

**Byron Shire Council  
PESTICIDE USE NOTIFICATION PLAN**

**April 2018**

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# Byron Shire Council

## PESTICIDE USE NOTIFICATION PLAN

### 1. INTRODUCTION

The Pesticides Regulation 2009 (the Regulation) requires the development of a Pesticide Use Notification Plan (Plan) to notify the public about pesticide application in outdoor public places. This pesticide use notification plan has been prepared in accordance with the requirements of the Regulation.

The aim of this plan is to meet the community's right to know about pesticide applications made to outdoor public places that are controlled or owned by Byron Shire Council (Council).

The Pesticide Use Notification Plan allows members of the community to take action to avoid contact with pesticides, if they wish.

The Plan sets out how the Council will notify the community of pesticide applications it makes in 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 (i.e. what notification arrangements will be used)
- how the community can access this Plan and get more information about Council's notification arrangements
- contact details for anyone wanting more information on the Plan
- special protection measures that will be taken if the pesticide is proposed to be used adjacent to a sensitive place

Pesticides include a range of substances used to destroy, suppress or alter the life cycle of any pest. Pesticide means an agricultural chemical product as defined by the Agricultural and Veterinary Chemicals Code Act 1994. Definition of pesticides covers bactericides baits, fungicides, herbicides, insecticides, lures, rodenticides and repellents. Pesticides are used in commercial, domestic, urban and rural environments (Pesticides Act 1999). The NSW Environment Protection Authority (EPA) provides more detail on "What are pesticides and how do they work?", which can be sourced at <http://www.epa.nsw.gov.au/pesticides/pestwhatrhov.htm>.

Byron Shire Council is aware that some members of the community may wish to avoid contact with pesticides. In particular, Council aims to minimise pesticide application in the vicinity of properties listed on the Chemically Sensitive Register.

Council staff, or contractors, undertaking spraying will be required to possess a current 'Sensitive Persons' and 'Organic Growers' Register and conduct spraying with regard to these Registers.

### 2. PUBLIC PLACES COVERED BY THIS PLAN

Byron Shire Council applies or allows pesticides to be used in the following categories of outdoor public places it owns or controls to which the public is entitled to have access:

- Parks and garden beds (excluding those nominated as pesticide free in town centres) Caravan parks and camp grounds
- Road verges, road reserves, laneways, pathways and easements accessible to the public (excluding those nominated as pesticide free in town centres)
- Sporting fields, ovals, courts, skating facilities
- Cricket wickets
- Swimming pools, rivers and foreshores (excluding those nominated as pesticide free in town centres)
- Open space including coastal dunes, natural areas, bushland and natural wetlands,
- Drains, drainage systems and constructed wetlands
- Myocum landfill
- Cemeteries
- Public buildings including libraries, community centres and childcare facilities
- Sewage treatment plants, constructed wetlands and effluent reuse areas, Laverly's Gap water treatment plant

The majority of pesticide use by Council consists of applying herbicides for weed control and the use of registered poison baits to control pest animals. Minor uses include but are not limited to applying insecticides to control certain insect pests, termiticides to protect buildings, fungicides to control pathogens, rodenticides to control rats and bird baits to control birds. The main user groups and types of pesticide use in each of the categories of public place are summarised in the following table.

Table 1. Regular user groups, level of use of public places and type of pesticide used in public places controlled or owned by Council

Public Places	Regular User Groups	Level of Use	Type of Pesticide Use
<b>Parks and garden beds (excluding those nominated as pesticide free in town centres)</b>	general community(i.e. all the people who live in a particular area or place), visitors, employees and contractors	Highly variable and seasonal i.e. low to very high*	Herbicides, insecticides including plant injection or spot spray and bait termiticides, fungicides and vertebrate baits including rodenticides
<b>Caravan Parks and camp grounds</b>	Individuals or groups staying for varying periods (days to weeks), employees and contractors	The use of these sites is highly variable and seasonal i.e. low to very high use*	Herbicides, insecticides such as spray and bait termiticides, fungicides and vertebrate baits including rodenticides
<b>Road verges, road reserves, laneways and pathways</b>	General community, recreational users,	Variable – low in	Herbicides, insecticides and rodenticides.

<b>(excluding those nominated as pesticide free in town centres)</b>	motorists, employees and contractors	remote areas but often high near urban areas	
<b>Sporting fields, ovals, courts, skating facilities )</b>	Day users such as schools and sporting groups; employees and contractors	Seasonal – may be medium to high during relevant sporting season*	Herbicides, insecticides including plant injection or spot spray and bait termiticides, fungicides and vertebrate baits
<b>Cricket wickets</b>	Day users such as schools and sporting groups; employees and contractors	Seasonal – may be medium to high during relevant sporting season*	Herbicides, insecticides including plant injection or spot spray and bait termiticides, fungicides and vertebrate baits
<b>Swimming pools</b>	general community(i.e. all the people who live in a particular area or place), visitors, day users such as schools and sporting groups, employees and contractors	Seasonal – may be medium to high during relevant sporting season*	When pool is closed to the public for winter Herbicides, insecticides such as spray and bait termiticides, fungicides and vertebrate baits.
<b>Rivers and foreshores (excluding natural areas and bushland)</b>	Recreational users, day visitors, legal and illegal campers, employees and contractors	Variable – low in remote areas but often high near urban areas*	Herbicides, insecticides and vertebrate baits including rodenticides.
<b>Open space including coastal dunes, natural areas, bushland and natural wetlands</b>	Recreational users, day visitors, legal and illegal campers, employees and contractors	Variable – low in remote areas but often high near urban areas*	Herbicides and insecticides
<b>Drains and drainage systems and constructed wetlands</b>	Nature observers, day visitors, employees and contractors	Low	Herbicide and rodenticides
<b>Myocum Landfill (public areas only)</b>	general community Individuals, employees and contractors	Low to moderate	Herbicides and rodenticide

<b>Cemeteries</b>	general community Individuals, employees and contractors	Low	Herbicides and rodenticide
<b>Public buildings owned or managed by Byron Shire Council</b>	The general public including recreational users, Aboriginal community members, scientists and educational groups, employees and contractors, volunteer groups	The use of these sites is highly variable and seasonal i.e. low to very high use**	Herbicides, insecticides such as spray and bait termiticides, fungicides and vertebrate baits including rodenticides
<b>Sewage treatment plants and effluent reuse areas</b>	Employees and contractors	Low	Herbicides and rodenticide

\*Use of these public places peaks during weekends/holiday periods usually, when high to very high use occurs in places close to urban areas while less frequent use occurs in more remote areas.

### 3. NOTIFICATION ARRANGEMENTS

This section describes how and when Council will provide notice of pesticide use in public places, including special measures for sensitive places that are within 100 metres of public places, arrangements for emergency pesticide applications and circumstances where notice will not be given.

These notification requirements are based on Council's consideration of the following matters:

- some areas have high visitor use (e.g. picnic areas and camp grounds in areas visited frequently, popular areas close to urban areas); other areas are rarely visited by the public (e.g. sewage treatment plants)
- some users groups may be more sensitive to pesticides than others
- some user groups may be more likely than others to encounter pesticides e.g. campers vs. passing motorists
- for some application techniques, the public is unlikely to come into direct contact with pesticides e.g. bush regeneration programs using the cut-and-paint or stem injection techniques
- the toxicity of pesticides vary

#### 3.1 How and When Notice of Pesticide Use Will Be Provided

Pesticide use is subject to suitable conditions (e.g. weather) but wherever possible information on pesticide use available from the Council website ([Public Notices](#)) will give at least three days' notice of planned broad-scale pesticide use and current information for pesticides that have to be applied at short notice. Information available through Council officers will also specify the area where pesticides will be used, the pesticide to be used and contact details for the appropriate officer.

Notice of pesticide use will be provided in one or more of the following ways:

- the erection or placement of signs<sup>1</sup>
- postage of letters and letterbox drops
- through the media
- Council website at <http://www.byron.nsw.gov.au/>
- by telephone, fax, email or personal contact.

<sup>1</sup>Signs put up by Council are often removed or subjected to vandalism. While Council will make every effort to replace signs removed or vandalised it cannot guarantee that this will occur in all situations.

Generally, notice of pesticide use will be provided in the ways described below. Specific arrangements for various categories of public open space are also listed.

1. For spot and directed applications of pesticide during regular maintenance, no prior notification will be provided. Notification is provided through this Plan, **and temporary signage**

Spot application of pesticides is using a backpack or hand held applicator (e.g. spray can) delivering a low volume in a restricted area. Examples include control of grass around infrastructure such as signs, footpaths, rock walls and garden beds, and control of insect nests such as wasps. This may be part of a regular maintenance program, or unplanned reactive situations.

Directed application of pesticides is using a mechanical pump and hand held or automated nozzle delivering single sprays, generally in a linear pattern and targeting individual or small groups of weeds. Examples are spraying kerbs, gutters and median strips, or steep slopes and other difficult to access areas.

2. Council's website **and block advertising** will provide prior notice of scheduled broadscale pesticide applications. **An exception to this notification may be where urgency precludes time available. Temporary signage will be displayed on site for duration of operation.**

Broad scale application of pesticides is considered to involve boom sprays and other methods delivering high volumes over a wide area.

3. Specific notification arrangements are in place for different categories of public land as described below. These are based on factors such as the pesticide being applied, the method of application and the nature and frequency of use by members of the public. For example, drains and bushland have a much lower public use than managed parks. In managed parks, access to garden beds is much less than on mown grass areas.
4. Notification arrangements are in place for sensitive areas, as defined by the *Pesticide Regulations 2009*. Refer to 'Special arrangements for sensitive places' below.
5. From time to time Council may be required to undertake pest control in unexpected places not covered by this Plan. In these instances, notification needs will be assessed according to the pesticide used, application method and level of use of that area. Examples can include:
  - Termite nests on public land can require treatment if private or public infrastructure is threatened. This is rare, but may occur on any category of public land
  - pest animal control (e.g. rabbits) is very rare, but may be required in extreme cases

6. Pesticide applications are dependant on suitable weather conditions. Where prior notification is provided, weather conditions can influence the proposed dates.

### 3.1.1 Parks and Garden Beds (except those nominated as pesticide free)

For parks and garden beds, notification procedures for the following pesticides uses will apply:

- Bindii and broad leaf weeds (broadscale selective herbicide). Applications are scheduled and the following notification procedures will apply:
  - notification in Council’s block advertising
  - temporary signs displayed during application
- Directed application of non-selective herbicide is occasionally undertaken in very low use areas that can’t be mown (e.g. steep or inaccessible places).
  - Council website
  - signs placed at access points, roads etc., on the day of application
- control of insects in garden beds (spot application selective insecticide)
  - no prior notification will be provided (Refer to page 5 of this plan)
- insect control (broadscale application)
  - notification in Council’s block advertising
  - temporary signs displayed during application
- Pandanus trees can become infected with a leaf hopper insect (*Jamella australiae*). Infected trees are treated by stem injection or pill using a systemic insecticide, with occasional restricted foliar application
  - no prior notification will be provided as this is a reactive treatment applied when trees are infected
  - for foliar applications only, operator remains on site until the product dries
  - signs placed at access points on the day of application
  - staff on ground managing public access to area

### 3.1.2 Caravan Parks and Camp Grounds

The number of visitors to the First Sun and Suffolk Park Caravan Parks varies according to seasons. Notification procedures for the following pesticides uses will apply:

- Bindii and broad leaf weeds (broadscale selective herbicide). Applications are scheduled and the following notification procedures will apply:
  - notification in Council’s block advertising and Council website
  - temporary signs displayed during application
  - notification at caravan park office
  - letter to permanent residents giving prior notice
- directed application of non-selective herbicide is occasionally undertaken in low use areas that can’t be mown (e.g. steep or inaccessible places)
  - Council website



- signs placed at access points, roads etc., on the day of application
- insect control is occasionally undertaken through application of broad scale selective insecticides. Notification procedures will include:
  - notification on Council website
  - notification at caravan park office
  - letter to permanent residents giving prior notice
  - temporary signs displayed during application
- rodents (rats) in rock walls or similar places where refuse can accumulate. Application is through bait stations which cannot be accessed. A bait station is a PVC pipe, or box, using only anticoagulant rodenticide.
  - no prior notification will be provided as this is regular and ongoing practice

### 3.1.3 Road Verges, Road Reserves, Roundabouts, Laneways, Pathways and Easements Accessible to the Public (except those nominated as pesticide free)

On roadsides and road reserves, notification procedures for the following pesticides uses will apply:

- to control weeds and grasses adjacent to footpaths, kerbs and gutters, guideposts, signposts, headwalls and other infrastructure, a directed application of a non selective herbicide is required. Areas being satisfactorily maintained without weeds or excessive growth by the public will not be treated. Notification procedures include:
  - no prior notification will be provided as this is a regular, ongoing practice
  - temporary signs will be displayed on the vehicle during applications
- in town centres. While manual weed control in high-use public areas is the preferred option, herbicides may be applied where a workers exposure to traffic is deemed an unacceptable risk
- for bush regeneration activities on road verges, see the notification plan for 'Coastal dunes and natural areas'
- weeds and grasses on steep embankments (directed application of non selective herbicide)
  - no prior notification will be provided as this is a regular, ongoing practice
  - temporary signs will be displayed on the vehicle during application

### 3.1.4 Sports Fields, Ovals, Courts and Skating Facilities

For sporting fields, ovals, courts and skating facilities notification procedures for the following pesticides uses will apply:

- Bindii and broad leaf weeds (broadscale selective herbicide) + fungicides. Applications are scheduled and notification procedures will include:
  - notification in Council's block advertising (except where urgency of treatment precludes) and Council website
  - temporary signs will be displayed during application and remain in place until the product dries (generally around one hour)
  - contact with sports clubs licensed to use the field

- insect control (including ants, lawn grubs, scarab beetles etc.) (broadscale selective pesticides)
  - notification in Council’s block advertising and Council website
  - temporary signs will be displayed during application
  - contact with sports clubs licensed to use the field

### **3.1.5 Cricket Wickets**

Cricket wickets are areas of relatively intensive pesticide use. Main pesticide uses are selective herbicides to treat broadleaf weeds, and fungicides to treat fungal infection. The following notification procedures will apply:

- wicket areas fenced off during treatment. Signs to be located around the wicket during pesticide use.
- notification on Council website

### **3.1.6 Swimming Pools**

Pesticide applications occur outside the pool operation hours, when the facility is closed to the public. Hence, no notification will be provided for these actions. This includes control of bindii (broadscale selective herbicide) and insects (broadscale pesticide).

Should unscheduled pesticide applications be required during the swimming season, the following notification procedures will apply:

- Spot applications of a selective herbicide for treatment of bindii, and spot applications of selective insecticide for treatment of ants
  - Temporary signs placed at main entrance to swimming pool

### **3.1.7 Rivers and Foreshores (Excluding Natural Areas and Bushland)**

Rivers and foreshores are areas of relatively low pesticide use. Notification procedures for the following pesticides uses will apply:

- rodents in rock walls or similar places where refuse can accumulate. Application is through ‘bait station’ which cannot be accessed. A bait station is a PVC pipe or box using only anticoagulant rodenticide.
  - No prior notification will be provided as this is regular and ongoing practice

### **3.1.8 Open space including coastal dunes, natural areas, bushland and natural wetlands**

These works are primarily bush revegetation works for ecological restoration, replacing weeds with self sustaining native plant communities. Application is through broadscale and spot application of selective and non-selective herbicides.

Notification methods include:

- Council website
- signs placed at access points, roads etc., on the day of application

- Pandanus trees can become infected with a plant-hopper insect. Infected trees are treated by stem injection or pill using a systemic insecticide, with occasional restricted foliar application
  - no prior notification will be provided as this is a reactive treatment applied when trees are infected
  - for foliar applications only, operator remains on site until the product dries
  - signs placed at access points on the day of application
  - notification provided to sensitive areas within 100 metres of treatment site
  - staff on ground managing public access to area
- Rodents (rats) in rock walls or similar places where refuse can accumulate. Application is through bait stations which cannot be accessed. A bait station is a PVC pipe or box using only anticoagulant rodenticide.
  - No prior notification will be provided as this is regular and ongoing practice

### **3.1.9 Drains and Drainage Systems and Wetlands (Excluding Natural Areas and Bushland)**

Drains and drainage systems are generally low use areas, other than where they also function as a public park. Notification procedures for the following pesticides uses will apply:

- weeds and grasses in concrete drains (directed application of non selective herbicide) and areas where no other maintenance access is practical
  - no prior notification will be provided as this is a regular, ongoing practice
  - temporary signs will be displayed on the vehicle during application
- water weeds - noxious species are treated by Far Rous County Council in accordance with their Pesticide Notification Plan and requirements of the *Biosecurity Act 2015*
  - notification in Council's block advertising
  - temporary signs displayed during application
- mosquito larvae are controlled through spot application of a selective insecticide. Application is reactive to conditions that encourage mosquito development and frequency therefore varies.
  - no prior notice can given as the activity is weather and condition dependant
- rodents (rats) in rock walls or similar places where refuse can accumulate. Application is through bait stations which cannot be accessed. A bait station is a PVC pipe, or box, using only anticoagulant rodenticide.
  - No prior notification will be provided as this is regular and ongoing practice

### **3.1.10 Myocum Landfill**

For Myocum Landfill, notification procedures for the following pesticides uses will apply:

- for control of weeds and grasses, both spot and directed applications of a non selective herbicide may be used
  - temporary sign at the entrance to the site
- rodents (rats) in rock walls or similar places where refuse can accumulate. Application is through bait stations which cannot be accessed. A bait station is a PVC pipe, or box, using only anticoagulant rodenticide.
  - no prior notification will be provided as this is regular and ongoing practice

### **3.1.11 Cemeteries**

For cemeteries, notification procedures for the following pesticides uses will apply

- Bindii and broad leaf weeds (broadscale selective herbicide). Applications are scheduled and generally occur one per year. Notification procedures will include:
  - notification in Council's block advertising and Council website
  - temporary signs displayed at the entrance on the day of application
- directed application of non-selective herbicide is occasionally undertaken in low use areas that can't be mown (e.g. steep or inaccessible places)
- feral animal control (e.g. rabbits at Clunes) may be required in extreme cases
  - temporary signs will be displayed at the time of application

### **3.1.12 Public buildings owned or managed by Byron Shire Council**

Regular inspections of buildings for pests such as cockroaches, ants, harmful spiders and rodents are undertaken. Council aims to minimise pesticides in and around buildings by using physical and cultural control methods where possible such as, physical exclusion and habitat reduction.

Where required, Council will continue to undertake spot applications of pesticides as described below. No notification will be provided in accordance with spot application requirements.

- Cockroach and ant control may be undertaken with baits. Baits are targeted low-dose applications in small areas. No prior notification procedures apply.
- Spot application of pesticides is undertaken for Redback spiders, biting insects, cockroaches and ants as required.
  - temporary signs displayed during application
- After hours directed pesticide application outside normal operating hours. (e.g. fleas, Redback spiders, bird mites, cockroaches)
  - no prior notification
- rodents around buildings treated as required. Application is through "bait station" which cannot be accessed. A bait station is a PVC pipe or box containing anticoagulant rodenticide.
  - no prior notification as this is a reactive treatment applied when buildings are infested

### **3.1.13 Sewage Treatment Plants and effluent reuse areas**

- Bindii and broad leaf weeds (broad scale selective herbicide). Applications are scheduled and the following notification procedures will apply:
  - notification in Council's block advertising
  - temporary signs displayed during application
- insect control (broad scale application)
  - notification in Council's block advertising
  - temporary signs displayed during application
- for bush regeneration activities at sewage treatment plants and effluent reuse areas, see the notification plan for 'Coastal dunes and natural areas'

### **3.2 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
- other category of place declared to be a sensitive public place by the Environment Protection Authority by notice in the NSW Government Gazette.

For pesticide use within 100 metres of sensitive places listed in cl.18, Council will provide prior or concurrent notice to that sensitive place by phone, door-knocking or letterbox drop,

Special arrangements are in place for areas or residences with special requirements, such as registered organic farms or residents on Byron Shire Council's *Chemically Sensitive Register*. A register of such locations will be maintained and, where practical, Council will:

- provide prior notification for all scheduled broad scale applications (bindii and broad leaf weeds, ants) for works within 100 metres of such locations.
- minimise other herbicide applications within 100 metres of the boundary of such locations. This will be achieved by using spot applications (back pack), rather than directed methods of herbicide application and other herbicides, where appropriate.

### **3.3 Notification of Emergency Pesticide Applications**

In cases where broad scale emergency pesticide applications in public places is required e.g. biosecurity threat, notification will be provided to groups licensed to use the site, such as sporting clubs on a sports field, and to sensitive places within 100 metres of the site.

For spot applications (such as to control wasps, bees etc) an assessment will be made regarding the extent of the application, and therefore the most appropriate

notification procedure. Note that most such spot applications are in very restricted areas and notification is not appropriate.

### **3.4 Pesticide Contractors and Lessees of Public Places**

Where Byron Shire uses contractors to apply pesticides on its behalf, the same notification requirements apply.

Where persons or organisations hold an existing lease on land that remains a public place, the same notification requirements apply.

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

In accordance with Part 5 Division 3 of the *Pesticides Regulation*, notice of pesticides use will include the following information:

- the full product name of the pesticide to be used
- the purpose for which the pesticide is to be used
- the dates on which, or the range of dates during which, the pesticide is to be used
- the places where the pesticide is to be used
- the period (if any) during which any affected area should not be entered (but only if the approved label for the pesticide or the permit for use of the pesticide requires that such a period be observed)
- the contact details of the pest management technician (or their supervisor) who is to use the pesticide or of his or her office

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

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

- Making a copy of the plan available for viewing at:  
70 - 90 Station Street, Mullumbimby NSW
- Placing a copy of the plan on the website
- Placing a notice in the Council's block advertising

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

The notification plan will be reviewed every 4-5 years, or when circumstances require a review of the Plan.

## **7. CONTACT DETAILS**

Anyone wishing to contact Byron Shire Council to discuss the notification plan or to obtain details of pesticide applications in public places should access Council's website at [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au), or contact:

Technical Officer Open Space & Reserves  
PO Box 219  
MULLUMBIMBY NSW 2482  
Phone: (02) 6626 7000  
Email: [council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au)

## Appendix 1:

### Pesticides Regulation 2009

Current version for 1 September 2015 to date (accessed 21 April 2016 at 14:10)

#### 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, and 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 within 100 metres of 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.

## Division 3 Notification by persons other than public authorities

### 24 Definitions

In this Division:

**common area** of a residential complex means:

- (a) common property within the meaning of the *Strata Schemes (Freehold Development) Act 1973*, or
- (b) association property within the meaning of the *Community Land Development Act 1989*, or
- (c) in relation to land under company title—land used as common property by the residents or land that no person has an exclusive right to occupy.

**pesticide use notice** means a notice to a person about the use of a pesticide that includes the following:

- (a) the full product name of the pesticide to be used,
- (b) the purpose for which the pesticide is to be used,
- (c) the dates on which, or the range of dates during which, the pesticide is to be used,
- (d) the places where the pesticide is to be used,
- (e) the period (if any) during which any affected area should not be entered (but only if the approved label for the pesticide or the permit for use of the pesticide requires that such a period be observed),
- (f) the contact details of the pest management technician who is to use the pesticide or of his or her office.

**residential complex** means any multiple occupancy medium-density or high-density residential premises, and includes:

- (a) any block of home units, or
- (b) any caravan park used for, amongst other purposes, residencies of over 8 weeks' duration, or

- (c) multiple occupancy land under a strata scheme (whether or not the dwellings are separate from each other), or
- (d) a community scheme within the meaning of the *Community Land Development Act 1989*, but does not include residential premises that comprise only two dwellings.

## 25 Prior notice of use of pesticide in residential complex

- (1) A person who engages a pest management technician to use pesticides in any common area of a residential complex must ensure that a pesticide use notice is given at least 5 working days before the proposed use:
  - (a) to each resident in person or by telephone, post, facsimile transmission or email or by placing the notice in the resident's letter box or under the resident's front door, or
  - (b) by placing the notice in writing:
    - (i) on the main notice boards at the residential complex (if available), and
    - (ii) if the pesticide is to be used in a common area within a building—at each entrance to the building concerned, and
    - (iii) if the pesticide is to be used in a common area outside a building—at each entrance to each building adjoining the common area concerned.

Maximum penalty:

- (a) in the case of a corporation—400 penalty units, or
- (b) in the case of an individual—200 penalty units.
- (2) Notice is not required to be given under this clause if:
  - (a) the pesticide is to be used by a pest management technician in an emergency so as to deal with biting or dangerous pests (such as rodents, wasps, bees, venomous spiders, fleas, bird mites or similar creatures), and
  - (b) the technician displays a notice under clause 26 and makes records of the emergency and the use of pesticide.
- (3) Without limiting the meaning of the term, a **person who engages a pest management technician** includes:
  - (a) a managing agent of an owners corporation for a strata scheme, or
  - (b) a managing agent for an association for a community scheme, or
  - (c) a park manager for a caravan park,
 where that agent or manager, or a member of his or her staff, arranges for a pest management technician to use the pesticide.

## 26 Notice during use of pesticide in residential complex

- (1) A pest management technician who uses a pesticide in the common area of a residential complex must ensure a pesticide use notice is displayed while the pesticide is being used and for any period during which the affected area should not be entered (as set out in the notice):
  - (a) on the main notice boards at the residential complex (if practicable), and
  - (b) if the pesticide is to be used in a common area within a building—at each entrance to the building concerned, and
  - (c) if the pesticide is to be used in a common area outside a building—at each entrance to each building adjoining the common area concerned.

Maximum penalty:

- (a) in the case of a corporation—400 penalty units, or
- (b) in the case of an individual—200 penalty units.
- (2) This clause does not apply to any second or subsequent installation of pesticide in baits as part of an ongoing baiting program of which notice has been given under this clause.

## 27 Prior notice of use of pesticide near sensitive place

- (1) A pest management technician must ensure that a pesticide use notice is given, at least 5 working days before using a pesticide within 20 metres of a sensitive place (other than a hospital), to the person having the care, control or management of the sensitive place, or to the person's agent.

Maximum penalty:

- (a) in the case of a corporation—400 penalty units, or

- (b) in the case of an individual—200 penalty units.
- (2) For the purposes of this clause, pesticide is used within 20 metres of a sensitive place if it is used:
  - (a) within 20 metres of any common boundary between the land on which the pesticide is used and the sensitive place, or
  - (b) if the sensitive place consists only of a building or part of a building—within 20 metres of the building or part of the building.
- (3) A pest management technician does not commit an offence under subclause (1) if he or she could not have reasonably known that the place where the pesticide is to be used is within 20 metres of a sensitive place.
- (4) Despite subclause (1), a pesticide use notice may be given under this clause immediately before the use of the pesticide if:
  - (a) the pesticide is to be used by a pest management technician in an emergency so as to deal with biting or dangerous pests (such as rodents, wasps, bees, venomous spiders, fleas, bird mites or similar creatures), and
  - (b) the pest management technician makes records of the emergency and the use of pesticide.
- (5) For the purposes of this clause, a pesticide use notice must be given in person or by post, facsimile transmission, email or telephone or by placing the notice in the person's letter box.
- (6) Nothing in this clause prevents a pest management technician from giving any other notice before using a pesticide whether or not within 20 metres of a sensitive place.
- (7) In this clause:

**using a pesticide** means spraying a pesticide outdoors, or injecting a pesticide directly into the ground outdoors.

## **28 Provision of safety data sheet**

- (1) A pest management technician must ensure that any person who is required to be notified under this Division in relation to the use of a pesticide is given a copy of the safety data sheet for the pesticide as soon as practicable after the person requests that sheet.

Maximum penalty:

- (a) in the case of a corporation—30 penalty units, or
  - (b) in the case of an individual—15 penalty units.
- (2) In this clause:

**safety data sheet** has the same meaning as in the *Work Health and Safety Regulation 2011*.

## **29 Records that must be kept**

- (1) If a pesticide use notice is given in person or by telephone, the pest management technician must make a record of the giving of the notice.
- (2) A person who is required by this Division to give or display any pesticide use notice or make any record must keep a paper copy of the notice or record for at least 3 years.

Maximum penalty:

- (a) in the case of a corporation—100 penalty units, or
- (b) in the case of an individual—50 penalty units.