
**NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 14 APRIL 2021
QUESTIONS WITH NOTICE REPORT**

The following questions with notice have been received from Cr Hamilton: -

1. What compliance measures will be undertaken by Narromine Shire Council to ensure any present and future usage of agricultural chemicals containing PFAS compounds from within Zone SP2 at Narromine Airfield is publicly notifiable and verifiable?

Response from Director Governance

The NSW EPA are currently undertaking investigations into PFAS contamination; Narromine Shire is not a listed site.

In Australia, PFAS have been used in a variety of industrial processes and in commercial and consumer products. These compounds are imported mainly for use as: -

- Mist suppressants in the metal plating industry
- Hydraulic fluid in the aviation industry
- Surfactants in the photography industry
- Firefighting foams

Some imported articles such as textiles may have been treated with PFAS.

The Australian Industrial Chemicals Introduction Scheme regulates the manufacture and importation of PFAS. Importers and manufacturers must comply with legal obligations under the Industrial Chemicals Act 2019.

The Australian Pesticides and Veterinary Medicines Authority is responsible for regulating agricultural chemicals up to and including the point of retail sale. Only registered chemicals will be able to be stored at the Narromine Aerodrome and will need to be stored and used in accordance with their relevant safety data sheets.

2. The following 2 questions relate to representations made to Councillors during a recent meeting between 3 Councillors and 7 families of rural ratepayers on the 17th February 2021 where the impacts of agricultural aerial operations in the Shire were presented to the Councillors. Due to the negative impacts described, ratepayers raised questions about the chain of responsibilities and duties of care which Narromine Shire Council has in relation to operations emanating from Council approved or administered aerial facilities within the shire.

What is the chain of responsibility obligations for Council from Council approved or administered aviation facilities within the shire?

Response from Director Infrastructure and Engineering Services

The Narromine Aerodrome is registered and deemed certified by the Civil Aviation Safety Authority and as such has a Safety Management System in place.

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Operators at the aerodrome need to comply with Civil Aviation Safety regulations, NSW EPA licence requirements as well as conditions of the lease.

Council's Aerodrome Reporting Officer regularly monitors activities at the Aerodrome and risks are managed in accordance with Council policy and procedure.

Does the proximity to any council approved or administered air facility vary the assessment by Council of any impacts?

Response from Manager Planning

Council assesses each development application for use in that zone on its merits and in accordance with the LEP permissible uses. Conditions of consent are placed on approvals that protect the amenity and use of the land.

3. For the public record could Council table ALL copies of ALL correspondence (with appropriate redaction) to and from Cotton Australia since January 2018 in relation to the 2018 Defoliation Damage studies conducted with the Shire?

Response from Director Governance

A copy of the response received from Cotton Australia in relation to Council's request for a copy of the findings from the 2018 studies is attached (**See Attachment No. 1**). If Council were to provide copies of all correspondence, they would need to seek approval from Cotton Australia to publish this information.

4. On what basis was the decision made to not apply for the full range of assistance measures for disaster relief considering that other neighbouring councils were able to obtain the full range of assistance measures?

Response from General Manager

Council has applied for the Natural Disaster Assessment Relief Funding for essential public assets that have been damaged as a result of storm or flood damage.

However, the declaration of a Local Government Area as a natural disaster area is a responsibility of the Minister for Emergency Services. A declaration is recommended to the Minister by appropriate State Government agencies if an event meets both the definition of a Natural Disaster and the requirements of an eligible disaster, as defined in the Disaster Recovery Funding Arrangements (DRFA). To meet the definition of an eligible disaster, the following conditions must be met:

- (a) Co-ordinated multi-agency response was required
- (b) State expenditure (as defined by the DRFA) exceeds the small disaster criterion (currently \$240,000).

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If Council wishes to seek declaration as a natural disaster area, then it will need to write to the Minister for Emergency Services and our Local Member to request consideration, however the criteria above would need to be met and to our knowledge there was no co-ordinated multi-agency response.

5. What "Aquatic Management Services" are or were being conducted at the Trangie airfield?

Response from Director Governance

Council is not aware of any Aquatic Management Services or existing plans at the Trangie Airstrip. Any such services would be monitored by the NSW EPA as the regulator.

6. In the interest of public safety could Narromine Shire Council seek to obtain a commitment from the State Government that the proposed overtaking lane upgrades to the Mitchell Highway between Narromine and Dubbo will be completed before the construction of the Inland Rail N2N commences and the ensuing likely increase in traffic volume on this section of road?

Response from Director Engineering and Infrastructure Services

Council will liaise with the relevant agencies.

7. What are the ongoing regulatory compliance measures attached to the sale of the Trangie airstrip that Council will be conducting?

Response from Director Governance

Regulatory compliance will be in accordance with Council's adopted Compliance and Enforcement Policy.

8. In reply to questions at the February Council meeting, Council partly quoted wording regarding findings from the EPA regarding pollution incidents on August 3rd 2020. Would Council table the remainder of the findings by the EPA of events that pertain to Council administered land on August 3rd 2020?

Response from Director Governance

A copy of the response is attached (**See Attachment No. 2**).

9. In regard to previous replies from Council when specifically did the EPA advise Narromine Shire Council that no action was required, and that there was no public health risk? Would Council verify the previous answers by publicly tabling any written communication from the EPA that supports that answer relating to public health risks from the February Council meeting?

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Response from Director Governance

The General Manager, Director Governance, and Manager Health, Building and Environmental Services held a teleconference with the Manager Regulatory Operations NSW EPA.

10. Given that the suppressed Department of Industry report (released to the public on 27/7/2020)? identified within it the following risks of likely spray drift for our Shire: (quotes from report)

- **Potential for larger conflict between farmer group and those they rely upon chemicals. This could spill over to greater concerns of residents in nearby towns. Any legal approaches from either party would be disastrous for all concerned and all parties recognise this.**
- **Legal action could severely limit operations for both cotton and grazing industries. For fear of legal action with every spray application, people will feel constrained to apply pesticides/defoliant.**
- **Human health impacts – unknown effects of chemical especially with low dose longer time exposures**
- **Maximum residue limits could be compromised. People unknowingly selling produce that might exhibit un-detectable drift symptoms but having residues detected.,**

What actions are Council taking in relation to the identified risks given that the report has been available to Council since August 2020?

Response from Director Governance

The redacted report has been provided to the NSW EPA. The NSW EPA are the appropriate regulatory body. The NSW EPA have advised Council that they are commencing a pilot broad scale pesticide monitoring program across the Narromine, Warren and Gilgandra Local Government Areas. The program involves the installation of different passive samplers across multiple locations and the result will be used to inform any future EPA actions as appropriate.

Council will act if and when instructed by the appropriate regulatory body.

11. Does the Council Code of Conduct apply to interactions between elected Councillors and the general public?

Response from Director Governance

Council's Code of Conduct applies to elected members whilst undertaking official duties.

12. In response to Q 6 & 7 from December meeting Questions with Notice where Council advised no lease could be located in Council records for the operations of Agricultural chemical operations at Narromine Airfield, what lease arrangements have to date been in effect in relation to synthetic chemical operations from the Narromine airfield?

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13. In relation to question 12 if no properly executed lease for the operations has been found then what liability does Council have for the operations and conduct relating to any Agricultural chemical uses from that site?

Response from Director Governance

A lease for the storage of chemicals has been entered into in accordance with Council's resolution No. 2019/162.

14. Could Council please provide a full and complete list of the "relevant industry standards" and "associated regulations" mentioned in the response to Q 5 of the December meeting Questions with Notice?

Response from Director Governance

A facility which stores a small quantity of chemicals must follow the minor storage conditions of Australian Standard AS 2507-1998 *The Storage and handling of agricultural and veterinary chemicals*, in a pesticides storage room which is to be lockable.

A register of the pesticides and copies of safety data sheets is required by the WHS Regulation 2011.

15. Given that Aerial Spray Operations have been conducted from the Narromine airfield without a properly executed lease in place, what properly executed lease arrangements were in place at the Trangie airfield before it was sold?

Response from Director Governance

Council had a long-term lease agreement with the operators at the Trangie Airstrip prior to sale.

16. Can Council advise on the specific requirements for staff to comply with in regards to workplace bullying and can Council advise if those requirements are being fully complied with?

Response from Director Governance

Council's Code of Conduct, Workplace Bullying Policy and Grievance Resolution Policy provide the relevant legislative framework for matters of this nature.

10th February 2021

Dr Ms Redden,

In 2018 Cotton Australia received concerns from landowners in the Macquarie region as to leaf drop on trees. To assist landowners with these concerns, Cotton Australia requested a researcher, specialising in the field of biodiversity and ecosystem services, visit the sites to inspect.

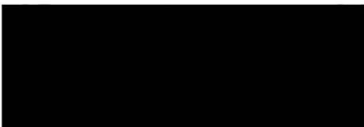
The inspection consisted of visual assessments only at a single point in time and no formal report was commissioned as part of this process.

Cotton Australia have been consistent in its advice to all landowners that any suspected incidents of off-target pesticide application should be reported to the EPA as the appropriate authority to investigate such allegations.

Cotton Australia understands that the EPA is currently undertaking an extensive season-long monitoring program, with the aim to identify and better understand any off-target chemical movement throughout the Macquarie region. Cotton Australia welcomes this initiative and awaits the results of the program.

Cotton Australia remains committed to the reduction of off target pesticide movement for the benefit of all agricultural industries, communities and the environment. Cotton Australia is involved in a range of different initiatives to achieve this as has been outlined to Council previously.

Sincerely,



Research Direction and Stewardship Policy Officer
Cotton Australia

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The General Manager
Narromine Shire Council
Email: mail@narromine.nsw.gov.au

Attention: Ms Jane Redden

Dear Ms Redden

Alleged overspray of pesticide on 3 August 2020 - [REDACTED]

I refer to a report to the Environment Protection Authority (EPA) on 3 August 2020 which alleged overspray from pesticide applied at [REDACTED], Trangie, NSW, 2823 (the incident).

The EPA has completed a thorough investigation into this incident and has concluded that the aerial applicator used pesticides in accordance with the approved label instructions and did not commit an offence under the *Pesticides Act 1999* where the use of pesticides is likely to injure a person, damage property, or harm any non-target animal or plant.

Further, the EPA does not suspect that the aerial applicator caused any pesticides to be present in the EPA's samples other than Tebuconazole, from the product registered as Orius 430 SC, which was the product being applied to the property.

However, it appears from the information held by the EPA that drift occurred and so the EPA is referring the incident to the Australian Pesticides and Veterinary Medicines Authority to consider whether the current approved label conditions are appropriate.

If you have any questions about this matter, please contact [REDACTED] on [REDACTED] or by email to [REDACTED]

Yours sincerely

[REDACTED]

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