> </ul>
<b>Showgrounds and Rodeo Grounds</b>	<ul style="list-style-type: none"> <li>• Sporting clubs</li> <li>• Families</li> <li>• Animals</li> <li>• Maintenance staff</li> </ul>	Low to med	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> </ul>
<b>Swimming pools</b>	<ul style="list-style-type: none"> <li>• Families</li> <li>• School groups</li> <li>• Visitors/tourists</li> <li>• Maintenance staff</li> </ul>	Low to high	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> </ul>

Public Places	Regular user groups	Level of use of public place	Types of pesticide use
<b>Cemeteries</b>	<ul style="list-style-type: none"> <li>• Visitors</li> <li>• Maintenance staff</li> </ul>	Low to med	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> <li>• Broadscale spraying herbicides</li> <li>• Vermin control (baiting rabbits etc)</li> </ul>
<b>Water Filtration Plants</b>	<ul style="list-style-type: none"> <li>• Maintenance staff</li> <li>• Company representative</li> <li>• School groups</li> </ul>	Low	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Vermin control (baiting rabbits etc)</li> </ul>
<b>Waste Water (Sewerage) Treatment Plants</b>	<ul style="list-style-type: none"> <li>• Couriers</li> <li>• Company representative</li> <li>• School groups</li> <li>• Delivery persons</li> <li>• Maintenance staff</li> </ul>	Low	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> </ul>
<b>Landfills and Waste Transfer Stations</b>	<ul style="list-style-type: none"> <li>• Couriers</li> <li>• Delivery persons</li> <li>• Customers</li> <li>• Residents</li> <li>• Company representative</li> <li>• School groups</li> <li>• Maintenance staff</li> </ul>	Low to high	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticides</li> <li>• Broadscale insecticides</li> </ul>
<b>Works Depots</b>	<ul style="list-style-type: none"> <li>• Maintenance staff</li> <li>• Couriers</li> <li>• Delivery persons</li> <li>• Company representative</li> </ul>	Low	<ul style="list-style-type: none"> <li>• Spot spray herbicide</li> <li>• Spot spray insecticide</li> </ul>

#### 4. NOTIFICATION ARRANGEMENTS

This section of the plan describes how and when Kyogle Council will provide notice of pesticide use in public places, including special measures for sensitive areas that are adjacent to public places, arrangements for emergency pesticide applications and circumstances where notice will not be given.

These notification requirements are based on Kyogle 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 are likely to use these areas
- The extent to which activities generally undertaken in these areas could lead to some contact with pesticides
- Types of pesticides used



Council endeavours to avoid spraying blackberries while they are in fruit especially in areas that may be accessed by the public. In cases where this cannot be avoided, Council will ensure that notice will be given as detailed in "8 WHAT INFORMATION WILL BE PROVIDED" part of this plan.

## **5. HOW AND WHEN NOTICE OF PESTICIDE USE WILL BE PROVIDED**

A Pesticide Application Notice will be printed in local media outlining Council's spraying program.

Notification will be as follows:

### ***Public parks, garden areas, lookouts, grounds of public buildings and other public places***

For public parks and garden areas, no notice will be provided unless specifically requested. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide. Application of pesticides includes:

- Spot spray herbicide (garden beds, gravel paths, broadleaf weeds etc)
- Spot spray insecticide (European Wasps etc)
- Apply fungicide (applied to plants and tubers etc)
- Broadscale herbicide (broadleaf weeds etc)
- Broadscale insecticide (turf eating insects like African Black Beetle etc)
- Cut & paint herbicide (direct application)
- Spray & bait termiticides
- Spray & bait ant control

### ***Sport fields and ovals***

For sports fields and ovals, no notice will be provided unless specifically requested. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide. Application of pesticides includes:

- Spot spray herbicide (garden beds, gravel paths, broadleaf weeds etc)
- Spot spray insecticide (European Wasps etc)
- Apply fungicide (applied to turf areas etc)
- Broadscale herbicide (broadleaf weeds etc)
- Broadscale insecticide (turf eating insects like African Black Beetle etc)

### ***Road and laneway verges, kerb and gutters***

For road verges and road reserves, no notice will be provided unless specifically requested. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide. Areas adjacent to sensitive areas such as outside schools, preschools, hospitals etc will be treated early in the morning and outside school hours. Herbicide treatment adjacent to known registered organic farms will be carried out in no to low wind periods only.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds, tree sites and nuisance weeds etc)
- Spot spray insecticide (European Wasps etc)
- Boom spraying (vegetation growth on road shoulders)

### ***Pathways***

In pathways, no notice will be provided unless specifically requested. Pathways adjacent to sensitive areas such as schools, preschools, hospitals etc will be treated early in the morning and outside school hours. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds and nuisance weeds etc)
- Spot spray insecticide (European Wasps etc)

### ***Reserves including Crown Reserves***

In reserves, no notice will be provided unless specifically requested. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds, tree site and nuisance weeds etc)
- Spot spray insecticide (European Wasps etc)
- Cut & paint herbicides (direct application)

### ***Drains & other easements***

In drains and other easements, no notice will be provided unless specifically requested. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds, tree site and nuisance weeds etc)
- Spot spray insecticide (European Wasps etc)

### ***Caravan Parks and Camping Grounds***

In the caravan park or camping ground, notice will be provided to affected residents and short-term visitors. This notice is given in written or verbal form. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds, tree site and nuisance weeds etc)
- Spot spray insecticide (European Wasps etc)
- Broadscale selective herbicides
- Broadscale non-selective herbicides
- Broadscale insecticides
- Spray ant control

### ***Showgrounds and Rodeo Grounds***

In the showgrounds and rodeo grounds, no notice will be provided unless specifically requested. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds, tree site and nuisance weeds etc)
- Broadscale herbicides (broadleaf weeds etc)
- Spot spray insecticide (European Wasps etc)

### ***Swimming Pools***

At the swimming pools, no notice will be provided unless specifically requested. Staff or contractors will place signs on the boundaries of the treated areas or on the application equipment. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide. When baiting of vermin such as rabbits, staff and contractors will adhere to all conditions (including signage) for that particular pesticide.

Application of pesticides includes:

- Spot spray herbicide (noxious weeds, tree site and nuisance weeds etc)
- Spot spray insecticide (European Wasps etc)
- Broadscale spraying herbicide (Broadleaf weeds)
- Baiting vermin

### ***Water Filtration Plants***

At the water filtration plants, due to the remote locations and restricted access to the public, no notice will be provided unless specifically requested. Staff and contractors will adopt best management practices taking into account the particular conditions of each spray site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (weeds along water edges and fence lines etc)
- Spot spray insecticide

### ***Sewerage Treatment Plants***

At the sewerage treatment plants, due to the restricted access to the public, no notice will be provided unless specifically requested. Staff and contractors will adopt best management practices taking into account the particular conditions of each spray site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (nuisance weeds etc)
- Spot spray insecticide

### ***Landfills and Waste Transfer Stations***

At the landfills and waste transfer stations, due to the remote locations and restricted access to the public, no notice will be provided unless specifically requested. Staff and contractors will adopt best management practices taking into account the particular conditions of each spray site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (nuisance weeds etc)
- Spot spray insecticide

### ***Works Depots***

At the works depots, due to the restricted access to the public, no notice will be provided unless specifically requested. Staff and contractors will adopt best management practices taking into account the particular conditions of each spray site requiring the application of pesticide.

Application of pesticides includes:

- Spot spray herbicide (nuisance weeds etc)
- Spot spray insecticide

## **6. NOTIFICATION AND NO SPRAY REQUESTS**

Residents and landowners may request Council to enter them onto a register to be advised when the use of pesticides is to be undertaken.

Residents and landowners may also request that there be no pesticide application adjacent to their residence or property.

Whilst all requests will be considered and complied with if practicable, Council reserves the right to undertake pesticide application if deemed necessary.

## **7. 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 by the Environment Protection Authority (now a part of the Department of Environment)

No notification will be provided unless specifically requested, or the pesticide requires special notification measures to be taken. Kerb and gutters adjacent to sensitive areas such as schools, preschools, hospitals etc will be treated early in the morning and outside school hours. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

## **8. 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 or the contractor will, where possible, provide notice by posting signs nearby or other notification as stated by the pesticide product label, at the time of application. If no such notice exists on the product label, Council will door-knock in that sensitive place and advise people of Council's actions.

## **9. PESTICIDE CONTRACTORS AND LESSEES OF PUBLIC PLACES**

Where Council uses contractors to apply pesticides on its behalf, Council will ensure that notification is made in accordance with the notification requirements of this plan.

Where persons or organisations hold 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.

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## **10. WHAT INFORMATION WILL BE PROVIDED**

In accordance with clause 11L(2)(g) of the Pesticides Regulation, notice of pesticides uses will include the following information:

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

## **11. HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN**

Kyogle 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 office at 1 Stratheden Street, Kyogle
- Placing a copy of the plan on its website
- Placing a notice in Richmond River Express Examiner
- Placing a notice in the NSW Government Gazette

## **12. FUTURE REVIEW OF THE PLAN**

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

- A report of 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, make recommendations for alterations (if applicable) to the plan

### **13. CONTACT DETAILS**

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

Planning, Environmental & Community Services  
1 Stratheden Street, Kyogle 2474

Phone Council 6632 1611

or access the website [www.kyogle.nsw.gov.au](http://www.kyogle.nsw.gov.au)

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## 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>	
<b>Contact telephone number</b>	02 6632 1611
<b>Contact email address</b>	council@kyogle.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 road or street)

A copy of this form is to be given to the GM's assistant for inclusion in Council's newsletter and published in the Richmond River Express Examiner.

A copy is to be posted on Council's website.

**Pesticides Regulation 2009**  
**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 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 definitions 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 the 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 pesticides 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 provision 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.