

Ku-ring-gai Council

Pesticide Notification Plan for Outdoor Public Places

Version Number 2

Effective: 25 July 2016



Pesticide Notification Plan for Outdoor Public Places

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Controlled Document Information

Authorisation Details

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Controlled Document Number:	121	TRIM Record No:	2016/143791
Controlled Document Type:	Policy		
Controlled Document Name:	Pesticide Use Notification Plan for outdoor public places		
Version Number:	2		
Department:	Operations		
Distribution:	Internal and External		
Review Period: Max < 4 years	June 2016	Next Review Date:	June 2020
Document Status:	Approved		
Approval Type:	Internal		
Version Start Date:	25/07/2016	Version End Date:	TBA

Related Document Information, Standards & References

Related Legislation:	Environmental Planning and Assessment Act 1979 (EP&A Act) Protection of Environment Operations Act 1997 (PEO Act) Work, Health and Safety Act 2011 Pesticides Regulation 1995 NSW Pesticide Regulation Act 1999 Agricultural & Veterinary Chemicals Code Act 1994 Stock Medicines Act 1989	11J (1) – Sensitive Places 11L (2) (g) – Notice of pesticide uses Definition of an agricultural chemical product
Related Policies (Council & Internal)	Not applicable	
Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc	Council Safework Method Statements and Risk Assessments	Specific to application of pesticides
Other References	N/A	N/A

Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	November 2006	24/07/2016	Greg Piconi	Original policy
2	25/07/2016	June 2020	Director Operations	Department name change, policy format, Officer contact details

Policy

Purpose and Objectives

The Ku-ring-gai Local Government Area covers an area of 8,446ha consisting of 1,110ha of bushland, 177ha of parkland, 17ha of gardens, 3,792ha of residential housing and approximately 981ha of road reserves. Council has certain obligations to use pesticides, for the control of noxious weeds, maintenance of parks and sports grounds and protection of the public from danger or nuisance pests.

The Pesticide Use Notification Plan has been prepared in accordance with the requirements of the *Pesticides Regulation 1995* (the Regulation).

The aim of this plan is to satisfy the community's right to know about pesticide applications made to outdoor public places owned or controlled by Ku-ring-gai Council.

The plan allows members of the community to take action to avoid contact with pesticides. Council ensures pesticides applications to public places are in a safe, responsible manner, minimising harm to the community or the environment.

The following plan sets out how Council will notify members of the community of pesticide applications on Council owned public places.

Scope

This policy will affect all Council staff and Council contractors responsible for the application within the local government area.

Members of the public will be notified of pesticide use in accordance with this plan.

Responsibilities

Council is to ensure all pesticide use by staff and contractors complies with this plan.

Operational staff are responsible for implementation of the plan.

Policy Statement

Introduction

The Ku-ring-gai Local Government Area covers an area of 8,446ha consisting of 1,110ha of bushland, 177ha of parkland, 17ha of gardens, 3,792ha of residential housing and approximately 981ha of road reserves. Council has certain obligations to use pesticides, for the control of noxious weeds, maintenance of parks and sports grounds and protection of the public from danger or nuisance pests.

Under the *NSW Pesticides Act 1999*, a pesticide is an ‘agricultural chemical product’ as defined in the *Agricultural and Veterinary Chemicals Code Act 1994* (Commonwealth), namely:

“a substance or mixture of substances that is represented, imported, manufactured, supplied or used as a means of directly or indirectly:

- 1. 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*
- 2. Destroying a plant: or*
- 3. Modifying the physiology of a plant or pest so as to alter its natural development, productivity, quality or reproductive capacity; or*
- 4. Modifying an effect of another agricultural chemical product; or attracting a pest for the purpose of destroying it.”*

Under the *NSW Pesticide Act 1999*, some external parasite treatments are considered pesticides if the product requires dilution or mixing in water before use and is not prescribed under the *Stock Medicines Act 1989* as a low-risk veterinary chemical product.

Another common misconception is pesticides made from natural substances or ‘home-brews’ are intrinsically safer in all respects than synthetically produced or commercial pesticides. Sodium fluoroacetate (1080) occurs naturally in a number of Australian plants.

However, it is a highly toxic substance used to kill pest animals such as rabbits, feral pigs, wild dogs and foxes. All substances whether they are synthetic or naturally derived involve some degree of risk when they are used to control pests.

The Pesticide Use Notification Plan has been prepared in accordance with the requirements of the *Pesticides Regulation 1995* (the Regulation).

The aim of this plan is to satisfy the community’s right to know about pesticide applications made to outdoor public places owned or controlled by Ku-ring-gai Council.

The plan allows members of the community to take action to avoid contact with pesticides. Council ensures pesticide applications to public places are in a safe, responsible manner, minimising harm to the community or the environment.

Standard safety precautions, such as restricting pesticide use in high wind conditions and avoiding pesticide applications in close proximity to schools during school term will be followed as a matter of practice.

The following plan sets out how Council will notify members of the community of pesticide applications on Council owned public places.

The plan describes:

- Types of public places are covered by the plan;

- Who regularly uses these public places and an estimate of the level of use;
- Notification arrangements Council will provide to the community regarding 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; and
- Contact details for anyone wishing to discuss this plan with Council.

Council uses or allows the use of pesticides in public places when necessary:

- To eliminate noxious weeds;
- To protect public property from pest damage; and
- To protect the users of public places or wildlife from nuisance or danger.

The majority of pesticide use consists of applying herbicides for weed control. The frequency of programmed applications range from annually at public gardens, road verges and bushland to weekly at golf courses and bush care sites.

Other periodic applications of pesticides include fungicides, insecticides and large vertebrate baits.

Further information on Council's pesticide use is available by calling Ku-ring-gai Council on (02) 9424 0000 or by visiting the website:

http://www.kmc.nsw.gov.au/Plans_regulations/Environment/Weeds_and_Pesticide_Use

Public Places covered by this Plan

Ku-ring-gai Council proposes to use or allow the use of pesticides in the following categories of outdoor public places it owns or controls in the Ku-ring-gai Local Government Area.

- Public parks;
- Sporting fields;
- Public gardens;
- Bushland and natural areas;
- Council's golf courses;
- Road reserves including nature strips and round-a-bouts;
- Car parks;
- Laneways and footpaths;
- Easements and drains;
- Council's nursery; and
- Other Council owned facilities.

Ku-ring-gai Council's estimate of the level of community use, regular user groups and types of pesticide use in each of these categories of public places is summarised in the following table:

Public places	Regular user groups	Level of use of public place	Type of pesticide use	Application Frequency (approximate)
Public parks	<ul style="list-style-type: none"> children families community groups local residents 	High	<ul style="list-style-type: none"> broad-acre / boom spraying spot spraying 	<ul style="list-style-type: none"> biannually monthly
Sporting fields	<ul style="list-style-type: none"> children families recreational groups sporting clubs visitors to the area 	High (particularly weekends)	<ul style="list-style-type: none"> broad-acre / boom spraying spot spraying 	<ul style="list-style-type: none"> annually monthly
Public gardens	<ul style="list-style-type: none"> local residents visitors to the area 	Medium	<ul style="list-style-type: none"> spot spraying 	<ul style="list-style-type: none"> annually
Bushland and natural areas	<ul style="list-style-type: none"> recreational groups community groups local residents 	Low – Medium	<ul style="list-style-type: none"> spot spraying broad-acre / boom spraying vertebrate baits 	<ul style="list-style-type: none"> weekly - annually as needed biannually 6 weekly at Wildflower Garden
Golf courses	<ul style="list-style-type: none"> sports people 	High	<ul style="list-style-type: none"> broad-acre / boom spraying spot spraying 	<ul style="list-style-type: none"> weekly weekly
Road reserves	<ul style="list-style-type: none"> local residents 	High	<ul style="list-style-type: none"> spot spraying 	<ul style="list-style-type: none"> as needed
Car parks	<ul style="list-style-type: none"> local residents visitors to the area 	High	<ul style="list-style-type: none"> spot spraying 	<ul style="list-style-type: none"> monthly
Laneways and footpaths	<ul style="list-style-type: none"> local residents visitors to the area 	Low -Medium	<ul style="list-style-type: none"> spot spraying 	<ul style="list-style-type: none"> quarterly
Easements and drain ways	<ul style="list-style-type: none"> local residents visitors to the area 	Low	<ul style="list-style-type: none"> spot spraying 	<ul style="list-style-type: none"> as needed
Council nursery	<ul style="list-style-type: none"> local residents visitors to the area 	Low	<ul style="list-style-type: none"> spot spraying 	<ul style="list-style-type: none"> as needed
Other Council owned facilities	<ul style="list-style-type: none"> general community 	High	<ul style="list-style-type: none"> spot spraying 	<ul style="list-style-type: none"> as needed

Notification Arrangements

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

Notification requirements are based on Ku-ring-gai Council's assessment of:

- Level of usage of public places where pesticides may be applied;
- Frequency of public to these areas whom are most likely to be sensitive to pesticides, such as young children, sick, pregnant and elderly people;
- Range of activities within these areas which could lead to direct contact with pesticides, such as picnic areas and / or contact with the ground; and
- Type of pesticide used.

How and when notification of pesticide use will be provided

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

- Temporary signage;
- Information on Council's website which will describe programmed pesticide use in public places;
- Newspaper circulars; and
- Letters.

Where no notification will be provided

Council will provide no notification for the use of pesticides involving hand-application techniques such as 'cut-and-paint' and 'stem-scrape' in public places due to the small quantity of pesticide used and the wide availability of these pesticides for domestic purposes.

This applies also to the minor control of indoor and outdoor pests using baits or aerosol spray cans, which are widely available in retail outlets and ordinarily used for domestic purposes.

Outdoor recreation areas, public thoroughfares, car parks and easements accessible to the public

The notification arrangements for public place categories owned or controlled by Council:

- Public gardens.
- Public parks.
- Sporting fields.
- Bushland and natural areas.
- Road reserves.
- Car parks.
- Laneways and footpaths.
- Easements and drain ways.

Notification Type 1 – Pesticides / Schedule 5 or below:

Signage advertising the day and duration of pesticide application will be provided near the application area and / or main entrance. This sign will be installed during and post application for specific use of:

- spot spraying

Notification Type 2 – Pesticides / Schedule 5 or below

Signage advertising the day and duration of pesticide application will be provided near the application area and / or main entrance. This sign will be installed at least 48 hours prior to application and will remain during and post application for specific use of:

- broad-acre / boom spraying

Notification Type 3 – Pesticides / Schedule 6 or above

Signage advertising the day and duration of pesticide application will be provided near the application area and / or main entrance.

This sign will be installed at least 48 hours prior to application and will remain during and post application for specific use of:

- spot spraying
- broad-acre / boom spray

Prior to the application, a 14 day advertisement will be placed in a local newspaper and on Council's webpage.

Correspondence will be sent to adjoining residents at least 48 hours in advance of application.

Other Council owned facilities

The notification arrangements for public place categories owned by Council:

- Council nursery.
- Other Council-owned facilities.

Notification Type 4 – Pesticides / Schedule 5 or below:

Signage advertising the day and duration of pesticide application will be provided near the application area and / or main entrance.

This sign will be installed during and post application for specific use of:

- spot spraying
- broad-acre / boom spraying

Notification Type 5 – Pesticides / Schedule 6 or above

Signage advertising the day and duration of pesticide application will be provided near the application area and / or main entrance.

This sign will be installed at least 48 hours prior to application and will remain during and post application for specific use of:

- spot spraying
- broad-acre / boom spray

In addition, prior to the application, a 14 day advertisement will be placed in a local newspaper and on Council's webpage.

Correspondence will be sent to adjoining residents at least 48 hours in advance of application.

Council's Golf Courses

The notification arrangements for golf courses owned by Council:

Notification Type 6 – Pesticides / as listed below

Signage advertising the day and duration of pesticide application will be provided at the 1st tee and near the application area.

This sign will be installed during and post application for specific use of:

- spot spraying (all schedules)
- broad-acre / boom spraying (Schedule 5 or below)

Notification Type 7 – Pesticides / Schedule 6 or above

Correspondence will be sent to adjoining residents at least seven (7) in advance of application.

- broad-acre / boom spraying

Special measures for sensitive places

Clause 11J (1) of the *Pesticides Regulation 1995* NSW defines a sensitive place to be:

- School or Pre-School.
- Kindergarten.
- Childcare Centre.
- Hospital.
- Community Health Centre.
- Nursing Home.
- Place declared to be a sensitive place by the NSW Office of Environment and Heritage.

Notification Type 8

Where any of the above pesticide uses, other than spot spraying of pesticides listed as Schedule 5 or below, occurs adjacent to, or at sensitive places targeted correspondence will be sent to the property tenants within 48 hours prior to application; in addition to standard notification arrangements for that place.

Vertebrate baits

Council is responsible for the control of feral animals such as foxes & rabbits through the laying of poison baits in outdoor recreation areas.

The aim of Council's feral animal control program is to protect native flora and fauna from predation or to prevent damage to Council assets.

Notification Type 9

Vertebrate Bait control program is managed in accordance with conditions specified in permits issued by the relevant State Government department.

These permits have their own specific conditions for public notification.

For more information on Council's feral animal control program, please call Council on (02) 9424 0000 or visit the Ku-ring-gai Council website kmc@kmc.nsw.gov.au.

Emergency pesticide applications

Council may be required to use emergency pesticide applications in public places.

This would occur when dealing with biting or dangerous pests that pose an immediate health hazard.

Notification Type 10

On the day of application, signage advertising the emergency pesticide application will be installed near the application area and / or main entrance.

This sign will be installed during and post application.

Should the emergency pesticide application occur adjacent to sensitive places, Council will endeavour to notify relevant tenants of the site/s at least 30 minutes prior to application.

Pesticide contractors of public places

Council contractors will remain consistent with this plan.

Persons or organisations holding an existing lease on land owned by Ku-ring-gai Council that remains a public place will be required to operate in accordance with this Notification Plan.

What information will be provided

In accordance with clause 11L(2)(g) of the *Pesticides Regulation 1995* NSW, notice of pesticide uses will include the following information:

- Full product name of the pesticide to be used;
- Purpose of the use, clearly setting out what pest or pests are being treated;
- Proposed date / s or date range of the pesticide use;
- 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 APVMA¹ permit.

How the Community will be informed

Ku-ring-gai Council will advise residents of this plan and its contents by:

- Making a copy of the plan available for viewing, free of charge, at reception in Council Chambers at 818 Pacific Highway, Gordon NSW 2072;
- Placing a copy of the plan on its website;
- Placing a notice in a locally circulated newspaper; and
- Placing a notice in the NSW Government Gazette.

¹ *The Australian Pesticides and Veterinary Medicines Authority (APVMA), the national government body responsible for assessing and registering (or otherwise approving) all pesticide products in Australia and for their regulation up to and including the point of retail sale.*

Future Reviews

Review of the Notification Plan will be every three (3) years or when circumstances require a review of the plan.

The review will include:

- A report on progress of implementing the plan;
- Public consultation on the notification methods outlined in the plan; and
- Recommendations for alterations from public submissions, if applicable, to the plan.

Contact Details

Anyone wishing to contact Ku-ring-gai Council to discuss the Notification Plan or to obtain details of pesticide applications in public places should, contact:

Manager, Open Space Operations

Ku-ring-gai Council
Locked Bag 1006, GORDON NSW 2072

Phone: (02) 9424 0000

Email: kmc@kmc.nsw.gov.au

Definitions

Term / Abbreviation	Definition															
Department	NSW Office of Environment and Heritage															
The Act	Pesticides Regulation 1995 NSW.															
Broad-acre / Boom spraying	Application of pesticide using motorised vehicle with a boom apparatus and multiple number of spray jets to disseminate pesticide over wide area.															
Herbicide	Substance designed to destroy, suppress or prevent the spread of a weed or other unwanted vegetation. For example, the herbicide glyphosate is used to control a range of weeds in home gardens, bushland and agricultural situations															
Pesticide	An 'agricultural chemical product' as defined in the <i>Agricultural and Veterinary Chemicals Code Act 1994</i> , such as 'a substance or mixture of substances that is represented, imported, manufactured, supplied or used as a means of directly or indirectly: <ul style="list-style-type: none"> • 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; • Destroying a plant; • Modifying the physiology of a plant or pest so as to alter its natural • Development, productivity, quality or reproductive capacity; • Modifying an effect of another agricultural chemical product; or • Attracting a pest for the purpose of destroying it product. 															
Schedule	<p>Schedules classify pesticides and control the availability of a product to the public. They take into account:</p> <ul style="list-style-type: none"> • How toxic a substance is, • How it will be used; and • What form it takes, whether its liquid or spray etc. <p>Pesticides are either unscheduled or fall under schedules 5, 6 or 7. Each schedule has a warning, which appears in large contrasting lettering on the label.</p> <table border="1"> <thead> <tr> <th>Scheduled poison</th> <th>Label warning</th> <th>Toxicity level</th> </tr> </thead> <tbody> <tr> <td>Unscheduled</td> <td>Some may display 'Keep out of reach of children'</td> <td>Lowest (readily available at over counter sources)</td> </tr> <tr> <td>Schedule 5</td> <td>Caution</td> <td>Slight</td> </tr> <tr> <td>Schedule 6</td> <td>Poison</td> <td>Moderate</td> </tr> <tr> <td>Schedule 7</td> <td>Dangerous poison</td> <td>High (even for small doses)</td> </tr> </tbody> </table> <p>http://www.betterhealth.vic.gov.au/</p>	Scheduled poison	Label warning	Toxicity level	Unscheduled	Some may display 'Keep out of reach of children'	Lowest (readily available at over counter sources)	Schedule 5	Caution	Slight	Schedule 6	Poison	Moderate	Schedule 7	Dangerous poison	High (even for small doses)
Scheduled poison	Label warning	Toxicity level														
Unscheduled	Some may display 'Keep out of reach of children'	Lowest (readily available at over counter sources)														
Schedule 5	Caution	Slight														
Schedule 6	Poison	Moderate														
Schedule 7	Dangerous poison	High (even for small doses)														
Sensitive place	School or pre-school, kindergarten, childcare centre, hospital, community health centre, nursing home, or any additional place declared to be a sensitive place by NSW Office of Environment and Heritage as declared under clause 11J(1) of the <i>Pesticides</i>															

	<i>Regulation 1995 NSW.</i>
Spot spraying	Hand-held application of pesticide using a pump, spray or pressurised applicator device.
Targeted Correspondence	Correspondence including fax, email, phone call, letter or face-to-face notification.
Vertebrate Bait	Pre-prepared products or products which need to be mixed with a food catalyst to control a pest, including large animals, such as foxes and rabbits, and baits for insects, such as cockroaches and ants.

Appendix A. Operational Template

Location	Application Type							
	Hand-Application Techniques (bush regen. methods & over-counter aerosols)	Spot Spray Schedule 5 or below	Spot Spray Schedule 6 or above	Broad-acre/ Boom Schedule 5 or below	Broad-acre/ Boom Schedule 6 or above	Sensitive Place (adjacent to)	Vertebrate Baits	Emergency Pesticide Applications
Public Parks	<i>EXEMPT</i>	1	3	2	3	8	9	10
Sporting Fields	<i>EXEMPT</i>	1	3	2	3	8	9	10
Public Gardens	<i>EXEMPT</i>	1	3	2	3	8	9	10
Bushland and Natural areas	<i>EXEMPT</i>	1	3	2	3	8	9	10
Road Reserves	<i>EXEMPT</i>	1	3	2	3	8	9	10
Car Parks	<i>EXEMPT</i>	1	3	2	3	8	9	10
Laneways and Footpaths	<i>EXEMPT</i>	1	3	2	3	8	9	10
Easements accessible to public	<i>EXEMPT</i>	1	3	2	3	8	9	10
Council nursery	<i>EXEMPT</i>	4	5	4	5	8	9	10
Other Council owned facilities	<i>EXEMPT</i>	4	5	4	5	8	9	10
Golf Courses	<i>EXEMPT</i>	6	6	6	7	8	9	10

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