



Bayside Council

Serving Our Community

Pesticide Use Notification Plan

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Pesticide Use Notification Plan
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Contents

1	Introduction	4
1.1	Background.....	4
1.2	Definitions.....	4
1.2.1	What are pesticides?.....	4
2	Public places covered by this Plan	5
3	Notification Arrangements	9
3.1	Outdoor Recreation Areas	9
3.1.1	Overview	9
3.1.2	Playgrounds	10
3.1.3	General notification	10
3.2	Outdoor Public Thoroughfares.....	10
3.3	Public buildings and other public facilities	11
3.4	Pesticide contractors and lessees of public places	11
3.5	Special measures for sensitive places.....	11
3.6	Notification of emergency pesticide applications	12
3.7	Instances where Council will not provide notification.....	12
3.8	Information to be provided	12
4	How the community is informed of the Plan	13
5	Future reviews of the Plan	13
6	Contact details	13
7	Document Control.....	14
7.1	Related documents	14
7.2	Document Review.....	14
7.3	Version history	14
	Appendix 1 – Signage.....	15

1 Introduction

1.1 Background

This pesticide use notification Plan (the Plan) has been prepared in accordance with the requirements and purposes of the Pesticides Regulation 2017 (the Regulation). The Plan sets out how and under what circumstances, Council will notify the community of pesticide applications made to outdoor public places, that it owns or controls.

The aim of this Plan is to fulfil the community's right to know about pesticide applications made to outdoor public places that are owned or controlled by public authorities. The Plan allows members of the community to take action to avoid contact with pesticides if they wish. Council ensures that pesticides are applied to public places in a safe and responsible manner, minimising harm to the community and the environment. The Plan does not apply to outdoor public places which are not owned or controlled by Council.

The Plan describes:

- What a pesticide is
- Which public places are covered by the Plan
- Who regularly uses these public places and an estimate of the level of use
- How and when Council will provide the community with information about its pesticide applications in public places
- How the community can access this Plan and get more information about Council's notification arrangements
- How future reviews of the Plan will be conducted
- Contact details for anyone wishing to discuss the Plan with Council.

Most pesticide use involves the application of herbicides for weed control and the application of insecticides to manage certain insect pests. Bait insecticides may be used for termite and ant control to protect structures and public safety wherever this is considered an effective solution. Other pesticides used may include fungicides and rodenticides.

Council only uses pesticides in public places when necessary to control noxious and environmental weeds, protect public property from pest damage and protect users of public places from nuisance or danger.

1.2 Definitions

1.2.1 What are pesticides?

The Pesticides Act 1999 describes pesticides as:

- (a) An agricultural chemical product within the meaning of the Agvet Code, or
- (b) A veterinary chemical product (within the meaning of the Agvet Code) that is represented as being suitable for, or is manufactured, supplied or used for, the external control of ectoparasites of animals.

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

- (a) Destroying, stupefying, repelling, inhibiting the feeding of, or preventing infestation by or attacks of, any pest in relation to a plant, a place or a thing, or
- (b) Destroying a plant, or
- (c) Modifying the physiology of a plant or pest so as to alter its natural development, productivity, quality or reproductive capacity, or
- (d) Modifying an effect of another agricultural chemical product, or
- (e) Attracting a pest for the purpose of destroying it. The term also includes insect repellents for use on human beings.

Pesticides are represented by a range of chemicals that are used for various applications including:

- Herbicides
- Fungicides
- Insecticides
- Fumigants
- Bactericides
- Rodenticides
- Baits
- Lures
- Repellents.

2 Public places covered by this Plan

Council proposes to use or allow the use of pesticides in the following categories of outdoor public places, that it owns or controls in the Bayside local government area.

- Public gardens, parks and picnic areas
- Playgrounds
- Sporting fields and ovals
- Natural areas/bushland
- Road verges and reserves
- Laneways and pathways
- Easements accessible to the public (road, rail, water, sewer, electricity)
- Drains
- Crown land
- Interiors of public buildings
- Swimming pool buildings & grounds
- Leased sites owned by Council including golf courses, tennis courts, sports fields.

Council’s estimate of the level of community use, regular user groups and types of pesticide use in each of the categories of public places is summarised in Table 1.

Table 1. Use of pesticides in public places

Public places	Regular user groups	Level of use of public place (High, medium or low)	Type of pesticide use	Method of Notification
Public gardens, parks and picnic/BBQ areas	<ul style="list-style-type: none"> • General public • Groups with permits • Community Groups • Children 	Medium to high depending on the season	<ul style="list-style-type: none"> • Broad scale selective and non-selective herbicides • Insecticides contact and systemic 	Signage in prominent locations adjacent to the treatment area
			<ul style="list-style-type: none"> • Spot spraying of non-selective herbicides • Spot pesticides 	Notification via this Plan only
Playgrounds	<ul style="list-style-type: none"> • General public • Community Groups • Children 	Medium to high	<ul style="list-style-type: none"> • Broad scale selective and non-selective herbicides • Insecticides contact and systemic 	Signage in prominent locations adjacent to the treatment area
			<ul style="list-style-type: none"> • Spot spraying of non-selective herbicides • Spot pesticides 	Notification via this Plan only
Sporting fields and ovals	<ul style="list-style-type: none"> • Sporting clubs • Schools • Casual users 	High	<ul style="list-style-type: none"> • Broad scale selective and non-selective herbicides • Insecticides contact and systemic 	Signage in prominent locations adjacent to the treatment area
			<ul style="list-style-type: none"> • Spot spraying of non-selective herbicides • Spot pesticides 	Notification via this Plan only
Natural areas/ Bushland	<ul style="list-style-type: none"> • General public • Community Groups • Volunteers 	Low to Medium	<ul style="list-style-type: none"> • Broad scale selective and non-selective herbicides 	Signage in prominent locations adjacent to the treatment area
			<ul style="list-style-type: none"> • Spot spraying of non-selective herbicides. • Spot pesticides 	Notification via this Plan only

Public places	Regular user groups	Level of use of public place (High, medium or low)	Type of pesticide use	Method of Notification
Road verges and reserves	General public	Low	<ul style="list-style-type: none"> • Spot spraying of non-selective herbicides • Spot pesticides 	Notification via this Plan only
Laneways and pathways	General public	Medium to high depending on location	<ul style="list-style-type: none"> • Spot spraying of non-selective herbicides • Spot pesticides 	Notification via this Plan only
Easements accessible to the public (road, rail, water, sewer, electricity)	General public	Low	<ul style="list-style-type: none"> • Broad scale selective and non-selective herbicides • Insecticides contact and systemic 	Signage in prominent locations adjacent to the treatment area
			<ul style="list-style-type: none"> • Spot spraying of non-selective herbicides • Spot insecticides • Spot pesticides 	Notification via this Plan only
Drains	General public and staff	Low	<ul style="list-style-type: none"> • Broad scale selective and non-selective herbicides 	Signage in prominent locations adjacent to the treatment area
			<ul style="list-style-type: none"> • Spot spraying of non-selective herbicides • Spot insecticides • Spot pesticides 	Notification via this Plan only
Crown land	<ul style="list-style-type: none"> • Schools • General Public • Staff • Visitors 	Medium to high depending on location	<ul style="list-style-type: none"> • Broad scale selective and non-selective herbicides 	Signage in prominent locations adjacent to the treatment area
			<ul style="list-style-type: none"> • Spot spraying of non-selective herbicides • Spot insecticides • Spot pesticides 	Notification via this Plan only

Public places	Regular user groups	Level of use of public place (High, medium or low)	Type of pesticide use	Method of Notification
Interiors of public buildings	<ul style="list-style-type: none"> • General Public • Staff • Visitors 	Medium to high depending on location	<ul style="list-style-type: none"> • Spot insecticides • Spot pesticides 	Signage in prominent locations adjacent to the treatment area
Swimming pool buildings and grounds	<ul style="list-style-type: none"> • Schools • General Public • Staff • Visitors 	Medium to high	<ul style="list-style-type: none"> • Broad scale selective and non-selective pesticides • Insecticides contact and systemic 	Signage in prominent locations adjacent to the treatment area
			<ul style="list-style-type: none"> • Spot insecticides • Spot pesticides 	Notification via this Plan only
Leased sites owned by Council golf courses, tennis courts, sports fields	<ul style="list-style-type: none"> • Schools • Sporting clubs • General Public • Staff • Visitors 	Medium to high	<ul style="list-style-type: none"> • Broad scale selective and non-selective pesticides • Insecticides contact and systemic 	Signage in prominent locations adjacent to the treatment area
			<ul style="list-style-type: none"> • Spot spraying of non-selective herbicides • Spot insecticides • Spot pesticides 	Notification via this Plan only

3 Notification Arrangements

This section of the Plan describes how and when Council provides notice of pesticide use in public places. This includes special measures for sensitive places that are adjacent to public places, arrangements for emergency pesticide use, responsibilities of pesticide contractors and lessees of public places, and circumstances where notice will not be given.

Notification requirements are based on 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 (e.g., young children, sick, pregnant and elderly people) and are likely to use these areas regularly
- The extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides (such as picnic areas where food is consumed; sporting or other recreational activities that result in contact with the ground)
- The type of pesticide used.

Notice of pesticide use will be provided by a combination of:

- Signs
- Information on Council's website
- Social media
- Letters
- Email
- Letterbox drops
- Direct canvassing by either door knocking or phone.

3.1 Outdoor Recreation Areas

3.1.1 Overview

The notification arrangements described below apply to the following public place categories owned or controlled by Council:

- Public parks and gardens
- Playgrounds
- Picnic areas
- Sporting fields, ovals and related sporting facilities e.g., tennis courts
- Golf courses
- Aquatic centres
- Bushland/Natural areas
- Crown land.

In these public places, signs are provided to the general community near the application area or main entrance on the day of application and remain in place for the extent of the withholding period if one exists, for the following pesticide uses:

- Broad-scale selective herbicides
- Broad-scale non-selective herbicides
- Broad-scale insecticides

- Fungicides
- Spray termiticides
- Bait termiticides
- Bait bird control
- Bait rodenticide.

3.1.2 Playgrounds

Bayside Council is committed to minimising pesticide use within fenced playgrounds and within the immediate vicinity of play equipment in unfenced playgrounds. Where pesticide is used within such playgrounds, signage is placed at the entrances to playgrounds and/or closed for the appropriate withholding period.

3.1.3 General notification

General notification of annual pesticide use within outdoor recreation areas, such as for the control of bindi weed, is also provided:

- In Council's April newsletter to advise of the annual pesticide usage that occurs on sporting fields and parks throughout May to October
- On Council's website
- Posted on Council's Facebook page and other social media.

One-off and unscheduled programs such as feral animal control and specific noxious or environmental weed control, using restricted pesticides are notified by:

- Temporary signage displayed at the most frequented public entrance(s) before and during the application of pesticides and will not be removed until either the program has finished, or the withholding period has been reached
- Information on Council's website
- Posted on Council's social media
- In Council's newsletter or
- Letter box drop.

3.2 Outdoor Public Thoroughfares

The notification arrangements described below apply to the following categories of public place owned or controlled by Council:

- Laneways and pathways
- Roads, nature strips and footpaths
- Road, sewer and electricity easements accessible to the public
- Drainage reserves and laneways
- Drains.

In these public places, signs are provided to the general public near the application area or main entrance on the day of application and remain for the entirety of the withholding period if one exists for the following pesticide uses:

- Broad-scale selective herbicides
- Broad-scale non-selective herbicides
- Broad-scale insecticides
- Fungicides.

3.3 Public buildings and other public facilities

Pesticides are used minimally within and outside of Council buildings, with more environmentally friendly methods of pest control being favoured. Pesticides are only used in extreme cases, such as the treating of termite infestations with the use of spray termiticides and only ever occur outside of business hours when no community members/staff are present.

For pesticide use in buildings and other facilities that are owned or controlled by Council, signs are provided near the application area or main entrance at least 48 hours prior to application for the following pesticide uses:

- Spot use of insecticides
- Bait rodenticides
- Spray termiticides
- Spray ant control.

In addition, 5 days' notice of all programmed pesticide use in Council owned childcare facilities, youth centres and other identified facilities (whether operated by Council or by a lessee/licensee) is provided to the managers of these facilities.

3.4 Pesticide contractors and lessees of public places

Where Council uses contractors to apply pesticides on its behalf, the contractor ensures full compliance with the notification requirements of this Plan. The contractor must prepare and submit a Program of Works to Council for approval, at least 14 days prior to the proposed commencement date. The Program of Works lists all areas scheduled for pesticide application, including identification of all sensitive areas, a full listing of all pesticides to be used and the proposed methods of application. It is the responsibility of the contractor to complete any notification requirements in accordance with this Plan.

Where a person or organisation holds an existing lease on Council land and where that land remains a public place, the lessee is required to ensure full compliance with the notification requirements of this Plan.

3.5 Special measures for sensitive places

Clause 39 of the Pesticides Regulation 2017, defines a sensitive place to be any:

- School or pre-school
- Kindergarten
- Childcare centre
- Hospital
- Community health centre
- Nursing home
- Place declared to be a sensitive place by the Environment Protection Authority.

Notice of pesticide use shall be given at least 5 days prior to, pesticide use within 20 metres of any common boundary of a sensitive place. Notification shall be given to the person having the care, control or management of the sensitive place, or to the person's agent. Notification of the proposed pesticide use is given in person or by post, email, fax or by placing the notice in the person's letter box. Where notice is given by phone a record of notification is recorded.

3.6 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), the following measures may be applied:

- Cordoning off the immediate area including a buffer zone
- Placing signage nearby during the application of pesticides, not be removed until application ceases or where there is a specified re-entry period for the pesticide
- Pesticide application be postponed until a time when community/staff members are not present.

3.7 Instances where Council will not provide notification

In some instances, Council uses pesticides that are widely available to the general public and that are ordinarily used for domestic purposes such as glyphosate (gardening), chlorpyrifos (ant and spider control) and other scheduled 5 chemicals. Council does not give notification of the use of these pesticides where they are applied in small quantities¹ through knapsack spot spraying, stem injection, and cut and paint techniques.

Where these pesticides are applied to areas that are regularly frequented by the general public (i.e., adjacent to a pathway or thoroughfare, picnic areas), a general warning sign shall be placed at either end of the work area before, and during the application of pesticides and will not be removed until all spray has dried on the plant. Council may also, at its discretion, restrict public access to an area while it is being treated. Signage used to notify the general public and workers, if required, will be of a similar design and size as that in Appendix 1 (a).

Rodent baits may also be used without notification, as they are applied in appropriately labelled bait boxes and are applied in relatively limited areas. The application of these domestic purpose pesticides through the techniques and methods listed above form part of regular and routine maintenance activities within the places described in this Plan.

3.8 Information to be provided

In accordance with clause 41 of the Pesticides Regulation 2017, notice of pesticide use includes all the following information:

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

¹ For outdoor use, no more than 20 litres or 20 kilograms of "ready-to-use" product or 5 litres or 5 kilograms of concentrated product is being used. For indoor use, no more than 5 litres or 5 kilograms of "ready-to-use" product or 1 litre or 1 kilogram of concentrated product is being used.

Signage used to notify the general public and workers will be of a similar design and minimum size as that in Appendix 1 (b).

4 How the community is informed of the Plan

Council advises residents and business owners of this Plan and its contents by:

- Making a copy of the Plan available for viewing, free of charge, at Council's Customer Service Centres at 444-446 Princes Highway, Rockdale and at Eastgardens.
- Placing a copy of the Plan on the Council website www.bayside.nsw.gov.au
- Notification on Council's social media
- Placing a notice in the local press
- Placing a notice in the NSW Government Gazette.

5 Future reviews of the Plan

This Plan will be reviewed as required, e.g., when the relevant legislation is revised or replaced, when pesticide application practices change or when risk assessments reveal an increased exposure risk to the public. The review will include:

- Placing the reviewed Plan on public exhibition on Council's website and Customer Service Centre with any proposed changes and calling for public submissions via a notice advising that the Plan has been prepared in a local newspaper and social media.
- Preparing a final version of the Plan, taking into consideration any comments made before the deadline,
- A notice of the finalisation of the Plan will be given in writing to the NSW Environment Protection Authority, published in the NSW Government Gazette and advised in a local newspaper.

NOTE: Council may consider on reasonable grounds that the amendments are not of sufficient substance to warrant public consultation.

6 Contact details

Anyone wishing to contact Bayside Council to discuss the Plan or to obtain details of pesticide applications in public places under Council's care, control and management should contact:

Coordinator Landscape Services
Bayside Council
PO Box 21
ROCKDALE NSW 2216
Phone: 1300 581 299
email: council@bayside.nsw.gov.au
website: www.bayside.nsw.gov.au

Alternatively, where other contact arrangements have been established by Council in relation to specific matters that arise from time to time, Council advises that contact is to be made with the designated contact officer.

7 Document Control

7.1 Related documents

Pesticides Act 1999 No 80

7.2 Document Review

This Plan is reviewed at least every 4 years or when legislation changes. Minor editorial amendments, which do not change the substance of the Plan may be approved by the Manager Governance & Risk.

7.3 Version history

Version	Release Date	Author	Reason for Change
1.0	25/10/2021 (adoption by GM under delegated authority) 11/08/2021 (endorsed by Council)	Environment Officer	Update of Pesticides Regulation 2017

Appendix 1 – Signage

- a. General warning sign



- b. Pesticide Notice Sign example



Minimum size of sign: 450mm (wide) x 300mm (high)