



# **Pollution Incident Response Management Plan**

## **EPL 5195: Application of Herbicides to Waterways**

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# Version History

Version Number	Date	Description of Amendments	Author
1	29/8/2012	Development of PIRMP	
2	14/3/2013	New contact No. for Fire and Rescue	
3	24/7/2014	Change pollution Complaints to 49800392	
4	25/2/2015	Internal review	
5	12/3/2015	Incorporate review recommendations	
6	24/10/17	Pesticide Users Group Review	Bushland Management Officer
7	2019	Integration to IRMS/EMS and alignment to PSC other PIRMP- formatting.	
8	2025	<p>Updates to:</p> <ul style="list-style-type: none"> <li>• Terms and Definitions</li> <li>• Contact list</li> <li>• Licence Holder</li> <li>• Roles and Responsibilities</li> <li>• After-hours process</li> </ul> <p>Changed references to:</p> <ul style="list-style-type: none"> <li>• Integrated to Enterprise Risk Management System</li> <li>• Environment Officer to Environmental Risk Team</li> </ul> <p>Added Environmental Safeguards into Hierarchy of Controls.</p> <p>Updated 8.0 to align with Council Environmental incident procedure.</p> <p>Updated 8.3 and 9.0 notification requirements to align with the EPL.</p>	<p>Environmental Risk Manager</p> <p>Invasive Species Officer</p>

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# Terms and Definitions

<b>APVMA</b>	Australian Pesticides and Veterinary Medicines Authority
<b>AQF</b>	Australian Qualifications Framework
<b>EMS</b>	Environmental Management System
<b>EPA</b>	Environment Protection Authority
<b>EPL</b>	Environment Protection Licence
<b>GHS</b>	Globally Harmonised System
<b>Immediately</b>	Promptly and without delay
<b>ERMS</b>	Enterprise Risk Management System
<b>Notifiable Incident</b>	A pollution incident causing or threatening material harm (actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or results in actual or potential loss or property damage of an amount, exceeding \$10,000).
<b>PIRMP</b>	Pollution Incident Response Management Plan
<b>POEO ACT</b>	Protection of the Environment Operations Act 1997
<b>Pollution Incident</b>	Pollution incident means an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur.
<b>Relevant Authority</b>	Environment Protection Authority, NSW Health (Public Health Unit), WorkCover, Port Stephens Council and Fire and Rescue NSW, Hunter Water
<b>SDS</b>	Safety Data Sheet
<b>SWAT</b>	Specific Worksite Assessment & Toolbox
<b>SWMS</b>	Safe Work Method Statement

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# 1.0 Introduction

Under the *Biosecurity Act 2015* and as part of asset maintenance programs Port Stephens Council is responsible for the management and control of weeds on all land that is under Council's care and control. In order to meet this requirement, Council implements an integrated weed management approach for the removal and control of weeds.

One of the primary techniques utilised for the control of weeds is the application of herbicides. Although in most cases, the negative impacts of herbicide use can be prevented by exercising due care and carrying out the control programs in an environmentally responsible manner, in some circumstances Council is required to apply herbicides directly to aquatic weeds which has the potential to result in pollution of waters and impact on non-target species.

As a result, Council currently holds an Environment Protection Licence (EPL) under the *Protection of the Environment Operations Act 1997* (POEO Act) for the application of herbicides to the waterways of Port Stephens Council Local Government Area. The EPL contains conditions which aim to minimise the environmental impacts of herbicide application, prevent water pollution and ensure the implementation of best practice weed management.

Under part 5.7A of the POEO Act, licensees are required to prepare Pollution Incident Response Management Plan (PIRMP). These plans are designed to ensure that pollution incidents are minimised through the identification of risks and the development of planned actions to minimise and manage those risks, and to ensure that emergency response procedures are developed and implemented in the event that an incident occurs.

This plan has been prepared in accordance with the requirements contained in section 153C of the *Protection of the Environment Operations Amendment Act 2011* and the details prescribed by the *Protection of the Environment Operations (General) Regulation 2009*.

## 2.0 Objectives

The objectives of this plan are to ensure:

- That a comprehensive and timely response to all pollution incidents occurs, including the effective communication of the incident to the relevant authorities and those who may be affected by the impacts of the incident.
- Minimise and control the risk of a pollution incident by identifying risks and developing planned actions to minimise and manage those risks.
- Compliance with the EPL 5195 and *Protection of the Environment Act 1997*

## 3.0 Scope

The purpose of this plan is to improve the management of pollution incidents and facilitate better coordination with the relevant response agencies, outline legal

obligations in relation to incident response, and outline Councils approach to assess and manage risk associated with the activities in relation to the EPL.

## 4.0 Legal Requirements

The specific requirements for a PIRMP are identified in Part 5.7A of the POEO Act and the Protection of the Environment Operations (General) Regulation 2009 (POEO(G) Regulation). A summary of these requirements is listed below:

- The holder of an EPL must prepare a PRIMP in relation to the activity to which the licence relates (section 153A POEO Act).
- A PIRMP must include the information detailed in the POEO Act (section 153C POEO Act).
- A PIRMP must be kept at the premises to which the licence relates or, in the case of mobile plant, where the relevant activity takes place (section 153D POEO Act).
- A copy of the PIRMP must be readily available to an authorised EPA officer on request; Port Stephens Council Staff involved in implementing the plan; and to the general public on the Port Stephens Council website (section 153D POEO Act; clause 98D POEO(G) Regulation).
- A PIRMP must be tested routinely once every 12 months and within one month of any pollution incident occurring which relates to the plan.
- If a pollution incident occurs in the course of activities relating to Port Stephens Council's Environment Protection Licence 5195, the person/s carrying out the activity must immediately implement this PIRMP (section 153F POEO Act).

## 5.0 Roles and Responsibilities

Name	Position / Role	Responsibilities	Contact Number
[REDACTED]	Strategy & Environment Section Manager	Licence Holder	[REDACTED]
[REDACTED]	Environmental Operations Team Leader	Operational Team Leader	[REDACTED]
[REDACTED]	Invasive Species Officer	Operator	[REDACTED]
[REDACTED]	Invasive Species Officer	Operator	[REDACTED]
[REDACTED]	Environmental Risk Manager	Environmental Support	[REDACTED]
[REDACTED]	Environmental Risk	Environmental	[REDACTED]

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	<b>Officer</b>	<b>Support</b>	
██████████	<b>Work Health and Safety Manager</b>	<b>WH Support</b>	██████████
██████████	<b>Senior Work, Health and Safety Officer</b>	<b>WHS Support</b>	██████████
<b>Council after hours Incident number (Internal)</b>			██████████
<b>Council after hours emergency number (External)</b>			<b>0249880255</b>

## 6.0 Risk Management

### 6.1 Hazard Identification

The hazards and risk associated with the application of herbicides are identified in Council's Enterprise Risk Management System (ERMS). The register identified the hazards, risk, inherent risk rating, control measures and residual risk rating.

The following methods will be utilised to identify additional hazards/risks:

- Councils Safe Work Method Statements (SWMS)
- Use of Specific Worksite Assessment & Toolbox (SWAT). This form is completed by the supervisor prior to works commencing and identified the hazards and controls implemented in accordance with standard work procedures.
- Use of Chemical & Substance Risk Assessment (FM 3.15.1). This form is completed by any employee of Council and contractors reporting a hazard, which cannot be effectively controlled immediately and/or has not been identified in the ERMS.

### 6.2 Hierarchy of Controls

When determining how to control risks in the workplace the following hierarchy of control must be applied.

The hierarchy of controls is as follows:

1. **Eliminate** the hazard altogether.
2. **Substitute** the hazard with a safer alternative.
3. **Isolate** the hazard from anyone who could be harmed.
4. Use **engineering** controls to reduce the risk.
5. Use **administrative** controls to reduce the risk.
6. Use **personal protective equipment (PPE) / Environmental Safeguard**

### 6.3 Hazards and Actions

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<b>Description</b>	<b>Hazard</b>	<b>Consequences</b>	<b>Likelihood of harm to people or the environment</b>	<b>Escalating Factors</b>	<b>Actions</b>
Mixing chemicals for herbicide treatments	Wrong concentration mixed and applied to drains or waterways	Potential contamination of waterways	Low	Delayed response time	Follow directions on herbicide container Regular audits of weed treatment programs  Staff Training
Treatment of weeds from boat	Boat overturns in waterway losing all herbicide	Potential contamination of waterways	Low	Poor weather conditions  Delayed response time	Risk assessment of areas to be treated  Staff training
Treatment of weeds from weeds vehicle	Vehicle overturns spilling herbicide into waterway	Potential contamination of waterways	Low- medium	Poor weather conditions Difficult terrain	Conduct risk assessment of areas to be treated  Staff training
Treatment of weeds by contractor	Spill up to 5 litres of concentrated herbicide into waterway	Potential contamination of waterways	Low- medium	Poor weather conditions Difficult terrain	Conduct risk assessment of areas to be treated by Contractor
General treatment of weeds	Leakage of spray equipment	Potential WHS issues and potential contamination of waterways	Low	Poor maintenance of equipment	Regular audits of weed treatment program and equipment.

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General treatment of weeds	Spray areas outside of Licence	Potential WHS issues and potential contamination of waterways	Low	Poor supervision of weed treatments	Regular audits of weed treatment program
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## 6.4 Inventory of Chemicals and Safety Equipment

Location	Chemical	Max Quantity	Safety Equipment	Storage	Alarms
Weeds Vehicle	Glyphosate	20L	Spill equipment  PPE	Locked container with appropriate ventilation and signage	N/A
	Dicamba	5L			
	Metasulfuron methyl	1kg			
	Wetting Agents	5L			
Boat	Glyphosate	5L	Spill equipment  PPE	Bunded Tub, Bucket or containment vessel	N/A
	Metasulfuron methyl	500g			
	Wetting Agents	5L			
Contractor	Glyphosate	20L	Spill equipment  PPE	Locked container with appropriate ventilation and signage	N/A
	Metasulfuron methyl	1kg			
	Wetting Agents	5lt			

## 7.0 Training

All staff that mix or apply herbicides or calibrate equipment used to apply herbicides must hold Australian Qualifications Framework Level 3 (AQF 3) or equivalent.

- Staff with AQF 3 must be supervised by a staff member with Australian Qualifications Framework Level 4 (AQF4) or above.
- Proof of training must be carried on all staff at all times as it may be requested to be produced by an Authorised Officer of the EPA. This may include:
  - A certificate or statement of attainment issued by the registered training organisation in accordance with the Australian Qualifications Framework (AQF)

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- A card that has been approved by the EPA as being an equivalent record of evidence to the above forms of proof – currently this applies to cards issued by ChemCert NSW, SmartTrain and RuralBiz training, or
  - A permit or licence held by groups such as pest technicians and aerial applicators, who are subject to separate mandatory qualification requirements.
- All staff that apply or mix herbicides in or around waterways will be required to undertake training in relation to the procedures outlined in this plan, to ensure that staff are aware of their roles and responsibilities.
  - A record of training attendance and competencies for each staff member is maintained in Cornerstone. This system provides an automatic alert to the relevant Supervisor when staff are required to undertake refresher training.

Training around the PIRMP will include:

- Pollution incident classification and reporting
- Spill response
- Other incident response
- Early warning to neighbours
- Specific procedures in dealing with incidents
- Frequency of training and who will be trained

Training will be conducted every year prior to the Annual Return under the EPA Licence 5195.

All staff that use or mix herbicides will be trained in emergency / spill response in accordance with Council's ERMS procedure.

## 8.0 Emergency Response

### 8.1 Emergency Response

In the event that an incident occurs, the first step is to undertake a risk assessment of the site to determine if there is a risk to people, property and/or the environment and implement immediate corrective actions to prevent further harm. This can include:

- Cease current operations at the location
- Identify any new safety hazards to staff created by the incident
- If safe to do so, undertake immediate action to stop, contain and/or isolate the incident which could include:
  - Isolation of valves,
  - Turning pump off,
  - Use of spill kits.
- Assess the criticality of the incident:
  - Category 1:

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- Pollutant or contaminant has escaped the site which will require detailed clean-up possibly involving other agencies and/or additional resources not available to Council
- Damage is occurring or is likely to occur to the environment
- There is an immediate health or safety risk to the public (e.g. recreational bathing, fishing, tree vandalism)
- Category 2:
  - No pollutant has escaped the site or caused material harm to the environment and it can be easily cleaned-up without additional assistance.
  - Damage has already occurred and no further damage is likely to occur
- Category 3:
  - Technical condition breach of an approval, licence, permit etc.

## 8.2 Incident Reporting

All incidents require some form of notification. The two different types of reporting include internal and external reporting. Staff who are involved in or witness the incident are required to immediately assess whether the incident is of a notifiable nature – that is any incident resulting in actual or potential material harm to the health or safety of human beings or the environment that is not trivial, or results in actual or potential loss or property damage exceeding \$10,000.

It is an offense to fail to report a pollution incident posing ***material harm*** to the environment. It is no defence that relevant employees were ignorant of the duty to notify.

The duty to notify environmental incidents extends to employers, the person carrying on the activity, employees, occupiers, contractors and agents.

If unsure as to whether it is a notifiable incident, consult with the ERMS Environment Risk Team **IMMEDIATELY**. If the incident occurs outside of standard operating hours when the ERMS Environment Risk Team are not available for consultation - **IMMEDIATELY** contact the relevant Authorities identified below.

## 8.3 Internal Report

Environmental incidents must be ***immediately*** reported through to the Environmental Risk Manager via mobile or the Enterprise Risk On Call number (0409 492 116) after normal business hours.

All incidents and potential incidents are to be reported regardless of their severity.

Advise the Environmental Risk Manager or delegate:

1. Location of incident
2. Category of incident criticality (1, 2 or 3)
3. Date and time
4. Nature of incident (type of pollution, harm to flora and fauna, harm to heritage etc.)
5. Estimate of impact (litres of pollutant, extent of harm)
6. Any emergency / initial response actions undertaken and further actions identified

After initial report to the Environmental Risk Manager, staff or their supervisor must complete an Incident Report via Protecht.ERM **as soon as practical** (within 24 hours) and in accordance with Incident Hazard Near Miss Reporting and Investigation Procedure.

NOTE: An employee or contractor is required to report the incident to the EPA immediately if the incident causes material harm to the environment only when the employer (Council) or delegate cannot be contacted.

## 8.4 External Notification

Incidents may warrant notification to the appropriate regulatory authority as a Notifiable Incident. For a pollution incident, the EPA and other relevant authorities defined in s148 POEO Act (see table below) must be notified **immediately** if the incident causes or has the potential to cause material harm to the environment.

- The Environmental Risk Manager or delegate will assess the information and determine if the pollution incident is a Notifiable incident. The Environmental Risk Manager can consult with operational management / staff and technical specialist to determine the degree of harm.
- The Environmental Risk Manager or delegate will then notify EPA and relevant authorities. The only exception to this is if the Environmental Risk Manager or delegate cannot be contacted, it is then the responsibility of the staff member or contractor to undertake notification to relevant authorities of a notifiable incident.
- The contact details for the EPA and other relevant authorities to be notified as listed below.

### Notifiable Authorities Contact Details

Organisation	Contact Number
Appropriate Regulatory Authority (ARA) Either: - Environmental Protection Authority – Council incident - Port Stephens Council – non-Council incident	NSW EPA Environment Line 131555  Port Stephens Council 02 4980 0255
Environmental Protection Authority (when not the ARA)	Environment Line 131555 Newcastle Office Contact 02 4908 6800
NSW Ministry of Health	1300 066 055  Ministry of Health via the local Public Health Unit – we are in the Newcastle Public Health Unit (Hunter New England LHD)
Safe Work NSW	131050

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Local Authority (when not the ARA)	Port Stephens Council 02 4980 0255
Fire & Rescue NSW	1300 729 579

- The manner and form of notification is to comply with *Section 149 of the Protection of the Environment Operations Act 1997*.
- Relevant information is to be given in accordance with *Section 150 of the Protection of the Environment Operations Act 1997*.
- If the incident requires reporting to the EPA, the Environmental Risk Manager and relevant Operational Manager are responsible for notifying the EPA in writing within 7 days of the pollution incident occurring. See Appendix 5 for report template.

## 9.0 Communication

Communication is an important aspect of managing any response to a pollution incident. The mechanisms used and the information provided to stakeholders will depend on the circumstances of the pollution incident.

The objective of communication is to ensure that those potentially affected by a pollution incident know what has happened, how they may be affected by the incident, what they can do avoid potential harm, and to explain what Council is doing to rectify the incident.

In most cases, a pollution incident will be confined to a particular location and notification to stakeholders can be handled by the erection of warning signage. Where the incident is not confined to a particular area and/or may have a significant impact upon the environment the following types of communication mechanisms are to be considered when selecting an appropriate means of providing stakeholder notification;

- Phoning stakeholders,
- Emailing stakeholders,
- Issuing of media releases, and
- Posting of notices on Council's website.

The EPA is also able to issue a direction to notify any other person of the incident that the EPA considers necessary therefore directions given by the EPA must also be complied with.

### 9.1 Pollution Complaints

If a member of the public suspects a pollution incident has occurred as a result of a Council Activity, Council should be contacted immediately on (02) 49800392. This number can be obtained from the signage displayed whilst applying the herbicide as well as the public notifications.

- Records must be kept of all complaints made to Council in relation to pollution arising from any of the activities associated with the EPL. The record must include details of the following:
  - the date and time of the complaint;
  - the method by which the complaint was made;
  - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
  - the nature of the complaint;
  - the action taken in relation to the complaint, including any follow-up contact with the complainant; and
  - if no action was taken, the reasons why no action was taken.
- The record of a complaint must be kept for at least 4 years after the complaint was made.
- The record must be produced to any authorised officer of the EPA who asks to see them.

## 10 Testing & Review

This plan will be reviewed annually prior to submission of the Annual Return. In addition, the plan will be reviewed:

- Within one month of any pollution incident (or near miss) occurring,
- When legislative requirements are changed, or
- When there is a change in work processes.

The plan will be tested annually prior to submission of the Annual Return. The scenarios tested will be obtained from the risk register and those with the highest risks will be tested as a priority.

# Appendix 1

ERMS Poster – Caution Reporting Info - 2020

# Appendix 2

ERMS Poster – Reporting / Near Miss - 2020

# Appendix 3

ERMS Poster – Environmental Incidents –2020

# Appendix 4

EMS 4: Environmental Incident Process - 2025

# Appendix 5

Environmental Incident Report

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