

Public exhibition draft

Pesticide Notification Plan

2019-2024



DRAFT

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Rous County Council
PO Box 230, Lismore NSW 2480
218-232 Molesworth Street, Lismore NSW 2480
P: 02 6623 3800
council@rous.nsw.gov.au
www.rous.nsw.gov.au

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Pesticide Use Notification Plan

Introduction

This pesticide use notification plan has been prepared in accordance with the requirements of the *Pesticides Regulation 2017*.

The aim of this plan is to meet the community's general right to know about pesticide applications Rous County Council makes or allows to be made to public places that it manages. The plan allows members of the community to take action to avoid potential contact with pesticides, if they wish.

These requirements are based on the principle that people have a basic right to know when public places are treated with pesticides. Notifying people about pesticide applications means they can make informed decisions, however it does not mean that they can prevent the use of pesticides in the area. The aim of notification is to allow people to choose to reduce their exposure to pesticides if they wish.

The plan sets out how Council will notify members of the community of pesticide applications made to public places it manages.

The plan describes:

- what public places are covered by the plan,
- what public places are not covered by this 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,
- the special steps Council will take when pesticides are used in outdoor public places that are adjacent to sensitive 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.

Rous County Council's role and activities

County councils are different to local councils; they are specifically set up or delegated under the *Local Government Act 1993* to provide one or more functions of a local council. This means that they have quite specific functions that they undertake for the local councils of the areas within which they operate. These councils are referred to as 'constituent councils'. Rous County Council has three main functions:

Bulk water supply

Rous County Council is the regional water supply authority providing water in bulk to the council areas of Ballina (excluding Wardell), Byron (excluding Mullumbimby), Lismore (excluding Nimbin), and Richmond Valley (excluding land to the west of Coraki).

A population of around 100,000 is serviced by this water supply system. The principal source of our supply network is Rocky Creek Dam, situated 25 kilometres north of Lismore, near the village of Dunoon.

Weed biosecurity

Rous County Council is the Local Control Authority responsible for administering the *Biosecurity Act 2015*. Council undertakes a wide range of activities to combat the spread of certain invasive weeds across the local government areas of Ballina, Byron, Lismore and Richmond Valley. Council also does this on behalf of Kyogle and Tweed Shire as part of a fee for service arrangement.

Flood mitigation

Rous County Council is also a flood mitigation authority operating across the local government areas of Ballina, Lismore and Richmond Valley. It is responsible for the construction and replacement of flood mitigation infrastructure, including the routine maintenance of various canals and floodgates and related natural resource management activities.

Overview of pesticide use across Council

Wherever possible Rous County Council adopts integrated pest management programs that will use a range of techniques, including biological, cultural, physical and chemical control. Rous County Council management programs are designed to have a minimal effect on the environment through the use of best practice techniques.

Rous County Council attempts to use the least toxic chemical option, if that is deemed adequate to achieve the intended aim, and only uses pesticides in public places:

- when necessary to eliminate invasive, nuisance and environmental weeds,
- to protect public property from pest damage, and
- to protect the users of public places from nuisance or danger.

Rous County Council ensures that pesticides are applied to public places in a safe, responsible manner, minimising harm to the community or the environment. Rous County Council will avoid applying pesticides during high use periods when possible.

Rous County Council's pesticide use differs across its three main functions.

Bulk water supply

The majority of pesticide use consists of applying herbicides for weed control and spot spraying of insecticides for insect outbreaks as required in parks and gardens, roadsides and public thoroughfares, pipeline easements, bushland, and at infrastructure sites such as pump stations.

The bulk water supply program has no set frequency of programmed pesticide applications. Bait insecticides may be used infrequently for termite control to protect structures and public safety. Other pesticides potentially used may include fungicides and rodenticides. Council may undertake vertebrate baiting on its land as required.

Weed biosecurity

Rous County Council is responsible for the control of certain invasive weeds on private property and Council-owned land, as well as some public lands such as roadsides and watercourses, rivers and inland waters as provided by the Act.

Rous County Council may also conduct control works on land managed by State or Commonwealth government departments, public authorities, or constituent councils. When conducting control works on these lands the relevant Pesticide Notification Plan of that department, authority, or council will be adhered to.

Flood mitigation

The majority of pesticide use consists of the application of herbicides for weed control. Council only uses pesticides in relation to its flood mitigation infrastructure to protect public infrastructure from damage, and to protect the public from property damage, injury and loss of life relating to flooding.

Public places covered by this plan

Rous County Council proposes to use or allow the use of pesticides in the following categories of outdoor public places that it owns, controls, or manages in the Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed shires, including:

- road verges and reserves,
- drains and drainage systems (including flood mitigation drains),
- levee systems,
- rivers, streams and creeks (including creek systems regulated by Council flood mitigation infrastructure),
- wetlands and swamps,
- parks, picnic areas and gardens,
- amenity buildings (e.g. toilet blocks),
- bushland on Rous County Council-owned land,
- utility and pipeline easements,
- reservoirs and pump stations, and
- Rous County Council facilities, such as office buildings.

For each category of public place, Rous County Council has estimated the level of community use and identified the regular user groups along with types of chemical used in that location in Table 1.

Public places not covered and occasions when notification will not be provided

Places that do not have public access and thoroughfare will not be covered by this plan. These places may include:

- private property,
- levees, drains and drainage systems not accessible to the public,
- reservoirs, pump stations and treatment plants not accessible to the public, and
- Council land that isn't designated for public use, such as bushland.

Rous County Council does not intend to provide notification when using small quantities of herbicides (less than 20L of mixed product) that are widely available to the public from retail outlets and can be used for domestic purposes. This will also apply to minor control of indoor and outdoor insect pests using baits or aerosol spray cans.

Rous County Council will not provide notification in circumstances that pose little risk for the public to encounter pesticides, including:

- when using motorised or non-motorised equipment if the quantity to be used is less than 20L of mixed product in any one day and, where there is no danger of drift or off target damage occurring, and
- when using stem injection, cut and swab or scrape and paint application methods.

Unforeseen circumstances

Not all places advertised will receive pesticide notification application on the day stated due to unexpected delays from rain, wind, etc. Therefore, applications may be delayed, or in some extreme cases, brought forward by up to five days from the original advertised application date.

In these instances, notification would be given immediately on the website and signage would be placed in appropriate places at the application site to notify members of the public.

Notification arrangements

This section of the plan describes how and when Council will provide notice of pesticide use in public places. These notification arrangements are based on Council's assessment of:

- the level of usage of public places where pesticides may be applied,
- the extent to which members of the public who are most likely to be sensitive to pesticides 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), and
- the type of pesticide used.

How and when notice of pesticide use will be provided

Rous County Council will endeavour to provide a minimum of **two days' notice** of its intention to apply pesticides in publicly accessible areas.

Rous County Council will also adhere to any notification requirements that may be stated on the pesticide label and/or Safety Data Sheet (SDS). Special guidelines and conditions have been set out for the use of pesticides in and around waterways and are covered separately in this plan.

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

- **Signs.** Displayed at entrances to public places or other highly used areas and on vehicles (if applicable) prior to commencement of treatment and remaining in place until the pesticide has dried on the plant's surface, or until the application area is deemed to be safe for public access. Signs will be of a standardised design that will be easily recognisable to the general public and workers.
- **Advertisements.** In the local newspaper or on the local radio station prior to the application start date.
- **Council's website.** Information prior to the application start date stating the location, dates, pesticides to be used, and the target weeds prior to application dates. The Rous County Council website address can be found in the contact details at the end of this plan.
- **Letters.** To known users of public places prior to the application start date.
- **Letterbox drops.** Prior to the application start date informing residents.

What information will be provided

In accordance with the Regulation, notice of pesticide use will include the following information:

- the full product name of the pesticide to be used,
- the purpose of the use, clearly setting out what pest or pests are being treated,
- the proposed dates or date range of the pesticide to be used,

- contact telephone number and email address (if applicable) of the Rous County Council representative that 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 MSDS or the Australian Pesticides and Veterinary Medicines Authority (APVMA) permit.

Special measures for sensitive places

The Pesticide Regulation defines a sensitive place to be any:

- school, pre-school or kindergarten,
- childcare centre,
- hospital,
- community health centre,
- nursing home,
- any place declared to be a sensitive place by the Environment Protection Authority, and
- any place registered on constituent council's chemical sensitive register.

Special notification measures apply for programmed herbicide use in public places at or adjacent to sensitive places. Notification will be provided a minimum of five working days prior to the application of pesticide. All due care will be taken to inform the public in and around the sensitive area before and during the application of pesticides.

Whenever possible, pesticide applications adjacent to schools, kindergarten and childcare centres will be carried out during gazetted holiday periods. All due care will be taken while applying pesticide to minimise any potential spray drift or off target damage occurring.

Locations of sensitive places can be obtained from constituent councils.

Chemical sensitive register

Rous County Council will consult the chemical sensitive register of the constituent council where control work is being carried out. Persons wishing to be on this register should contact their local council.

Special arrangements for emergency pesticide use

An emergency pesticide application in a public place may be required to deal with biting or dangerous pests (such as rodents, wasps, bees, venomous spiders, fleas, bird mites, or similar creatures). In these situations, Council will, where possible, provide notice by posting signs nearby at the time of the application. If this is not possible, Council will provide information via its website.

Arrangements for government pesticide use by contractor and lessees of public places

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

Where Rous County Council acts as a contractor for constituent councils, state or Commonwealth departments, or any public authorities, notification will occur as required by that particular body's Pesticide Notification Plan.

No lessees exist on publicly accessible Rous County Council land.

Table 1: Public place assessment, pesticide and notification type table

Public places owned, controlled or managed by Council	Regular user groups	Level of use of public place	Type of pesticide use	Pesticide use notification
Road verges and reserves (including laneways, car parks and pathways on Council owned or controlled land).	<ul style="list-style-type: none"> Local residents. Visitors walking, riding, or driving on the road. 	<ul style="list-style-type: none"> High for urban areas. Low for rural roads. 	<ul style="list-style-type: none"> Broadscale selective or non-selective herbicides. Spot spraying of herbicides. 	One of the following: <ul style="list-style-type: none"> Advertisements. Website. Signs.
Drains and drainage systems (including flood mitigation drains).	<ul style="list-style-type: none"> Local residents living adjacent to drainage systems. Local residents or visitors who walk or drive past drainage systems. Children playing in drainage systems. 	<ul style="list-style-type: none"> Medium to low. Low to medium for flood mitigation drains. 	<ul style="list-style-type: none"> Spot spraying of herbicides. Broadscale herbicide applications of selective and non-selective herbicides. Herbicides approved for use near waterways by the APVMA. 	Notification will be given on Council's website.
Levee systems.	<ul style="list-style-type: none"> Local residents living adjacent to levee systems. Local residents who walk or drive past or on the levees beside the drain or creek. 	<ul style="list-style-type: none"> Low to medium. 	<ul style="list-style-type: none"> Herbicides approved for use near waterways by the APVMA. 	Notification will be given on Council's website.
Rivers, streams and creeks (including creek systems regulated by Council flood mitigation infrastructure).	<ul style="list-style-type: none"> Local residents living adjacent to rivers, streams and creeks. General recreational users. Social groups. Tourists. 	<ul style="list-style-type: none"> High. Low to medium for regulated creeks. 	<ul style="list-style-type: none"> Spot spraying of herbicides. Broadscale herbicide applications of selective and non-selective herbicides. Herbicides approved for use near waterways by the APVMA. 	Notification will be given on Council's website. Signage for high visitation areas.
Wetlands and swamps accessible to the public.	<ul style="list-style-type: none"> Local residents living adjacent to wetlands and swamps. Bird watchers, recreational users 	<ul style="list-style-type: none"> Low. 	<ul style="list-style-type: none"> Spot spraying of herbicides. Broadscale herbicide applications of selective and non-selective herbicides. 	Notification will be given on Council's website.

Public places owned, controlled or managed by Council	Regular user groups	Level of use of public place	Type of pesticide use	Pesticide use notification
Public recreation areas, parks, picnic areas and playgrounds (including Rocky Creek Dam, Emigrant Creek Dam and Whian Whian Falls).	<ul style="list-style-type: none"> General recreational users (e.g. joggers, dog walkers, picnickers). Other social gatherings. Tourist and travellers. School groups. 	<ul style="list-style-type: none"> Very high on weekends (frequent use by multiple users, short to medium length stays. Particularly public and school holidays). Other times high. 	<ul style="list-style-type: none"> Spot spraying of herbicides or insecticides. Broadscale selective or non-selective herbicides. Broadscale insecticides. Fungicides. Spray and bait termiticides Spray ant control. 	<p>Notification will be given on Council's website.</p> <p>Signs will also be erected at entrances prior to commencement of treatment and remaining in place until the pesticide has dried on the plant's surface, or until application area is deemed to be safe for public access.</p> <p>A visible non-toxic, biodegradable dye will be used in weed spot spray operations in external areas were appropriate.</p>
Gardens Perradenya Estate and the Rous County Council administration office.	<ul style="list-style-type: none"> Local residents. General recreational users (e.g. joggers, dog walkers, picnickers). Shoppers, business people visiting CBD. 	<ul style="list-style-type: none"> Medium. 	<ul style="list-style-type: none"> Spot spraying of herbicides or insecticides. Broadscale selective or non-selective herbicides. Broadscale insecticides. Fungicides. Spray and bait termiticides. Spray ant control. 	<p>One of the following:</p> <ul style="list-style-type: none"> Advertisements. Website. Signs. <p>A visible non-toxic, biodegradable dye will be used in weed spot spray operations in external areas were appropriate.</p>

Public places owned, controlled or managed by Council	Regular user groups	Level of use of public place	Type of pesticide use	Pesticide use notification
Bushland on Rous County Council-owned land accessible to the public.	<ul style="list-style-type: none"> Local residents. General recreational users (e.g. joggers, dog walkers, picnickers). Other social groups. 	<ul style="list-style-type: none"> Medium to high. 	<ul style="list-style-type: none"> Spot spraying of herbicides and pesticides. Broadscale selective or non-selective herbicide. Cut and paint concentrated herbicide. Vertebrate baits – irregular application of poison baits (e.g. 1,080 baits for wild dogs and foxes, Pindone for rabbits as required). 	<p>One of the following:</p> <ul style="list-style-type: none"> Advertisements. Website. Signs. <p>A visible non-toxic, biodegradable dye will be used in weed spot spray operations in external areas where appropriate.</p> <p>Notification of the baiting of wild dogs, foxes and rabbits will be undertaken in accordance with the Pesticide Control Order.</p>
Utility and pipeline easements accessible to the public.	<ul style="list-style-type: none"> Neighbouring landholders. Local residents and people working in the area. Occasional walkers. Tourists on scenic routes. 	<ul style="list-style-type: none"> Low to medium. 	<ul style="list-style-type: none"> Broadscale selective or non-selective herbicide. Spot spraying of herbicides and pesticides. 	<p>One of the following:</p> <ul style="list-style-type: none"> Advertisements. Letterbox drops. Website. Signs.
Reservoirs and pump stations accessible to the public.	<ul style="list-style-type: none"> Local residents, walkers. 	<ul style="list-style-type: none"> Low. 	<ul style="list-style-type: none"> Spot spraying of herbicides and insecticides. 	<p>One of the following:</p> <ul style="list-style-type: none"> Advertisements. Letterbox drops. Website. Signs.
Rous County Council buildings (depots and interiors of public buildings).	<ul style="list-style-type: none"> Persons working in the area. Visitors. Members of the public. 	<ul style="list-style-type: none"> High for interiors of public buildings. Low for depots. 	<ul style="list-style-type: none"> Spot spraying of insecticides. Broadscale insecticides. Spray and bait termiticides. Spray ant control. Rodenticides. Bait ant control. Bait bird control. 	<p>One of the following:</p> <ul style="list-style-type: none"> Advertisements. Website. Signs.

Arrangements for pesticide application in and around waterways and flood mitigation drainage systems

This section of the plan relates to the application of pesticide in and around waterways carried out in the local government areas of Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed. Only pesticides approved by the Australian Pesticide and Veterinary Medicine Authority for usage on waterways will be used to control weeds on riverbanks and within the channels of drainage systems and regulated creeks.

Rous County Council will take all reasonable steps to warn users of waters in the vicinity of the pesticide application about any risk to human health, or of harm to the environment that may arise from the application of the pesticide in the waters.

Notification will be provided on Council's website one week prior to pesticide treatment and will include at a minimum the following details:

- what pesticide is to be applied,
- when the pesticide is to be applied,
- a warning not to use, drink, or swim in the water until further notice,
- that further information can be obtained from Rous County Council, and
- Rous County Council's name and contact phone number.

In high visitation areas, i.e. around urban boat ramps, Rous County Council will also erect a warning sign adjacent to the waters where the pesticide is applied to that:

- states at a minimum, in legible English, and in any other language as may be considered reasonably necessary:

WARNING
*Water may contain dangerous chemicals.
The public is advised not to use, drink
or swim until further notice.
For further information contact
Rous County Council on 6623 3800.*

- is maintained to ensure it remains in place and is visible to the public until the water is safe for use, and
- is not removed until the water is safe for use.

How the community will be informed of this plan

Rous County Council will advise residents of this plan and its contents over a four-week period by:

- Having a copy of the draft plan available for viewing, free of charge, at its administration office at: Level 4, 218-232 Molesworth Street, Lismore NSW 2480.
- Placing a copy of the draft plan on the Rous County Council website.
- Sending copies to each of the six constituent councils listed in this plan.
- Placing a notice every two weeks in a locally distributed newspaper under the public notices section informing of this plan.
- Placing a notice in the NSW Government Gazette.

At the end of the community consultation period all reasonable submissions will be considered.

Future reviews of the plan

The plan will be reviewed every five 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.
- Recommendation for alterations (if applicable) to the plan.
- Any other relevant matters that may be deemed necessary.

Contact details

Anyone wishing to contact Rous County Council to discuss the plan or to obtain details of pesticide applications in public places, should contact:

Manager Operations
Rous County Council
218-232 Molesworth Street
Lismore NSW 2480
P: 02 6623 3800
council@rous.nsw.gov.au
www.rous.nsw.gov.au

DRAFT