

# Developing a pesticide use notification plan for outdoor public places

A guide for public authorities

© 2017 State of NSW and Environment Protection Authority

With the exception of photographs, the State of NSW and Environment Protection Authority are pleased to allow this material to be reproduced in whole or in part for educational and non-commercial use, provided the meaning is unchanged and its source, publisher and authorship are acknowledged. Specific permission is required for the reproduction of photographs.

The NSW Environment Protection Authority (EPA) has compiled this guide in good faith, exercising all due care and attention. No representation is made about the accuracy, completeness or suitability of the information in this publication for any particular purpose. The EPA shall not be liable for any damage which may occur to any person or organisation taking action or not on the basis of this publication. Readers should seek appropriate advice when applying the information to their specific needs. This document may be subject to revision without notice and readers should ensure they are using the latest version.

All content in this publication is owned by the EPA and is protected by Crown Copyright, unless credited otherwise. It is licensed under the [Creative Commons Attribution 4.0 International \(CC BY 4.0\)](#), subject to the exemptions contained in the licence. The legal code for the licence is available at [Creative Commons](#).

The EPA asserts the right to be attributed as author of the original material in the following manner:  
© State of New South Wales and the Environment Protection Authority 2017.

Published by:

NSW Environment Protection Authority  
59 Goulburn Street, Sydney NSW 2000  
PO Box A290, Sydney South NSW 1232  
Phone: +61 2 9995 5000 (switchboard)  
Phone: 131 555 (NSW only – environment information and publications requests)  
Fax: +61 2 9995 5999  
TTY users: phone 133 677, then ask for 131 555  
Speak and listen users: phone 1300 555 727, then ask for 131 555  
Email: [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
Website: [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)

See also [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

ISBN 978 1 925688 55 9

EPA 2017P0371

December 2017

# Contents

<b>Developing a pesticide use notification plan</b>	<b>1</b>
<b>Suggested format for the plan</b>	<b>1</b>
1. Introduction	2
2. Public places and their uses	2
3. Notification arrangements	3
4. What information will be provided	6
5. How the community will be informed of the plan	6
6. Future reviews of the plan	6
7. Contact details	6
<b>Checklist for pesticide use notification plan</b>	<b>8</b>
<b>Steps to be followed in developing a plan</b>	<b>8</b>

**Pesticides notification is based on the principle that the community has a basic 'right to know' about pesticide use in public places.**

**Giving people notice about pesticide use lets them reduce their contact with pesticides.**

# Developing a pesticide use notification plan

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

The Pesticides Regulation 2017 (the Regulation) requires public authorities, including councils and county councils, to prepare a pesticide use notification plan. A pesticide use notification plan explains how a public authority will notify members of the community about pesticide use in the public places it owns or controls. Pesticides cannot be used in those areas unless the public authority finalises its pesticide use notification plan, and follows the steps set out in the plan when using pesticides in public places.

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

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

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

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

You can develop a notification plan as a stand-alone document, or incorporate it into existing plans, such as council plans of management for community lands. You can prepare more than one plan, as long as these plans cover all pesticide use in outdoor public places.

## Suggested format for the plan

The following guidance material suggests a format you can use to prepare a pesticide use notification plan. You can use the sample plan and blank template provided on the [EPA website](#), or develop a notification plan in any format you wish, as long as it includes information required by the Regulation,

outlined above. Remember this is only a guide and does not constitute legal advice. See Part 5 of the Regulation for full details of notification plan requirements.

## 1. Introduction

The introduction should outline the purpose of the public authority's notification plan and summarise the information the plan will contain. It is also useful if the plan's introduction summarises the public authority's overall pesticide use. For example, briefly describe what kinds of pesticides are used, how often, and how they are applied. The sample plan on the EPA's website includes explanatory text you may wish to use; its introduction says the notification plan aims to meet the community's general right to know about pesticide applications made in public places owned by, or under the control of, the particular public authority.

## 2. Public places and their uses

This section of the notification plan can describe:

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

### Suggested steps to follow

#### 2.1 Determine the categories of public places

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

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

Public places also include government school grounds and TAFE grounds.

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

The notification plan need not specify the location of each public place. Instead, it can group them by category, as in the EPA's sample plan. However, where the community requires more information, a map or other appendix that identifies the name of each public park, for example, could be attached.

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

## 2.2 Estimate use of these public places

For each of these categories of public places, the notification plan must estimate:

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

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

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

## 2.3 Summarise pesticide use in these public places

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

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

## 2.4 Decide how to present the above information

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

## 3. Notification arrangements

This section of the notification plan can set out:

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

### Suggested steps to follow

#### 3.1 Determine what type of notice will be provided

The public authority's notification plan must explain how users of public places will be given notice about pesticide use. It is up to the public authority to decide what kind of notice will be practical in each situation and will best meet the community's expectations. Because pesticide notification is based on the

principle of the community's right to know, choosing how to give notice could be based on your consideration of, among other relevant matters:

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

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

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

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

### 3.2 Decide when notice will be provided

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

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

For other public areas (such as planned applications to sports ground), prior notification of several days or weeks (through signage or advertisements) may be more appropriate. The public authority may want to consider permanent notification in the form of permanent signage, a notice at the public authority's office, or a page on its website that outlines the authority's annual spraying program.

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

### 3.3 Decide who will be notified

Notice of pesticide use can be provided to the general community and/or targeted at particular groups or individuals, based on who is likely to have the greatest interest in particular public places. For example, for pesticide use on a sports field, a public authority could choose to place signs around it (give general notice) and to fax written information to sports clubs who use that field (give targeted notice).

The public authority could also consider establishing a 'notification register' – a list of individuals or groups who wish to be notified of pesticide use in specific locations or at particular times. For example, a resident with children attending the local school may request to be notified of any pesticide applications made to council-owned pathways or drains adjacent to the school.



### 3.4 Specify sensitive place notification arrangements

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

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

The EPA can declare additional sites to be sensitive places by a notice in the *NSW Government Gazette*. The EPA will list any additions on its website. A council may want to have special notification arrangements for pesticide use in public places adjacent to other areas that the council considers sensitive, such as organic farms or school bus stops; these special arrangements may also be included in the notification plan.

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

### 3.5 Make provision for emergency pesticide use

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

To cover these situations, the public authority could undertake in the plan to respond in full to any reasonable requests for information. For example, the plan could state:

**'In cases where emergency pesticide applications are required to deal with biting or dangerous pests such as wasps, bees, rodents, venomous spiders, fleas and bird mites, the public authority will, where possible, erect notices at the time of the application. If this is not possible, the public authority will provide information on the pesticide application on request at the authority's offices, infoline, or to the person applying the pesticide.'**

In contrast, if a pesticide was needed to deal with an emergency near a sensitive place, extra steps could be taken to let people know about it, even if only a limited time were available before the pesticide application. For example, public authorities could ensure a door-knock takes place, to make people aware that a pesticide is about to be used to deal with a dangerous pest infestation.

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

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

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

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

## 4. What information will be provided

Whatever the type of notice used (notices placed at park entrances, newspaper advertisements, website information, letters to residents, or responses to telephone information requests from residents), the Regulation still requires all the following information be provided:

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

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

## 5. How the community will be informed of the plan

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

At a minimum, the Regulation requires the public authority to place its plan on display, free of charge, during office hours at its main address, and also make it available on the public authority's website. A **notice** of the plan must also be placed in the *NSW Government Gazette* and either a readily accessible location on the public authority's website, or in at least one newspaper circulating generally in the public authority's local government area, as soon as practicable after the plan is finalised.

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

## 6. Future reviews of the plan

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

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

## 7. Contact details

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

### How should the community be consulted about the draft plan?

1. At a minimum, the public authority must place the draft plan for public consultation for four weeks and ensure a copy of the plan is available for public viewing during this time.

2. The public authority must also either publish a notice in at least one newspaper circulating generally in its local government area, advising that a draft plan has been prepared or publish it in a readily accessible location on its website. The notice must state the area in which the draft plan is to operate, where a copy will be on display for public inspection, and how the public can comment on the draft plan.

**What happens when the notification plan is finalised?**

1. Once the draft plan is finalised, the public authority must place a notice in the *NSW Government Gazette* and either at least one newspaper circulating generally in its local government area, or in a readily accessible location on its website, which states:
  - the area in which the plan operates
  - where a copy of the plan will be displayed.
2. The public authority must also notify the EPA in writing that the plan has been finalised, and whether or not the plan was prepared, exhibited and notified in accordance with the Regulation.

# Checklist for pesticide use notification plan

To meet the requirements of the Pesticides Regulation 2017, the finalised notification plan must include the following:

- where the plan operates (that is, the categories of outdoor public places where pesticides are used)
- groups who regularly use these public places
- an estimate of the level of use (for example, high, medium or low use)
- how and when notice of pesticides use in these public places will be provided
- the specific pesticide uses and/or public places where notification will **not** be provided
- special notification measures for pesticide use in public places adjacent to sensitive places
- what information will be provided
- who will be notified
- how the general public will be informed of the plan's notification arrangements
- how future reviews of the plan will be conducted
- contact details for anyone wishing to discuss the plan with the public authority.

## Steps to be followed in developing a plan

To meet the requirements of the Pesticides Regulation 2017, the following steps must be followed:

- develop a draft notification plan
- advertise notice of the draft plan in papers circulating in the local government area or on the website
- place the draft plan on public exhibition and invite public comment for at least 28 days
- prepare a final version of the plan, taking into account any public comments
- the public authority internal approval of final plan
- copy of finalised plan made available on the public authority's website and main office
- place notice of final plan in *NSW Government Gazette*
- place notice in at least one newspaper circulating generally in the local government area where the public authority operates or in a readily accessible location on its website
- notify the EPA in writing confirming that the notification plan is finalised.