
NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 9 DECEMBER 2020
QUESTIONS WITH NOTICE REPORT

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

1. *What correspondence from Council has been conducted in relation to resolution 2020/244?*

Response from Director Governance

In accordance with Council's resolution, a letter was emailed to the NSW EPA on 15 September 2020 (**see Attachment No. 1**). To date, no response has been received by Council staff in this matter.

In relation to Questions 3 and 4 of the previous Questions on Notice and the responses provided

Q3 "Have the potential health implications for council outdoor staff involved in vegetation pruning/removal activities where defoliation/chemical damage is evident been notified to the WHS Committee" Response from Director Governance: Council staff are required to wear appropriate PPE. In any event of an illness occurring through work practices, this would be reported to the Committee.

Q4 "Has the risk of inhalation of vegetation dusts potentially containing Diuron for Council staff involved in outdoor activities been communicated to the relevant WHS committee"? Response from Director Governance: Council staff are required to wear appropriate PPE depending on the tasks & duties they are carrying out."):

2. *Is this staff practice to not refer identified risks to the appropriate WHS committee for risk assessment?*
3. *On what risk assessment basis did staff reply to last month's questions regarding outdoor staff exposures to Diuron contained in vegetation being worked on?*
4. *Are Council outdoor staff aware of any symptoms of defoliation damage of street trees currently appearing in Narromine?
If so, what actions are they taking to prevent possible exposure to dust inhalation risks?*

Response from Director Governance

Council staff have not received a copy of the analysis report or any site-specific information. Until Council receives a copy of the report or is notified and or directed by the EPA, Council is unable to take specific action with regard to this matter.

Council would be advised by the NSW Department of Health if there was a public health risk.

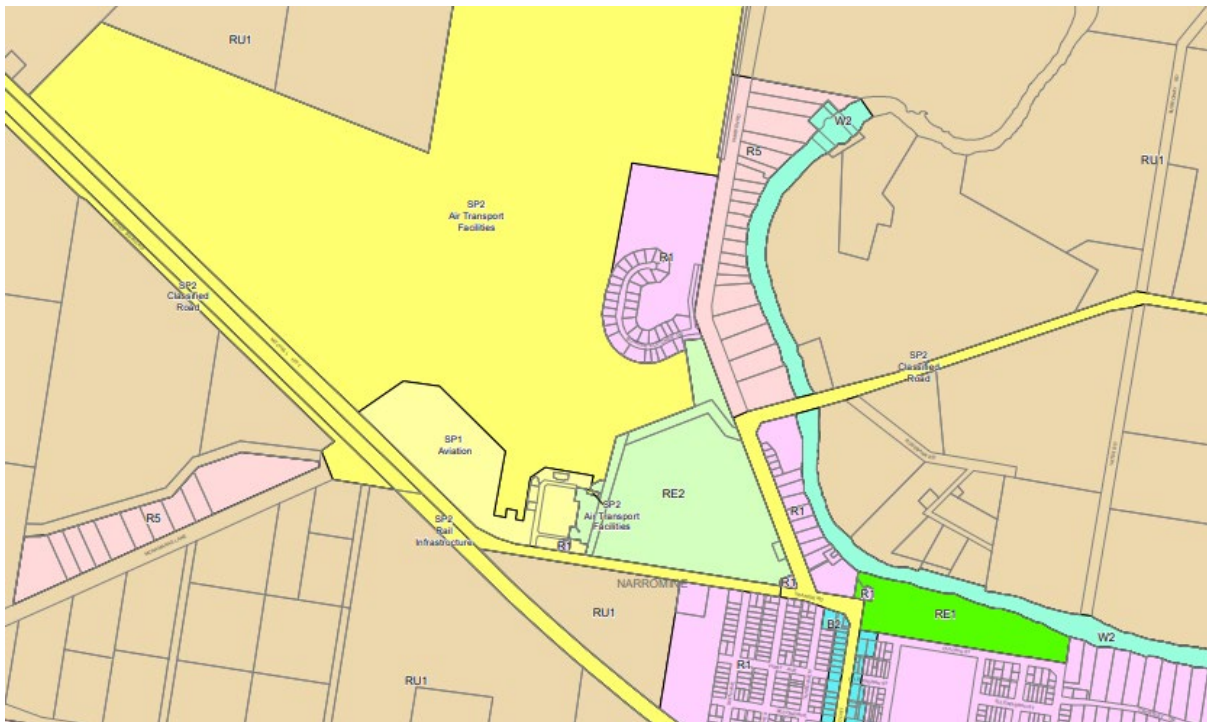
To date, there have been no documented reports/assessments by Council staff of defoliation damage to street trees or concerns with possible chemical exposure.

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5. *Could staff please provide a map of the Narromine Airfield showing zoned areas where toxic chemical activities are an accepted land use?*

Response from Director Community and Economic Development

The chemical storage shed area is located within zone SP2 Infrastructure. The objectives of this zone are to provide for infrastructure and related uses. The purpose of the Land Zoning Map within the LEP 2011 is Air Transport Facilities. Accordingly, storage of chemicals and filling of an airplane for agricultural spraying purposes would be considered permissible as a related use. The type of chemicals, their storage and use would be need to be in accordance with relevant industry standards, the Pesticides Act and associated regulations.



Extract of Land Zoning Map from Narromine LEP 2011.

6. *On what date did the last properly executed lease for aerial chemical operations at the Narromine airfield expire?*
7. *Did the prior lease for aerial chemical operations at the Narromine airfield apply to the nominated area or also include other areas of the airfield?*

Response from Director Governance

A search of Council records has been conducted. No specific lease for aerial chemical operations at the Narromine Aerodrome has been located.

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8. *In the interest of public safety of residents at Skypark and any potential future tenants at the new aviation industrial complex, what are the proposed limitations on the toxicity schedule and type of chemicals allowed at the storage shed/loading facility?*

Response from Director Infrastructure and Engineering Services

The lessee will be required to adhere to the terms and conditions of the lease agreement (which were considered by Council when it resolved to lease the shed). In addition, the lessee is required to store and mix chemicals in accordance with their approved aerial application licence and manufacturing recommendations. Storage and handing will need to be undertaken in accordance with relevant industry practices.

9. *Has Council received notification from the EPA in regard to a pollution incident on Council administered land on 3 August 2020?*

Response from Director Governance

Council staff have not received formal notification from the EPA with regard to an alleged pollution incident occurring on Council land on 3 August 2020. Council staff have contacted the EPA who have advised that there is an active investigation into the alleged incidence. Council is not required to take any action, and there is no public health risk. The EPA will provide a summary of the outcomes to Council on completion of the investigation as a matter of courtesy. Should the EPA instruct Council to take action at any stage of the investigation or at the completion of such investigation, Council will do so.

10. *Has Council been contacted by the EPA regarding any proposed chemical exposure program for the Shire area?*

Response from Director Governance

Council staff have not been contacted by the EPA regarding any proposed chemical exposure program.

11. *Has Council written to Cotton Australia requesting a copy of their 2018 Defoliation Damage report?*

Response from Director Governance

The General Manager will request a copy of the report.

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

Response from Director Governance

The Code of Conduct sets the minimum standards of conduct for Council officials. A code of conduct complaint is one which shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed if proven.

Part 3 of the Code specifies General Conduct Obligations, Part 4 Pecuniary Interests, Part 5 Non-Pecuniary Conflicts of Interest, Part 6 Personal Benefit, Part 7 Relationships Between Council Officials, Part 8 Access to Information and Council Resources, and Part 9 Maintaining the Integrity of the Code.

Code of conduct complaints are not: -

- Complaints about the standard of level of service provided by the Council or a Council official
- Complaints that relate solely to the merits of a decision made by Council or a Council official
- Complaints about policies or procedures of the Council
- Complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed in the code.

15 September 2020

NSW Environment Protection Agency
Email:- [REDACTED]@epa.nsw.gov.au

Dear [REDACTED]

RE: - POSSIBLE DEFOLIATION INCIDENT NOTIFICATIONS

Following a resolution of Council at its August Council Meeting, a report was put before Council in Closed Meeting, tabling all written communications, relating to the reporting of possible defoliation damage incidents over the past 2 years redacting any personal and sensitive information.

Subsequently Council resolved "to write to the NSW EPA to ask for confirmation on any action they have taken on the request of Council for the past two years".

Would you please provide Council with assurance that appropriate actions have been taken in relation to notifications made to your agency regarding any possible chemical pollution incidents over the past 2 years in the Narromine LGA.

Yours faithfully

[REDACTED]
Jane Redden
General Manager