

Meeting commenced at 3.00pm.

BUSINESS:

- 1) Apologies
- 2) Declarations of Interest.
- 3) a. Confirmation of Minutes of the Meeting held 17th February 2022.
b. Matters arising out of Minutes. (Not elsewhere reported)
- 4) Correspondence
 - a. Agenda A (Information Only)
 - b. Agenda B
- 5) General Manager's Report
 - 5.1 General Manager's Report
 - 5.2 Executive Manager, Corporate & Community Services' Report
 - 5.3 Executive Manager, Engineering & Technical Services' Report
 - 5.4 Executive Manager, Development & Environmental Services' Report
- 6) Recommendations of a Committee of a Whole Meeting held 17th March 2022.
- 7) Minutes of the Audit, Risk & Improvement Committee Meeting held 3rd March 2022.
- 8) Reports: Delegates/Mayor/Councillors.

PRESENT: Clr David McCann, Clr Jeremy Crocker, Clr Bronwyn Hatty, Clr Bruce Hutcheon, Clr Wayne Lewis, Clr Colin McKinnon, Clr Garth Perkin and Clr Kathy Maslin.

STAFF: Tony Donoghue, General Manager;
Courtney Armstrong, Executive Manager, Corporate & Community Services;
Tony Kelly, Executive Manager, Engineering & Technical Services;
Colby Farmer, Executive Manager, Development & Environmental Services.

APOLOGY: Clr Alan White.

1) APOLOGY

RESOLVED on the motion of Clr Maslin and seconded by Clr Hatty that the apology of Clr Alan White be received and accepted. 33/03/2022

2) DECLARATIONS OF INTEREST

No interests were declared.

3a) CONFIRMATION OF MINUTES OF THE MEETING HELD 17TH FEBRUARY 2022,

RESOLVED on the motion of Clr Crocker and seconded by Clr Perkin that the Minutes of the Meeting held 17th February 2022 as circulated be confirmed and adopted. 34/03/2022

3b) MATTERS ARISING OUT OF THE MINUTES

There were no matters arising out of the Minutes.

4) CORRESPONDENCE

AGENDA A (FOR INFORMATION ONLY)

1a) ACTIVITY REPORTS

- 1) Operating Statistics of the Coolamon Shire Library for February 2022. Attachment No. 1.1
- 2) Community Development Officer's Report for February 2022. Attachment No. 1.2
- 3) Road Safety Officer's Report for February 2022. Attachment No. 1.3

General Manager's Note

- ➔ The above reports are operating reports only for use by Senior Staff. They are submitted to Council as part of Agenda A for information only.

2a) INFORMATION PAPERS

→ The following papers have been **distributed** with Council's supplementary material as being matters of information/interest to Councillors. If Councillors desire any further information on the matters distributed, then that can be raised with the General Manager.

- 1) Minutes of the Annual General Meeting of the Beckom Hall & Community Committee held 15th February 2022. Attachment No. 2.1
- 2) Minutes of the Advance Ganmain Committee Meeting held 2nd March 2022. Attachment No. 2.2
- 3) Minutes of the Advance Ardlethan Committee Meeting held 7th March 2022. Attachment No. 2.3
- 4) Minutes of the Advance Matong Committee Meeting held 7th March 2022. Attachment No. 2.4
- 5) Minutes of the Country Mayors Association of NSW AGM Meeting held 5th November, 2021 and Adjourned AGM Meeting held 11th March, 2022. Attachment No. 2.5
- 6) Minutes of the Country Mayors Association of NSW Meeting held 11th March, 2022. Attachment No. 2.6
- 7) Minutes of the AGM and Ordinary Meeting of the Ardlethan Showground Management Committee Meeting held 25th February 2022. Attachment No. 2.7

Note: The Minutes of the Section 355 Committees are for notation only and this does not necessarily mean any action recommended has been endorsed by Council. The Section 355 Committee will need to follow the appropriate due process to action any recommendations.

RESOLVED on the motion of Clr Maslin and seconded by Clr Hutcheon that the Correspondence listed in Agenda A be received. B5/03/2022

5) GENERAL MANAGER'S REPORT

5.1 GENERAL MANAGER REPORTS

GM1) COOLAMON SHIRE COMMUNITY TOUR (P.11-01, SC315)

On Tuesday, 22nd February 2022 Councillors visited each of the six communities within the Shire to speak with members of the Advance or Hall Committees to:

- Inspect works previously undertaken.
- Obtain feedback from the community on ideas and future needs.
- Introduce new Councillors to the communities.

The information received back from this tour will be dealt with by Council Staff or provided to Council for consideration in upcoming budgets.

Recommendation

For Council information.

RESOLVED on the motion of Clr Hatty and seconded by Clr Hutcheon that the report be received. 36/03/2022

GM2) VOLUNTEER WORKERS – MATONG (C.09-30, SC124)

Council has been advised that the following people be listed on the Volunteer Mowing List for Matong:

David Greenwell, Lesley Greenwell, Denis Ashcroft, Amanda Ashcroft

Recommendation

That the following persons be authorised to operate Council equipment on behalf of Council in the Village of Matong:

David Greenwell, Lesley Greenwell, Denis Ashcroft, Amanda Ashcroft

RESOLVED on the motion of Clr Lewis and seconded by Clr Perkin that the following persons be authorised to operate Council equipment on behalf of Council in the Village of Matong: 37/03/2022

David Greenwell, Lesley Greenwell, Denis Ashcroft, Amanda Ashcroft

GM3) UPCOMING FEDERAL ELECTION – ALGA (E.01-03, SC159)

The Australian Local Government Association (ALGA) have provided Council with a list of National priorities that will form the basis of their campaign advocating for improvements to Local Government Industry at the upcoming Election.

- Of the 17 items identified, (please see attached) not all relate specifically to Coolamon Shire Council. However, as an industry, it is important to support our National Industry body as it advocates and negotiates with the Federal Government in regard to Local Government issues. **Attachment No. 3**

Recommendation

That Council supports the National Funding Priorities of the Australian Local Government Association (ALGA) in advocating for the 17 identified priorities which would contribute an estimate of \$6.46 Billion per year to Australia's GDP and create 43,444 jobs.

RESOLVED on the motion of Cllr Maslin and seconded by Cllr Hatty that Council supports the National Funding Priorities of the Australian Local Government Association (ALGA) in advocating for the 17 identified priorities which would contribute an estimate of \$6.46 Billion per year to Australia's GDP and create 43,444 jobs. **38/03/2022**

GM4) RATE PEGG (R.04-05, SC325)

IPART recently determined a rate peg of 0.7% to be used by Councils as part of their annual increase to rates.

As a sector, Local Government was extremely disappointed with this outcome and believed that the financial indicators used by IPART to determine this figure were flawed. This was an industry wide response to this outcome that was believed to be well below expectation and market conditions.

- REROC has written a letter to IPART expressing its concerns and belief that it is a structurally flawed percentage increase. A copy was distributed to numerous Politicians including the Premier. Please see attached letter.

Attachment No. 6.1

In addition, Local Government NSW also made representations on the Industry's behalf seeking that this determination be reviewed.

→ As a result of these numerous representations and responses to the Office of Local Government, the new Minister has released a Statement advising that an opportunity will be provided for a special rates variation specifically associated with this year's IPART determination. Please see attached. **Attachment No. 6.2**

→ Councils will be permitted to increase their rate peg up to the amount identified in their Long Term Financial Plan, capped at a maximum of 2.5%. **Attachment No. 6.3**

Coolamon Shire Council, in last year's Long Term Financial Plan, identified a 2.5% general rate peg increase. This was based on Award wage increases, ESL, fuel prices and general cost of operating expenses.

In order to participate in this special rate variation, Council need to determine by resolution that they will seek the permitted special rate variation.

It is considered that there are two important issues to consider in applying for the special rate variation:

- The first being that any reduction in not using the maximum rate peg has a long term financial effect that is extenuated over time. For example, if Council only took a 0.7% rate peg then the base for next year's rates will be lower and compound over the subsequent years. This creates a large reduction in income by the time you have reached the 10th year in your Long Term Financial Plan.
- The second issue is that the Industry has fought very hard to identify and advocate for the inadequacies of this determined rate peg by IPART and failure to take it up would only be supporting IPART's ill determined rate peg figure and undermining the sectors advocacy.

The rate peg nominated by IPART at 0.7% is an income of approximately \$18,000, which is significantly under our previous budget estimates. A 2.5% rate peg is approximately \$64,000. The additional \$46,000 is spread across 2,900 ratepayers, an approximate \$16.00 difference per annum for each ratepayer.

This income is important in Council maintaining the services that it currently provides. Any erosion in this cost creates pressure on our ability to meet community expectations and can ultimately mean decisions need to be made to cut or reduce these services.

Council has long held the opinion that it is better to take the maximum increases annually, rather than get to a position where a special rate variation is required to maintain ongoing operations.

Recommendation

- 1) That Coolamon Shire Council resolves to apply for a permanent special variation under Section 508(2) of the Act for the 2022/2023 financial year to include a 2.5% rate peg in accordance with the previously advertised Long Term Financial Plan.
- 2) That in resolving the above, Council acknowledges:
 - That this is \$46,000 above the stated 0.7% IPART determination.
 - That this will ensure Council can continue to maintain its current services.
 - That the rate is considered reasonable.

RESOLVED on the motion of Clr Crocker and seconded by Clr Hutcheon: 39/03/2022

- 1) **That Coolamon Shire Council resolves to apply for a permanent special variation under Section 508(2) of the Act for the 2022/2023 financial year to include a 2.5% rate peg in accordance with the previously advertised Long Term Financial Plan, and**
- 2) **That in resolving the above, Council acknowledges:**
 - **That this is \$46,000 above the stated 0.7% IPART determination.**
 - **That this will ensure Council can continue to maintain its current services.**
 - **That the 2.5% rate peg is considered reasonable.**

**GM5) COOLAMON BUSINESS PARK - DEED OF COMPULSORY ACQUISITION
(I.03-14, SC1066)**

Coolamon Shire Council has finally received the Deed of Compulsory Acquisition in regard to the additional land owned by Transport for NSW associated with the Coolamon Business Park. Coolamon Shire Council has been working with the Authority to ensure that all conditions of this sale are met.

- a) Council will now need to return the signed copy to Transport for NSW.
- b) Send a copy to the Office of Local Government.
- c) Commence the draft Contract of Sale with Commins Hendriks.

All of these matters have been dealt with under previous resolutions of Council, however, at this point this report is advising where this situation is currently up to.

Recommendation

For Council information.

RESOLVED on the motion of Clr Maslin and seconded by Clr Hutcheon that the report be received. 40/03/2022

GM6) ARTWORK (C.08-11, SC109)

Following the many successful Coolamon Up2Date Art Exhibitions and various other events that have been held, some discussions by numerous people have been held with Andrew Whitehead, the Sculptor who provides a display annually to this event.

These discussions have revolved around a piece of public artwork to be displayed in the main street.

Andrew Whitehead has advised that there is a significant lead time engaging his services and provided an estimate of price. Large displays are approximately \$35,000.

Council have previously discussed the issue of providing some artwork in Coolamon and Ganmain that would support the pieces already in the main street of Ardlethan. Council has previously discussed replacing the sheaf of hay in the Haystack Display at Ganmain due to its age and wear and tear.

The earliest timeframe Andrew has given would be towards the end of this calendar year which would mean any artwork would be late this financial year or early into the next.

Recommendation

For Council information.

RESOLVED on the motion of Clr Lewis and seconded by Clr Perkin that the General Manager continue discussions with Artist, Andrew Whitehead about possible public Art and seek funding opportunities to support it. 41/03/2022

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

5.2 EXECUTIVE MANAGER, CORPORATE & COMMUNITY SERVICES' REPORTS

CS1) FINANCE REPORT

DATE INVESTED	INSTITUTION	RATING	INVESTMENT TYPE	AMOUNT INVESTED	TERMS (days)	RATE	MATURITY DATE
2/09/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 1,001,512	181	0.50%	2/03/2022
9/09/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 2,000,000	365	0.50%	9/03/2022
10/09/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	181	0.50%	10/03/2022
19/03/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	304	0.60%	19/03/2022
29/03/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 2,000,000	304	0.60%	29/03/2022
5/05/2021	Macquarie Bank	A1/A+	Term Deposit	\$ 1,000,000	365	0.40%	5/05/2022
21/07/2021	Judo Bank	NR (Govt Guarantee)	Term Deposit	\$ 250,000	365	0.85%	21/07/2022
24/11/2021	Bank of Queensland	A2/BBB+	Term Deposit	\$ 1,000,000	240	0.60%	22/07/2022
3/08/2021	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	365	0.75%	3/08/2022
23/09/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	0.60%	23/09/2022
1/10/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	0.60%	1/10/2022
30/09/2021	AMP	A2/BBB	Term Deposit	\$ 1,000,000	369	0.80%	4/10/2022
19/10/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 750,000	365	0.60%	19/10/2022
8/11/2021	Bank of Queensland	A2/BBB+	Term Deposit	\$ 1,000,000	365	0.55%	8/11/2022
19/01/2022	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	303	1.00%	18/11/2022
25/11/2021	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	365	1.00%	25/11/2022
25/11/2021	AMP	A2/BBB+	Term Deposit	\$ 500,000	365	1.00%	25/11/2022
10/12/2021	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	365	1.10%	10/12/2022
14/01/2022	AMP	A2/BBB+	Term Deposit	\$ 500,000	365	1.10%	16/01/2023
17/01/2022	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	365	1.10%	17/01/2023
1/02/2022	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	365	1.10%	1/02/2023
11/02/2022	AMP	A2/BBB+	Term Deposit	\$ 2,000,000	367	1.10%	13/02/2023
TOTAL INVESTED				\$ 23,001,512			

I hereby certify that the above investments have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2021* and Council's Investment Policy.

 (Samantha Jennings, Finance Manager)

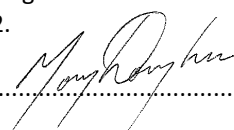
RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS (as at 30 June 2021)

External Restrictions - included in liabilities	
Specific purpose unexpended grants	1,550,611.83
Allawah Lodge Bonds & Payments	4,667,532.85
Allawah Village Loan Licences	3,622,432.44
Home Care Packages	544,964.06
	10,385,541.18
External Restrictions - other	
Developer contributions - general	67,613.37
Specific purpose grants (recognised as revenue)	475,265.77
Sewerage Services	1,598,022.28
Domestic Waste Management	750,153.46
Stormwater Management	64,569.62
Other - Community Transport	230,864.00
	3,186,488.50
Internal Restrictions	
Plant & vehicle replacement	1,000,000.00
Employees Leave Entitlements	1,499,000.00
Deferred Works	219,960.00
Ardlethan Preschool (non-grant)	39,155.28
Asset management/replacement	3,500,000.00
Financial Assistance Grant Advance	2,063,337.00
Swimming Pools	55,000.00
Rehabilitation of Gravel Pits	168,000.00
Coolamon Early Childhood Centre	361,222.45
Allawah Lodge	706,001.68
Allawah Village	578,588.69
	10,190,265.10
TOTAL RESTRICTIONS	23,762,294.78
UNRESTRICTED	985,659.43
TOTAL CASH, CASH EQUIVALENTS & INVESTMENTS	24,747,954.21

This is Page No. 9 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.



..... MAYOR.....



..... GENERAL MANAGER.....

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

COOLAMON SHIRE COUNCIL
INCOME STATEMENT

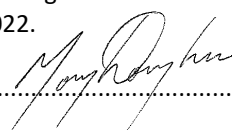
for the period 1st July 2021 to 30th June 2022

	FEBRUARY 2022	JANUARY 2022	DECEMBER 2021	2021/2022 BUDGET	2020/2021 ACTUAL
Income from continuing operations					
Rates & annual charges	4,040,020.79	4,040,020.79	4,045,475.94	4,042,000.00	3,958,280.47
User charges & fees	3,423,121.67	3,093,282.27	2,656,677.59	4,785,000.00	5,072,093.97
Other revenues	171,277.91	161,970.27	135,483.49	363,000.00	583,429.79
Grants & contributions provided for operating purposes	3,754,464.96	3,186,626.20	2,600,921.85	4,598,000.00	7,322,392.31
Grants & contributions provided for capital purposes	1,836,925.40	1,509,205.76	1,510,660.40	3,581,000.00	2,396,269.47
Interest and investment revenue	39,153.25	21,189.48	14,790.40	114,000.00	270,638.20
Other income	220,867.00	219,935.57	195,001.36	382,000.00	371,469.25
Net gain from the disposal of assets	183,815.26	153,815.26	153,815.26	61,000.00	-110,943.76
Internals	0.00	0.00	0.00		0.00
Total income from continuing operations	13,669,646.24	12,386,045.60	11,312,826.29	17,926,000.00	19,863,629.70
Expenses from continuing operations					
Employee benefits and on-costs	4,511,789.65	3,923,800.67	3,370,511.39	6,665,000.00	6,740,916.96
Materials & services	3,438,669.43	2,971,782.92	2,729,717.89	5,120,000.00	4,719,276.22
Borrowing costs	10,960.16	10,960.16	8,410.76	45,000.00	26,510.03
Depreciation, amortisation & impairment	2,131,580.23	2,131,580.23	2,131,580.23	4,240,000.00	4,095,962.48
Other expenses	242,435.21	189,332.03	189,332.03	362,000.00	481,694.29
Net loss from the disposal of assets					
Total expenses from continuing operations	10,335,434.68	9,227,456.01	8,429,552.30	16,432,000.00	16,064,359.98
Operating result from continuing operations	3,334,211.56	3,158,589.59	2,883,273.99	1,494,000.00	3,799,269.72
Net operating result for the year before grants and contributions provided for capital purposes					
	1,497,286.16	1,649,383.83	1,372,613.59	-2,087,000.00	1,403,000.25

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..... MAYOR.....



..... GENERAL MANAGER.....

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

COOLAMON SHIRE COUNCIL
INCOME STATEMENT BY FUND

February 2021			
CONSOLIDATED			
	GENERAL FUND	SEWERAGE FUND	TOTAL
Income from continuing operations			
Rates & annual charges	3,290,794.81	749,225.98	4,040,020.79
User charges & fees	3,423,121.67	0.00	3,423,121.67
Other revenues	170,696.02	581.89	171,277.91
Grants & contributions provided for operating purposes	3,743,371.06	11,093.90	3,754,464.96
Grants & contributions provided for capital purposes	1,503,925.40	333,000.00	1,836,925.40
Interest and investment revenue	37,865.81	1,287.44	39,153.25
Other income	220,867.00		220,867.00
Net gain from the disposal of assets	183,815.26	0.00	183,815.26
Internals	0.00	0.00	0.00
Total income from continuing operations	12,574,457.03	1,095,189.21	13,669,646.24
Expenses from continuing operations			
Employee benefits and on-costs	4,383,348.51	128,441.14	4,511,789.65
Materials & services	3,323,589.97	115,079.46	3,438,669.43
Borrowing costs	10,960.16		10,960.16
Depreciation & amortisation	2,001,386.25	130,193.98	2,131,580.23
Other expenses	242,435.21	0.00	242,435.21
Total expenses from continuing operations	9,961,720.10	373,714.58	10,335,434.68
Operating result from continuing operations	2,612,736.93	721,474.63	3,334,211.56
Net operating result for the year before grants and contributions provided for capital purposes			
	1,108,811.53	388,474.63	1,497,286.16

This is Page No. 11 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.

..... MAYOR..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

BALANCE SHEET

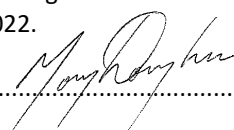
for the period 1st July 2021 to 30th June 2022

	FEBRUARY 2022	JANUARY 2022	DECEMBER 2021	2021/2022 BUDGET (ADJ FOR OPENING BALS)	2020/2021 ACTUAL
ASSETS					
Current assets					
Cash and cash equivalents	1,869,986.46	1,994,547.75	2,619,177.38	(662,574.97)	3,746,441.88
Investments	23,001,512.33	23,001,512.33	23,001,512.33	21,001,511.33	21,001,512.33
Receivables	1,204,816.33	1,251,560.98	1,270,784.69	767,516.46	767,845.79
Inventories	84,602.57	87,413.53	75,225.32	1,240,551.62	60,806.06
Other					
Total current assets	26,160,917.69	26,335,034.59	26,966,699.72	22,347,004.44	25,576,606.06
Non-current assets					
Investments					
Receivables	280,092.35	280,092.35	280,092.35	248,247.60	280,092.35
Inventories	1,136,866.84	1,136,866.84	1,136,866.84	1,136,698.42	1,136,866.84
Infrastructure, property, plant & equipment	241,544,470.80	241,132,256.54	240,373,362.54	246,977,705.63	238,042,200.34
Accumulated Dep'n - Infrastructure, PP&E	(49,259,840.70)	(49,344,390.70)	(49,344,390.70)	(51,810,366.77)	(47,569,655.61)
Accumulated Imp't - Infrastructure, PP&E	0.00	0.00	0.00	0.00	0.00
Total non-current assets	193,701,589.29	193,204,825.03	192,445,931.03	196,552,284.88	191,889,503.92
Total assets	219,862,506.98	219,539,859.62	219,412,630.75	218,899,289.32	217,466,109.98
LIABILITIES					
Current liabilities					
Payables	8,216,156.69	8,185,281.05	8,316,636.49	9,046,081.69	9,311,685.38
Contract Liabilities	1,713,406.67	1,598,035.27	1,598,035.27		
Borrowings	0.00	0.00	0.00	0.00	0.00
Employee benefit provisions	1,972,611.32	1,971,763.10	1,988,424.52	2,135,131.52	1,975,675.24
Provisions	28,578.00	28,578.00	28,578.00	0.00	28,578.00
Other	3,768.52	3,838.39	3,908.26	5,785.31	5,785.31
Total current liabilities	11,934,521.20	11,787,495.81	11,935,582.54	11,186,998.52	11,321,723.93
Non-current liabilities					
Payables	3,856.18	3,856.18	3,856.18	3,466.23	3,856.18
Borrowings	0.00	0.00	0.00	0.00	0.00
Employee benefit provisions	135,342.63	135,342.63	135,342.63	135,342.63	135,342.63
Provisions	390,052.54	390,052.54	390,052.54	435,377.90	390,052.54
Total non-current liabilities	529,251.35	529,251.35	529,251.35	574,186.76	529,251.35
TOTAL LIABILITIES	12,463,772.55	12,316,747.16	12,464,833.89	11,761,185.28	11,850,975.28
Net assets	207,398,734.43	207,223,112.46	206,947,796.86	207,138,104.04	205,615,134.70
EQUITY					
Retained earnings	104,377,937.25	104,202,315.28	103,926,999.68	104,117,184.31	101,043,725.69
Reserves	103,020,797.18	103,020,797.18	103,020,797.18	103,020,919.73	103,020,797.18
Internal Assets/Liabilities	0.00	0.00	0.00		0.00
Trust Transfer					
Total equity	207,398,734.43	207,223,112.46	206,947,796.86	207,138,104.04	204,064,522.87

This is Page No. 12 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.



..... MAYOR.....



..... GENERAL MANAGER.....

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

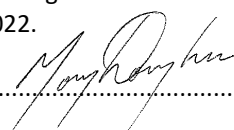
COOLAMON SHIRE COUNCIL
BALANCE SHEET BY FUND

	February 2021		COOLAMON SHIRE TOTAL
	CONSOLIDATED GENERAL FUND	SEWERAGE FUND	
ASSETS			
Current assets			
Cash and cash equivalents	(419,778.41)	2,289,764.87	1,869,986.46
Investments	23,001,512.33		23,001,512.33
Receivables	988,696.86	216,119.47	1,204,816.33
Inventories	84,602.57		84,602.57
Other			0.00
Total current assets	23,655,033.35	2,505,884.34	26,160,917.69
Non-current assets			
Investments			0.00
Receivables	280,092.35		280,092.35
Inventories	1,136,866.84		1,136,866.84
Infrastructure, property, plant & equipment	221,311,385.80	20,233,085.00	241,544,470.80
Accumulated Depreciation	(41,997,764.49)	(7,262,076.21)	(49,259,840.70)
Accumulated Impairment	0.00		0.00
Total non-current assets	180,730,580.50	12,971,008.79	193,701,589.29
Total assets	204,385,613.85	15,476,893.13	219,862,506.98
LIABILITIES			
Current liabilities			
Payables	8,216,156.69	0.00	8,216,156.69
Contract Liabilities	1,713,406.67		1,713,406.67
Interfunding			0.00
Interest bearing liabilities	0.00		0.00
Employee benefit provisions	1,972,611.32		1,972,611.32
Provisions	28,578.00		28,578.00
Other	3,768.52	0.00	3,768.52
Total current liabilities	11,934,521.20	0.00	11,934,521.20
Non-current liabilities			
Payables	3,856.18		3,856.18
Interest bearing liabilities	0.00		0.00
Employee benefit provisions	135,342.63		135,342.63
Provisions	390,052.54		390,052.54
Total non-current liabilities	529,251.35	0.00	529,251.35
TOTAL LIABILITIES	12,463,772.55	0.00	12,463,772.55
Net assets	191,921,841.30	15,476,893.13	207,398,734.43
EQUITY			
Retained earnings	94,766,315.67	9,611,621.58	104,377,937.25
Reserves	97,155,525.63	5,865,271.55	103,020,797.18
Internal Assets & Liabilities			0.00
Trust Transfer			0.00
Total equity	191,921,841.30	15,476,893.13	207,398,734.43

This is Page No. 13 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.



..... MAYOR.....



.....GENERAL MANAGER.....

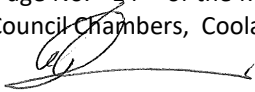
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

COOLAMON SHIRE COUNCIL
INTERNAL & EXTERNAL RESTRICTIONS

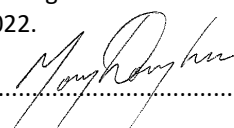
for the period 1st July 2020 to 30th June 2021

	2021/2022				
	FEBRUARY 2022	JANUARY 2022	DECEMBER 2021	BUDGET (ADJ FOR OPENING BAL)	2020/2021 ACTUAL
<i>EXTERNALLY RESTRICTED</i>					
Contract Liabilities	1,230,200.99	1,140,401.71	1,381,318.28	1,283,762.23	1,550,611.83
Allawah Lodge Accommodation Payments	4,359,351.94	4,359,351.94	4,456,040.76	4,667,532.85	4,667,532.85
Allawah Village Loan-Licence	3,764,970.44	3,764,970.44	3,872,432.44	3,787,585.44	3,622,432.44
Home Care Packages	357,000.00	445,518.02	488,400.64	544,964.06	544,964.06
Developer Contributions	92,791.83	92,791.83	92,791.83	28,289.49	67,613.37
Grant Revenues	316,438.48	334,799.48	336,694.47	475,265.77	475,265.77
Sewerage Fund	2,289,764.87	2,251,640.97	2,240,646.41	1,649,557.95	1,598,022.28
Waste Management	951,448.59	931,442.36	967,951.18	753,961.79	750,153.46
Stormwater Management Reserve	64,537.59	67,887.59	69,087.59	46,344.62	64,569.62
Other - Community Transport	247,996.73	257,990.47	257,990.47	230,864.00	230,864.00
	13,674,501.46	13,646,794.81	14,163,354.07	13,468,128.20	13,572,029.68
<i>INTERNALLY RESTRICTED</i>					
Plant Replacement Reserve	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00
Employees Leave Entitlements Reserve	1,499,000.00	1,499,000.00	1,499,000.00	1,619,237.00	1,499,000.00
Deferred Works Reserve	167,483.31	167,483.31	180,737.30	162,170.00	219,960.00
Ardlethan Preschool	48,886.28	48,886.28	48,886.28	48,444.28	39,155.28
Asset Management	3,500,000.00	3,500,000.00	3,500,000.00	1,678,812.00	3,500,000.00
Financial Assistance Grant	0.00	0.00	0.00	120,568.00	2,063,337.00
Swimming Pools Reserve	55,000.00	55,000.00	55,000.00	75,000.00	55,000.00
Gravel Pits Rehabilitation Reserve	168,000.00	168,000.00	168,000.00	188,000.00	168,000.00
CECC Asset Mgt Reserve	478,688.56	509,683.44	514,733.43	333,288.45	361,222.45
Allawah Lodge Asset Mgt Reserve	1,046,767.27	983,210.28	931,509.05	714,360.27	706,001.68
Allawah Village Asset Mgt Reserve	284,977.00	452,318.78	474,141.39	260,790.33	578,588.69
	8,248,802.42	8,383,582.09	8,372,007.45	6,200,670.33	10,190,265.10
Unrestricted	2,948,194.91	2,965,683.18	3,085,328.19	670,263.95	985,659.43
TOTAL CONSOLIDATED CASH	24,871,498.79	24,996,060.08	25,620,689.71	20,339,062.47	24,747,954.21

This is Page No. 14 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.



..... MAYOR.....



..... GENERAL MANAGER.....

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

RATE COLLECTIONS

	ARREARS BEWD.	LEVIES INC. INTEREST	TOTAL	COLLECTIONS TO DATE	% TO TOTAL	ADJUSTMENTS INC. PENS CONCESSIONS	ADI TOTAL	% TO TOTAL	COLLECTABLE BALANCE
29/02/2004	280,098.47	2,040,037.25	2,320,135.72	1,493,640.99	64.38%	113,902.77	2,206,232.95	67.70%	712,591.96
28/02/2005	181,374.69	2,088,885.73	2,270,260.42	1,536,902.79	67.70%	107,409.99	2,162,850.43	71.06%	625,947.64
28/02/2006	163,566.58	2,166,276.06	2,329,842.64	1,586,671.64	68.10%	107,637.18	2,222,205.46	71.40%	635,533.82
28/02/2007	185,519.90	2,257,430.13	2,442,950.03	1,512,303.95	61.90%	108,419.86	2,334,530.17	64.78%	822,226.22
29/02/2008	236,912.33	2,419,461.32	2,656,373.65	1,723,959.54	64.90%	123,567.29	2,532,806.36	68.07%	808,846.82
28/02/2009	277,343.62	2,501,752.43	2,779,096.05	1,756,333.12	63.20%	123,299.59	2,655,796.46	66.13%	899,463.34
28/02/2010	239,371.45	2,606,704.36	2,846,075.81	1,777,941.20	62.47%	122,503.03	2,723,572.78	65.28%	945,631.58
28/02/2011	309,194.09	2,728,171.69	3,037,365.78	1,940,609.18	63.89%	171,160.29	2,866,205.49	67.71%	925,596.31
29/02/2012	239,162.46	2,874,772.76	3,113,935.22	2,090,873.54	67.15%	129,282.64	2,984,652.58	70.05%	893,779.04
28/02/2013	207,935.41	3,041,094.60	3,249,030.01	2,105,199.24	64.79%	128,040.61	3,253,729.89	67.45%	1,015,790.16
28/02/2014	230,807.22	3,147,352.13	3,378,159.35	2,172,025.22	64.30%	124,429.46	3,442,750.60	68.17%	1,095,789.20
28/02/2015	263,562.88	3,301,649.47	3,565,212.35	2,346,961.40	65.83%	122,461.75	3,628,865.88	70.46%	1,071,994.24
29/02/2016	335,520.44	3,417,249.55	3,752,769.99	2,556,871.64	68.13%	123,904.11	3,683,158.67	69.88%	1,109,250.51
28/02/2017	300,944.76	3,505,519.27	3,806,464.03	2,573,908.16	67.62%	123,305.36	3,759,883.60	69.60%	1,142,835.60
28/02/2018	303,728.87	3,574,224.52	3,877,953.39	2,617,048.00	67.49%	118,069.79	3,888,367.86	68.66%	1,218,428.12
28/02/2019	319,410.16	3,687,013.32	4,006,423.48	2,669,939.74	66.64%	118,055.62	4,042,753.45	68.54%	1,271,723.94
29/02/2020	368,193.86	3,791,764.40	4,159,958.26	2,771,029.51	66.61%	117,204.81	4,248,718.79	68.57%	1,335,467.55
28/02/2021	342,642.82	4,030,652.28	4,373,295.10	2,913,251.24	66.61%	124,576.31	4,248,718.79	68.57%	1,335,467.55
2021/2022									
31/07/2021	190,868.79	4,113,117.16	4,303,985.95	478,276.41	11.11%	121,612.50	4,182,373.45	11.44%	3,704,097.04
31/08/2021	190,868.79	4,114,260.21	4,305,129.00	1,493,306.90	34.69%	122,659.36	4,182,469.64	35.70%	2,689,162.74
30/09/2021	190,868.79	4,114,650.96	4,305,519.75	1,725,384.52	40.07%	122,659.36	4,182,860.39	41.25%	2,457,475.87
31/10/2021	190,868.79	4,114,469.66	4,305,338.45	1,830,243.25	42.51%	122,237.48	4,183,100.97	43.75%	2,352,857.72
30/11/2021	190,868.79	4,108,690.93	4,299,559.72	2,337,839.98	54.37%	122,871.86	4,176,687.86	55.97%	1,838,847.88
31/12/2021	190,868.79	4,108,193.52	4,299,062.31	2,523,488.75	58.70%	122,053.10	4,177,009.21	60.41%	1,653,520.46
31/01/2022	190,868.79	4,097,865.57	4,288,734.36	2,627,103.83	61.26%	122,493.73	4,166,240.63	63.06%	1,539,136.80
28/02/2022	190,868.79	4,098,584.08	4,289,452.87	3,071,356.71	71.60%	122,493.71	4,166,959.16	73.71%	1,095,602.45

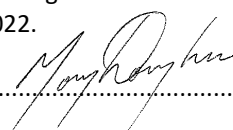
Recommendation

That the report be received.

RESOLVED on the motion of Clr Crocker and seconded by Clr McKinnon that the report be received. 42/03/2022



MAYOR



GENERAL MANAGER

CS2) POLICY REVIEW (P.12-01, SC316)

As part of Council's policy review following the election of a new Council, the following policies are presented by staff:

- Off Leash Exercise Area for Dogs Policy – (to be rescinded as it is included in the Local Companion Animals Management Plan)
- Local Companion Animals Management Plan (re-adoption no changes proposed)
- Contaminated Land Management Policy (re-adoption no changes proposed)
- Asbestos Policy (re-adoption no changes proposed)
- Awnings Policy (re-adoption no changes proposed)
- Burning Refuse in Town Areas Policy (re-adoption no changes proposed)
- Keeping of Dogs in Council Caravan Parks Policy (replacing Coolamon Caravan Park Policy – title update only)
- Keeping of Horses within the Coolamon Shire Policy (re-adoption no changes proposed)
- Keeping of Pigs in Areas Zoned RU5 – Village Policy (re-adoption no changes proposed)
- Mobile Garbage Bin Issue & Replacement Policy (re-adoption no changes proposed)
- On-site Sewage Management System Classification & Inspection Policy (update of legislation reference)
- Rejection or Withdrawal of Development Applications Policy (re-adoption no changes proposed)
- Relocatable Dwellings & Manufactured Homes Policy (removal of requirement to provide BASIX certificate)
- Sewage Treatment Plant Disposal of Effluent Policy (inclusion of Ardlethan Sewerage Treatment Works)
- Swimming Pool Safety Policy (re-adoption no changes proposed)
- Telecommunications Tower Use/Rental Policy (interference & structural adequacy clauses added)

Recommendation

- 1) That the following policy be rescinded:
 - Off Leash Exercise Area for Dogs Policy
- 2) That the following policies, as presented, be adopted:
 - Local Companion Animals Management Plan
 - Contaminated Land Management Policy
 - Asbestos Policy

- Awnings Policy
- Burning Refuse in Town Areas Policy
- Keeping of Dogs in Council Caravan Parks Policy
- Keeping of Horses within the Coolamon Shire Policy
- Keeping of Pigs in Areas Zoned RU5 – Village Policy
- Mobile Garbage Bin Issue & Replacement Policy
- On-site Sewage Management System Classification & Inspection Policy
- Rejection or Withdrawal of Development Applications Policy
- Relocatable Dwellings & Manufactured Homes Policy
- Sewage Treatment Plant Disposal of Effluent Policy
- Swimming Pool Safety Policy
- Telecommunications Tower Use/Rental Policy

RESOLVED on the motion of Clr Hatty and seconded by Clr Maslin: 43/03/2022

1) That the following policy be rescinded:

- **Off Leash Exercise Area for Dogs Policy, and**

2) That the following policies, as presented (see Appendix 1), be adopted:

- **Local Companion Animals Management Plan**
- **Contaminated Land Management Policy**
- **Asbestos Policy**
- **Awnings Policy**
- **Burning Refuse in Town Areas Policy**
- **Keeping of Dogs in Council Caravan Parks Policy**
- **Keeping of Horses within the Coolamon Shire Policy**
- **Keeping of Pigs in Areas Zoned RU5 – Village Policy**
- **Mobile Garbage Bin Issue & Replacement Policy**
- **On-site Sewage Management System Classification & Inspection Policy**
- **Rejection or Withdrawal of Development Applications Policy**
- **Relocatable Dwellings & Manufactured Homes Policy**
- **Sewage Treatment Plant Disposal of Effluent Policy**
- **Swimming Pool Safety Policy**
- **Telecommunications Tower Use/Rental Policy**

CS3) CHILD SAFE POLICY (P.12-01, SC316)

The Child Safe Scheme requires certain child-related organisations in NSW to implement the Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Child Safe Standards provide a framework for creating child safe organisations.

The 10 Child Safe Standards are:

1. Child safety is embedded in organisational leadership, governance and culture;
2. Children participate in decisions affecting them and are taken seriously;
3. Families and communities are informed and involved;
4. Equity is upheld and diverse needs are taken into account;
5. People working with children are suitable and supported;
6. Processes to respond to complaints of child abuse are child-focused;
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training;
8. Physical and online environments minimise the opportunity for abuse to occur;
9. Implementation of the Child Safe Standards is continuously reviewed and improved; and
10. Policies and procedures document how the organisation is child safe.

→ Attached to this report is a Draft Child Safe Policy to be adopted by Council as part of Council's implementation of the standards across the organisation.
Attachment No. 7

Recommendation

That the Child Safe Policy be adopted.

RESOLVED on the motion of Clr Hutcheon and seconded by Clr Lewis that the Child Safe Policy be adopted (see Appendix 2). 44/03/2022

5.3 EXECUTIVE MANAGER, ENGINEERING & TECHNICAL SERVICES REPORTS

ES1) SHIRE ROAD RESHEETING, STABILISATION AND MAINTENANCE

The following roads have received maintenance and resheeting attention:

1) MAINTENANCE

- Maslins Lane (Wallerroobie Road to London Hill Road)
- Schliebs Lane (Wallerroobie Road to gate)
- Seymours Lane (Johnson Hill Road to Berry Jerry Lane)
- Plemings Lane (Ardlethan Road to gate)
- Willows Road (SH17 to Boundary)
- Armstrongs Lane (Seymours Lane to Marrar North Road)
- Devlin Road (Ashbridge Road to Redrops Lane)
- Ashbridge Road (Seal to Poverty Lane)
- Chamberlains Lane (Coolamon Road to Canola Way)
- Kinilibah School Lane (Johnsons Hill Road to Casleys Lane)
- Willows Road (SH17 to Boundary)
- Lawrences Lane (Casleys Lane to Berry Jerry Lane)
- Tilyards Lane (Rannock Road to Ariaah Road)
- Berry Jerry Lane (Marrar North Road to Rannock Road)

2) RESHEETING

- Seymours Lane (Johnson Hill Road to Berry Jerry Lane)
- Devlin Road (Ashbridge Road to Redrops Lane)

ES2) COOLAMON BUSINESS PARK

Contractors have continued with levelling of the site and should be completed by meeting day.

Telstra Contractors have returned to site with arrival of materials and will have all cable and fibre installed and cut over by 18th March. Following communication installation, gas contractors will return and finalise network. Goldenfields are scheduled for mid-April and will be followed by electricity.

ES3) TOWN WORKS

1) William Kelly Drive (Mirrool to Wallace Street) North and South Side, Coolamon – Kerb and Gutter

Following foundation preparation works, Contractors have poured kerb and gutter and reinstatement of road pavement and nature strip has occurred. The pavement will be allowed to settle for a number of weeks and seal applied with town reseal schedule for April.

2) Ardlethan Park Exercise Equipment

Council have now received the exercise equipment, marked out location within Stewart Park and commenced installation.

ES4) PRIVATE WORKS

DEVELOPMENT KERB AND GUTTER

With a number of land lots in Coolamon being subdivided, it is a requirement for kerb and gutter to be installed. The developers have engaged Council to perform these works under a Private Works Agreement and are located at:

- 11 Iverach Street, Coolamon
- 45 Mimosa Street, Coolamon

Foundation preparation works have commenced and will be followed by kerb and gutter contractor.

ES5) ROADS TO RECOVERY PROGRAMME 2021/2022

1) Orr Street, Coolamon – Kerb and Gutter

Council Staff have moved onto the next Orr Street block involving Orr Street – N, Bruce Street – E, Booth Street – S and Lewis Street –W, in preparing pavement foundation for kerb and gutter. Kerb contractor is schedule for late in meeting week and will be followed by pavement and nature strip reinstatement.

2) Seymours Lane (Armstrongs to Berry Jerry, 0.0 to 1.9kms) 1.9kms

Council have completed a gravel resheet along this section of Council's Unsealed Road Network.

ES6) BLOCK GRANT

REGIONAL ROAD BITUMINOUS RESEALS

Bituminous Reseals have occurred on the following Regional Roads:

- Canola Way – West (0.0 to 0.6) 1.6kms
- Canola Way - East (8.48 to 10.51) 2.03kms
- Canola Way - East (11.0 to 11.77) 0.77kms
- Canola Way - East (11.95 to 12.64) 0.69kms
- Mary Gilmore Way (11.50 to 15.01) 3.51kms

ES7) REPAIR PROGRAMME 2021/2022

ARDLETHAN ROAD (7.10 TO 9.30KMS) 2.20KMS – RECONSTRUCTION

Stabilisation and sealing works have now been completed on the section of Council's Regional Road Network. Roadside furniture is to be reinstated and linemarking listed for schedule late April.

ES8) TOWN MAINTENANCE – CAPITAL WORKS

Contractors have performed bituminous reseals on the following urban streets of Council's Towns and Villages:

- Coolamon
 - Baker Street (Cowabbie Street to cul-de-sac)
- Ardlethan
 - Mirrool Street (Burley Griffin Way to Rail Crossing)
 - Barellan Street (Yithan to Hawthorne)
 - Ariaiah Street (Yithan to Hawthorne)

Recommendation

That the Executive Manager, Engineering & Technical Services' Reports (ES1 to ES8) be noted.

RESOLVED on the motion of Clr McKinnon and seconded by Clr Crocker that the Executive Manager, Engineering & Technical Services' Reports (ES1 to ES8) be received and noted. 45/03/2022

ES9) BIOSECURITY WEEDS REPORT (N.02-01, SC284)

Biosecurity Weeds Officer Reports

Activities

- Inspections continue across the Shire, mostly focussed around the Silverleaf Nightshade areas.
- Completed roadside inspections of high risk pathways.
- Staff attended Riverina regional weeds Committee meeting.
- Tiger pear treated, Halbisch's lane and Kockibitoo Road.
- Coolatai grass inspected and treated
- Silverleaf Nightshade inspected and treated
- Blue Helitrope inspected and treated
- Bathurst Burrs treated

WAP Targets Addressed:

- 1.1 High risk species and pathways identified and managed
- 1.22 Discussion of High Risk Weeds list at Regional level
- 2.1 Timely detection of new incursions
- 2.11 Regional inspection program implemented. High risk site inspection
- 3.22 Impacts reduced, (control applied) to priority pathways.
- 4.5.1 Increase in operator competency (training)

Recommendation

For Council information.

RESOLVED on the motion of Clr Maslin and seconded by Clr Hutcheon that the report be received. 46/03/2022

ES10) 2022/2023 ROADS TO RECOVERY PROGRAMME (F.02-02, SC178)

Council is in the fourth year of a 5 year Federally Funded Roads to Recovery Programme with a total of \$4,634,670 confirmed. This total includes two increases, \$772,445 for "Saving Lives on Local Roads" and Drought Programme". With \$3,109,670 expended over the initial three years, \$1,525,193 for the remaining two is left, leaving an allocation of \$762,596.50/year.

- ⇒ To expend the funds available, the **attached** sheet identifies priority projects on Council's Rural Local Sealed Network. (Priority works are those with green highlight in first two columns). Works identified include Reconstructions, Reseals, Patch rehabilitation, causeway construction and Council's contribution under the Fixing Local Roads Programme. Additional works have been listed for future consideration.

Recommendation

That the highlighted items be adopted under the 2022/2023 Roads to Recovery Programme.

RESOLVED on the motion of Clr Hatty and seconded by Clr McKinnon that the highlighted items be adopted under the 2022/2023 Roads to Recovery Programme. 47/03/2022

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

Seal/Pave/Rating	ROAD NAME	FROM	TO	CHAINAGE	LENGTH	WIDTH	AREA	EXIST AGG Size	EXISTING TREATMENT	Year	ESTIMATED COST	Comments
PROPOSED ROADS TO RECOVERY 2022/2023												
RURAL LOCAL RECONSTRUCTION												
2	Methul Rd	Yarranjely Exch		0.00	2,550.00	7.0	17850	7	Reseal	2010	\$363,533	Reconstruction
2	Chamberlains Ln	Canola Way		6.14	5140.00	6.0	38840	Gravel			\$156,365	FLR CSC Contr
					2787.00						\$521,898	
FUTURE CONSIDERATION												
2	Methul Rd	Ardlehan Rd	Yarranjely Exch	2.56	730.00	7.0	5110	7	Reseal	2010	\$117,530	Reconstruction
2	Methul Rd	Yarranjely Exch		19.10	1300.00	7.0	9100	7	Reseal	2017	\$205,300	Recon-Milbrae Cont
1	Methul Rd	Yarranjely Exch		21.84	1430.00	7.0	10010	7	Reseal	2015	\$230,230	Recon-Milbrae Cont
RURAL LOCAL PATCH REHABILITATION												
2	Methul Rd	Ardlehan Rd	Yarranjely Exch	18.38	89.00	3.0	267	7	Reseal	2010	\$8,010	PRH - E
3	Methul Rd	Ardlehan Rd	Yarranjely Exch	18.94	135.00	6.6	891	7	Reseal	2010	\$20,483	PRH
3	Methul Rd	Ardlehan Rd	Yarranjely Exch	19.91	19.93	6.6	151.8	7	Reseal	2017	\$4,654	PRH
3	Manar Nth Rd	Canola Way	Springwood Rd	7.01	89.00	7.0	483	7	Reseal	2015	\$16,905	PRH
3	Manar Nth Rd	Canola Way	Springwood Rd	7.33	37.00	7.0	259	7	Reseal	2015	\$9,065	PRH
3	Manar Nth Rd	Canola Way	Springwood Rd	10.56	49.00	7.0	343	7	Reseal	2013	\$12,005	PRH
3	Manar Nth Rd	Canola Way	Springwood Rd	10.61	89.00	2.3	158.7	7	Reseal	2013	\$5,555	PRH
3	Manar Nth Rd	Canola Way	Springwood Rd	11.43	34.00	4.9	166.6	7	Reseal	2013	\$5,831	PRH
3	Manar Nth Rd	Canola Way	Springwood Rd	19.67	430.00	7.0	3010	7	Reseal	2013	\$69,230	PRH
3	Beckom Rd	causeway	boundary	0.61	50.00	2.7	135	10	Reseal	2007	\$4,725	PRH - E
3	Beckom Rd	causeway	boundary	1.95	20.00	2.1	42	10	Reseal	2007	\$1,470	PRH - E
											\$157,842	
FUTURE CONSIDERATION												
3	Wallerobie Rd	Ardlehan Rd	Yarranjely Exch	1.45	20.00	6.0	120	7	Reseal	2013	\$4,200	PRH
3	Wallerobie Rd	Ardlehan Rd	Yarranjely Exch	5.69	30.00	6.0	180	7	Reseal	2015	\$5,300	PRH
3	Wallerobie Rd	Ardlehan Rd	Yarranjely Exch	6.45	20.00	3.0	60	7	Reseal	2014	\$2,100	PRH 5th side
3	Seberrys Ln	Wallerobie Rd	Doyles Ln	0.00	170.00	6.6	1122	7	Reseal	2019	\$39,270	PRH
3	Seberrys Ln	Wallerobie Rd	Doyles Ln	0.30	20.00	6.6	132	7	Reseal	2019	\$4,020	PRH
3	Yarranjely Exch Rd	Mirrol Sth Rd	Methul Rd	1.50	30.00	7.0	210	7	Reseal	2016	\$0	PRH S.P
3	Yarranjely Exch Rd	Mirrol Sth Rd	Methul Rd	7.87	at culvert S.P			7	Reseal	2016	\$7,350	PRH S.P
3	Yarranjely Exch Rd	Mirrol Sth Rd	Methul Rd	8.50	40.00	6.0	240	7	Reseal	2018	\$0	PRH W side S.P
3	Yarranjely Exch Rd	Mirrol Sth Rd	Methul Rd	9.00	40.00	6.0	240	7	Reseal	2018	\$2,100	PRH
3	Beckom Sth Rd	Newall	London Hill Rd	4.00	40.00	3.6	224	7	Reseal	2014	\$7,940	PRH
3	Methul Rd	Ardlehan Rd	Mirrol Sth Rd	14.38	40.00	7.0	280	10	Reseal	2015	\$7,000	Patch Rehab
2	Malong Nth Rd	Canola Way	Ardlehan Rd	26.40	30.00	6.4	192	7	Reseal	2011	\$805	Patch Rehab
MISCELLANEOUS												
	Brushwood Nth Rd	Canola Way	Ardlehan Rd	0.2	20.00	6.0	120		Gravel H2		\$14,400	Culvert Const.
											\$14,400	
											\$65,443	
2	Beckom Rd	causeway	boundary	0.00	2910.00	5.6	16296	10	Reseal	2007	\$65,443	Reseal
					3820						\$65,443	
RURAL LOCAL RESEALS												
											\$521,898	Rural Local Reconst Total
											\$69,443	Rural Local Reseals Total
											\$157,842	Rural Local Rehab Patches Total
											\$14,400	Miscellaneous Projects Total
											\$762,584	Sub Total
											\$762,584	Total Exp
											\$762,596	Total Budget

ROADS TO RECOVERY 22-23

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MAYOR

GENERAL MANAGER

**ES11) 2022/2023 SEALED RURAL LOCAL ROAD CONSIDERATIONS (F.02-02,
SC178)**

- ⇒ The **attached** spreadsheet provides a priority list of works to be performed under Council's Rural Local Road Capital works Programme. With the addition of reseal and reconstruction works identified under the Roads to Recovery Programme, a total of 12.7kms is targeted. With 251kms of Local Sealed Network, this results in the roads receiving a seal treatment within Council's Asset Management 25 year interval targets.

Recommendation

That the highlighted items be adopted for works under the 2022/2023 Council Rural Local Roads Capital Works Reseal Programme.

RESOLVED on the motion of Clr Crocker and seconded by Clr Hatty that the highlighted items be adopted for works under the 2022/2023 Council Rural Local Roads Capital Works Reseal Programme. 48/03/2022

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

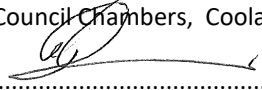
RURAL LOCAL RESEALS													
2	Rannock Rd	Ardlethan Rd	Mannings Ln	4.32	5.00	680.00	7.0	4760	7	Reseal	2003	\$19,992	Reseal 7.0w 2023
2	Rannock Rd	Ardlethan Rd	Mannings Ln	8.43	8.74	310.00	7.0	2170	7	Reseal	2003	\$5,114	Reseal
2	Rannock Rd	Ardlethan Rd	Mannings Ln	8.97	10.82	1850.00	7.0	12950	7	Reseal	2003	\$54,390	Reseal 7.0w 2023
2	London Hill Rd	Newell	Mirrool Sth Rd	0.00	0.91	910.00	6.2	5642	7	Reseal	2006	\$23,696	Reseal
2	Kockibitoo Rd	Canola Way	boundary	0.00	1.84	1840.00	5.6	10304	10	Reseal	2007	\$43,277	Reseal Stg1
						5590				CSC Rural Local Reseal Budget \$145,000			
FUTURE CONSIDERATION													
1	2	Charids Ln	Hawthorne Pde	0.00	1.50	1500.00	6.0	9000	7	Reseal	2010	\$37,800	Reseal
2	2	Matong Nth Rd	Canola Way	6.37	9.52	3150.00	6.0	18900	10	Reseal PMB	2004	\$79,380	Reseal
2	2	Matong Nth Rd	Canola Way	9.61	11.58	1970.00	6.0	11820	10	Reseal PMB	2004	\$49,644	Reseal
2	2	Matong Nth Rd	Canola Way	13.20	14.20	1000.00	5.6	5600	10	Reseal	2008	\$23,520	Reseal
2	2	Matong Nth Rd	Canola Way	21.60	23.00	1400.00	5.6	7840	10	Reseal	2008	\$32,928	Reseal
2	2	Methul Rd	Ardlethan Rd	0.00	3.30	3300.00	7.0	23100	7	Reseal	2010	\$97,020	Reseal
2	2	Marrar Nth Rd	Canola Way	0.00	7.60	7600.00	3.5	26600	7	Reseal	2003	\$111,720	Reseal 7.0w 2024
2	2	Marrar Nth Rd	Canola Way	8.10	10.50	2400.00	3.5	8400	7	Reseal	2003	\$35,280	Reseal 7.0w 2024
2	2	Marrar Nth Rd	Canola Way	12.40	14.60	2200.00	3.5	7700	7	Reseal	2006	\$32,340	Reseal 7.0w 2026
2	2	Marrar Nth Rd	Canola Way	14.90	17.60	2700.00	3.5	9450	7	Reseal	2006	\$39,690	Reseal 7.0w 2026
2	2	Marrar Nth Rd	Canola Way	17.60	19.20	1600.00	7.0	11200	7	Reseal	2006	\$47,040	Reseal
2	2	Marrar Nth Rd	Canola Way	19.70	21.55	1850.00	7.0	12950	7	Reseal	2006	\$54,390	Reseal
2	2	Marrar Sth Rd	Canola Way	0.40	1.40	1000.00	7.0	7000	7	Reseal	2009	\$29,400	Reseal
2	2	Rannock Rd	Ardlethan Rd	0.31	1.77	1460.00	7.0	10220	10	Reseal	2008	\$42,924	Reseal
2	2	Rannock Rd	Ardlethan Rd	1.76	3.50	1740.00	7.0	12180	7	Reseal	2003	\$51,756	Reseal 7.0w 2024
2	2	Rannock Rd	Ardlethan Rd	0.31	1.76	1450.00	7.0	10150	10	Reseal	2008	\$42,630	Reseal
2	2	Rannock Rd	Ardlethan Rd	3.60	4.32	820.00	7.0	5740	10	Reseal	2006	\$24,108	Reseal
2	2	Rannock Rd	Ardlethan Rd	5.00	5.40	400.00	7.0	2800	10	Reseal	2006	\$11,760	Reseal
2	2	Rannock Rd	Ardlethan Rd	5.46	8.74	3280.00	7.0	22960	7	Reseal	2003	\$96,432	Reseal 7.0w 2023
1	1	Rannock Rd	Ardlethan Rd	10.82	13.85	3030.00	8.2	24846	7	Reseal	2008	\$104,353	Reseal
1	1	Rannock Rd	Ardlethan Rd	15.60	16.75	1150.00	7.2	8280	7	Reseal	2008	\$34,776	Reseal
1	2	London Hill Rd	Newell	7.30	10.00	2700.00	5.6	15120	10	Reseal	2008	\$63,504	Reseal
1	1	London Hill Rd	Newell	11.90	13.10	1200.00	5.6	6720	7	Reseal	2011	\$28,224	Reseal
2	2	Kockibitoo Rd	Canola Way	1.89	4.00	2110.00	5.6	11816	7	Reseal	2008	\$49,627	Reseal 2
2	2	Kockibitoo Rd	Canola Way	4.00	6.00	2000.00	5.6	11200	7	Reseal	2010	\$47,040	Reseal 3
2	1	Dullah Rd	Ashbridge Rd	1.39	2.04	650.00	7.0	4550	7	Reseal	2007	\$19,110	Reseal

ROADS TO RECOVERY 22-23

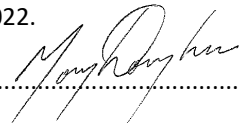
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ES12) 2022/2023 UNSEALED LOCAL ROAD CONSIDERATIONS (F.02-02, SC178)

This is Page No. 26 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.



MAYOR



GENERAL MANAGER

- ⇒ The **attached** spreadsheet identifies priority Capital Works on Council's Unsealed Network. Works identified have been prioritised according to condition rating and road hierarchy.

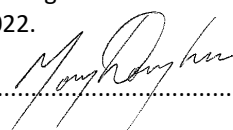
Recommendation

That the highlighted items be adopted for works under the 2022/2023 Unsealed Local Road Capital Works Programme.

RESOLVED on the motion of Cllr McKinnon and seconded by Cllr Perkin that the highlighted items be adopted for works under the 2022/2023 Unsealed Local Road Capital Works Programme. 49/03/2022



..... MAYOR.....



.....GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

PROPOSED GRAVEL RE-SHEETS & STABILISATION 2022/23

PRIORITY	ROAD HIER	ROAD NAME	FROM	TO	CHAINAGE FROM	CHAINAGE TO	LENGTH M	WIDTH	AREA	Budget
		22/23 RESHEETS								
1	3	Marrarvale Lane	Coolamon Road	Marrar South Road	3.10	5.10	2000	5.0	10000	\$ 23,000
2	1	East West Road	Gibbons Lane	Ariah Road	0.00	2.40	2400	5.0	12000	\$ 27,600
3	1	Old Wagga Road	Springwood Road	East West Road	0.80	2.80	2000	5.0	10000	\$ 23,000
4	2	Derrain North Road	Ceely's Lane	Ashbridge Road	0.00	1.00	1000	5.0	5000	\$ 11,500
5	2	Derrain North Road	Canola Way	Ashbridge Road	0.00	1.20	1200	5.0	6000	\$ 13,800
6	2	Devlin Road	Winrows lane	Poverty Lane	0.90	2.90	2000	5.0	10000	\$ 23,000
7	2	Ariah Road	Menzies Lane	Tilyards Lane	0.00	2.30	2300	5.0	11500	\$ 26,450
8	2	Manglesdorfs Lane	Ariah Road	Carlisle Park	0.00	0.45	450	5.0	2250	\$ 5,175
9	2	East West Road	Rannock Road	Old Wagga Road	0.00	1.80	1800	5.0	9000	\$ 20,700
10	2	East West Road	Rannock Road	Old Wagga Road	2.20	2.70	500	5.0	2500	\$ 5,750
11	2	East West Road	Rannock Road	Old Wagga Road	4.20	5.20	1000	5.0	5000	\$ 11,500
12	2	Briah Bush Lane	Boothey's Lane	Fairweather's Lane	0.10	1.00	900	5.0	4500	\$ 10,350
13	3	Mattinglys Lane	Matong North road	Derrain North Road	2.70	4.20	1500	5.0	7500	\$ 17,250
14	3	Richards Lane	Deepwater Road	Halbischs Lane	0.00	2.00	2000	5.0	10000	\$ 23,000
15	3	Ashbridge Road	Poverty Lane	Ashbridge School	0.00	2.30	2300	5.0	11500	\$ 26,450
16	3	Ashbridge Road	Winrows lane	Ashbridge School	0.00	0.32	320	5.0	1600	\$ 3,680
17	3	Poverty lane	Devlin Road	Matong North Road	0.00	0.30	300	5.0	1500	\$ 3,450
18	3	Tilyard's Lane	Rannock Road	Stinson's Lane	0.00	0.30	300	5.0	1500	\$ 3,450
19	3	Tilyard's Lane	Rannock Road	Ariah Road	3.30	4.50	1200	5.0	6000	\$ 13,800
20	3	Pattison's Lane	Mary Gilmore Way	Carlisle Park	0.00	2.50	2500	5.0	12500	\$ 28,750
21	2	Pykes Lane	Coolamon Road	Leary's Lane	0.00	0.78	780	5.0	3900	\$ 8,970
22	4	Currajong Lane	Rannock Road	Old Wagga Road	0.50	2.00	1500	5.0	7500	\$ 17,250
23	4	Currajong Lane	Rannock Road	Old Wagga Road	3.20	4.20	1000	5.0	5000	\$ 11,500
24	3	McCormack's Lane	Springwood Road	Berry Jerry Lane	0.00	1.80	1800	5.0	9000	\$ 20,700
25	3	McCormack's Lane	Springwood Road	Berry Jerry Lane	1.90	3.40	1500	5.0	7500	\$ 17,250
26	2	Ramp Road	Murrulebale Road	Coffin Rock Lane	0.00	3.40	3400	5.0	17000	\$ 39,100
27	2	Coxs Lane	Devlin Street	Firmans lane	0.00	1.17	1170	5.0	5850	\$ 13,455
28	2	Ceelys Lane	Matong North Road	Derrain North Road	2.00	3.20	1200	5.0	6000	\$ 13,800
							TOTAL	40320	TOTAL \$ 463,680.00	BUDGET \$ 467,000.00

FUTURE CONSIDERATIONS - RESHEETS										
3	2	Mattinglys Lane	Matong North Road	Derrain North Road	0.20	2.00	1800	5.0	9000	\$ 20,700
3	2	Croziers Lane	Halbisch's lane	Logan's Lane	0.00	1.20	1200	5.0	6000	\$ 13,800
3	2	Walsh's Lane	Whites lane	Yarramong Road	0.30	1.80	1500	5.0	7500	\$ 17,250
3	2	Bradshaw's Lane	Rannock Road	Lawrence's Lane	3.60	5.60	2000	5.0	10000	\$ 23,000
3	2	Fairman's Lane	S.H 17	Mirrol Road	1.60	2.60	1000	5.0	5000	\$ 11,500
3	2	Boundary Street	Mumbleoon	Burley Griffin Way	0.00	0.38	380	5.0	1900	\$ 4,370
4	2	Gilmores Lane	East West Road	Gate	1.00	2.30	1300	5.0	6500	\$ 14,950
2	2	Ramp Road	Murrulebale Road	Coffin Rock Lane	5.00	7.00	2000	5.0	10000	\$ 23,000
							TOTAL	40320	TOTAL \$ 463,680.00	BUDGET \$ 467,000.00

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ES13) 2022/2023 URBAN RESEAL PROGRAMME (F.02-02, SC178)

This is Page No. 28 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.

MAYOR

GENERAL MANAGER

- ⇒ Distribution of town allocations has been split as pro-rata basis according to square metres of each towns Sealed Networks. Condition assessments of all Urban Sealed Roads have occurred and prioritised accordingly. (Priority works are those with blue highlight in first two columns). (Attached).

Recommendation

That the highlighted items be adopted for works under the 2022/2023 Urban Reseal Programme.

RESOLVED on the motion of Clr Maslin and seconded by Clr Perkin that the highlighted items be adopted for works under the 2022/2023 Urban Reseal Programme. 50/03/2022

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

URBAN RESEALS			CHAINAGE		LENGTH	WIDTH	AREA	EXIST AGG SIZE	SEAL / RESEAL	YEAR	ESTIMATE COST	COMMENTS	
ROAD NAME	FROM	TO	FROM	TO									
Marrar													
3	Tennis Court Parking	Don	Webb		40	24.0	800	7	Re seal		\$3,600	Re seal	
2	Don St	Wise	See		221	5.6	1237.6	7	Re seal		\$5,569	Re seal	
											CSC Town Reseal Budget	\$7,113	\$9,169
FUTURE CONSIDERATION													
2	Wood St	Lime	Webb		117	5.6	655.2	7	Re seal		\$2,948	Re seal	
2	Hare St	Lynne	Wood		210	5.6	1176	7	Re seal		\$5,292	Re seal	
2	Don St	Wood	Wise		220	8.0	1320	7	Re seal		\$5,940	Re seal	
2	Hodges Ln	Marrar Nth	west		850	5.6	4816	7	Re seal		\$21,672	Re seal	
Beckom													
											CSC Town Reseal Budget	\$2,805	\$0
FUTURE CONSIDERATION													
1	Moore St	Newell Hwy	Rail Xing		360	6.2	2232	7	Re seal		\$55,800	Reconst - FLR Rnd	
FUTURE CONSIDERATION													
2	Deakin St	Ariah	Creek		254	12.2	3098.8	7	Re seal		\$12,085	Re seal	
2	Ariah St	Deakin	end seal	214	357	143	6.2	886.6	7	Re seal	\$3,458	Re seal	
2	Ariah St	Deakin	end seal	32	214	182	8.2	1492.4	7	Re seal	\$5,820	Re seal	
2	Ariah St	Deakin	end seal	0.0	32	32	11.4	364.8	7	Re seal	\$1,423	Re seal	
2	Ariah St	Deakin	end seal	32	59	27	7.4	199.8	7	Re seal	\$779	Re seal	
2	Mirrool Rd	Ariah St	Fairmans Ln	1865	1985	120	6.0	720	7	Re seal	\$2,808	Re seal	
Coolamon													
											R2R Town Reconstruction Total	\$0	\$0
FUTURE CONSIDERATION													
3	Curtis St	Booth	Stinson	over culvert	32	6.0	192		Re seal		\$6,720	PRH	
3	Curtis St	Booth	Wattle	over culvert	23	6.0	138		Re seal		\$4,830	PRH	
3	Methul St-W rear lane	Wade	Stinson		218	4.0	872		Re seal		\$26,160	Recon @ EUL	
2	Iverach St	Wade	Stinson		230	6.0	1380	10	Re seal		\$6,210	Re seal	
2	Iverach St	Stinson	Devlin		464	6.0	2784	10	Re seal		\$12,528	Re seal	
2	Cowabbie St - W Serv	Douglas	Dunrobin		193	11.2	2161.6	7	Re seal		\$9,727	Re seal	
3	Cowabbie St - W Serv	Loughnan	Douglas		170	12.2	2074	7	Re seal		\$9,333	Re seal	
3	Cowabbie St - W Serv	Stinson	Wade	Steel S entrance	170	var	670	7	Re seal		\$3,015	Re seal	
3	Lewis St	Wade	Stinson		125	12.3	1537.5	7	Re seal		\$6,919	Re seal PMB	
											CSC Town Reseal Budget	\$50,994	\$47,732
FUTURE CONSIDERATION													
2	Kindra Cres	Cowabbie	Cowabbie		280	9.1	2548	7	Re seal		\$11,466	Re seal	
2	Loughnan St	Lewis	Bruce		143	17.5	2502.5	10	Re seal		\$11,261	Re seal	
2	Loughnan St	Bruce	Methul		132	17.5	2310	10	Re seal		\$10,395	Re seal	
2	Loughnan St	Methul	Cowabbie		103	18.1	1864.3	10	Re seal		\$8,389	Re seal	
2	Booth St	Curtis	Banksia		88	6.0	528	7	Re seal		\$2,376	Re seal	
2	Booth St	Banksia	Lewis		279	3.3	920.7	7	Re seal		\$4,143	Re seal	
2	Bruce St	Booth	Devlin		136	11.2	1523.2	7	Re seal		\$6,854	Re seal	
2	Bruce St	Booth	Devlin		84	8.0	672	7	Re seal		\$3,024	Re seal	
2	Bruce St	Devlin	Stinson		132	8.0	1056	7	Re seal		\$4,752	Re seal	
2	Methul St	Wade	Stinson		196	10.2	1999.2	7	Re seal		\$8,996	Re seal	
2	Stinson St	Bruce	Lewis		74	13.1	969.4	7	Re seal		\$4,362	Re seal	
2	Devlin St	Mirrool	Wallace		164	8.6	1410.4	7	Re seal		\$6,347	Re seal	
2	Devlin St	Wallace	Iverach		204	5.8	1183.2	7	Re seal		\$5,324	Re seal	
2	Mann St	Iverach	Wildman		322	5.8	1867.6	7	Re seal		\$8,404	Re seal	
Ardlethan													
3	Park St	Mithul	Wilson	0	315	315	7.6	2394	7	Re seal		\$10,773	Re seal
3	Bygoo St	Wilson	Mithul	0	202	202	17.0	3434	7	Re seal		\$15,453	Re seal
											CSC Town Reseal Budget	\$17,532	\$26,226
FUTURE CONSIDERATION													
3	Bygoo St	Yithan	Hawthorne	0	202	202	16.3	3292.6	7	Re seal		\$14,817	Re seal
2	Bygoo St	Mithul	Yithan		212	17.0	3604	7	Re seal		\$16,218	Re seal	
2	Warr St	Mithul	Wilson		148	17.7	2619.6	7	Re seal		\$11,789	Re seal	
2	Redmond St	Wilson	Mithul		362	8.2	2968.4	10	Re seal		\$13,358	Re seal	
2	Yithan St	Bygoo	Barellan		152	10	1520	7	Re seal		\$6,840	Re seal	
2	Yithan St	Barellan	Park	0	169	169	11.0	1859	7	Re seal		\$8,366	Re seal
Ganmain													
2	Gresham St	Grave	Loch		342	6.0	2052	7	Re seal		\$9,234	Re seal	
2	Ford St	Langham	Loch		138	13.5	1863	7	Re seal		\$8,384	Re seal	
2	Camp	Waterview	Langham		78	7.2	561.6	7	Re seal		\$2,527	Re seal	
											CSC Town Reseal Budget	\$19,836	\$20,146
FUTURE CONSIDERATION													
2	Loch St	Menangle	Hall		148	7.7	1139.6	7	Re seal		\$5,128	Re seal	
3	Loch St	Menangle	Hall		33	2.4	79.2	7	Re seal		\$356	Re seal	
2	Loch St	Grant	Gresham		50	3.0	150	7	Re seal		\$675	Re seal	
2	Gresham St	Grave	Loch		110	10.0	1100	7	Re seal		\$4,950	Re seal	
2	Gresham St	Loch	Langham		216	4.2	907.2	7	Re seal		\$4,082	Re seal	
2	Gresham St	Langham	Waterview		117	3.3	386.1	7	Re seal		\$1,737	Re seal	
2	Camp	Langham	Loch		130	5.6	728	7	Re seal		\$3,276	Re seal	
2	Ford St	Loch	Lerida		137	15.6	2137.2	7	Re seal		\$9,617	Re seal	
2	Park St	Grant St	East	0.0	0.2	190.00	5.0	950			\$17,100	Gravel & Seal	
2	Hill St	Ashbridge Rd	Spring St	0.0	0.7	700.00	5.0	3500			\$63,000	Gravel & Seal	
											Town Reseal Budget	\$1,906	
FUTURE CONSIDERATION													
2	Bourke St	Deepwater	Yanko		235	6.0	1410	10	Re seal		\$6,345	Re seal	
2	Yanko St	Bourke	Devlin		97	8.0	776	7	Re seal		\$3,492	Re seal	
2	Matong St	Service Rd			97	8.0	776	7	Re seal		\$3,492	Re seal	
2	Bourke St	Deepwater St	Devlin St	0.0	0.3	300.00	5.0	1500			\$27,000	Gravel & Seal	
											Urban Reseal Total	\$103,272	
											Urban Reseal Budget	\$100,186	

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ROADS TO RECOVERY 22-23

ES14) 2022/2023 TOWN WORKS PROGRAMME (F.02-02, SC178)

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MAYOR.....

.....GENERAL MANAGER.

⇒ Following consideration of requests from the public over the previous years, priorities of the various Advance Committees and of Council Staff, the attached spreadsheet identifies the priority Town Works for the coming years. Previously with the delivery of the Stronger Communities Programme and Local Roads and Community Infrastructure Programme (LRCIP), the majority of items raised by the Advance Committees have been addressed under these programmes, and hence not listed in the attached spreadsheet. (Attached).

The majority of items have been drawn from the previously held Council Workshop which detailed priority infrastructure items.

Recommendation

That the items identified in the 2022/2023 Town Priorities be adopted for works under the 2022/2023 Operational Plan.

RESOLVED on the motion of Clr Maslin and seconded by Clr Perkin that the items identified in the 2022/2023 Town Priorities be adopted for works under the 2022/2023 Operational Plan. 51/03/2022

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

APPENDIX 7C				
2022/2026 DELIVERY PROGRAM & 2022/2023 OPERATIONAL PLAN				
2022/2023 Town Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	KERB AND GUTTER BOOTH ST - N (COWABBIE TO MIRROOL-E LANEWAY)		28,540	28,540
COOLAMON	KERB AND GUTTER COWABBIE ST - W (BOOTH TO ORR)		55,125	83,665
ARDLETHAN	CARPATHIA COURT PATH (LINK EXISTING TO HEALTH CENTRE)		13,400	97,065
GANMAIN	LANGHAM STREET PATH SOUTH SIDE (FORD TO MENANGLE)		21,158	118,223
COOLAMON	BOOTH STREET PATH NORTH SIDE (COWABBIE TO MIRROOL) & MIRROOL STREET EAST SIDE (BOOTH TO END CHILDCARE)		17,540	135,763
ARDLETHAN	LANE SEALING FISHER ST -W (REDMOND TO PARK)		20,300	156,063
COOLAMON	INTERSECTION STREET LIGHTING - INT DEVLIN/IVERACH, WADE/IVERACH, LOGAN/IVERACH & LOGAN ST BEND		36,000	192,063
GANMAIN	KERB AND GUTTER LOCH ST - S (GRANT TO GRESHAM)		49,088	241,151
GANMAIN	KERB AND GUTTER LOCH ST - N (GRANT TO GRESHAM)		24,100	265,251
COOLAMON	LANE SEALING WADE STREET - S (LEWIS TO BRUCE) AND LEWIS STREET - W (STINSON TO LANE)		36,400	301,651
TOTAL OF TOWN WORKS PRIORITIES		-	301,651	301,651
2022/2023 Parks Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
SHIRE	IRRIGATION CONTROLLER TELEMETRY (STAGE 4)		14,500	14,500
TOTAL		-	14,500	14,500
2022/2023 Contributions Plan Works				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	PATH RENEWAL - WADE STREET PATH SOUTH SIDE (COWABBIE TO MIRROOL) AND LOUGHNAN STREET NORTH SIDE (COWABBIE TO METHUL)		8,240	8,240
COOLAMON	DOUGLAS STREET PATH SOUTH SIDE (COWABBIE-MIRROOL)		19,792	28,032
TOTAL		-	28,032	28,032
2022/2023 Drainage Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	BOOTH STREET PIPED DRAINAGE NORTH SIDE (COWABBIE TO MIRROOL -E LANE)		17,360	17,360
TOTAL		-	17,360	17,360
				361,543.00

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

APPENDIX 7C				
2022/2026 DELIVERY PROGRAM & 2022/2023 OPERATIONAL PLAN				
2023/2024 Town Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
ARDLETHAN	YITHAN STREET PATH WEST SIDE (BARELLAN TO PARK)		27,540	27,540
COOLAMON	KERB AND GUTTER DUNROBIN ST - E (METHUL TO BRUCE)		68,675	96,215
COOLAMON	DUNROBIN STREET PATH NORTH SIDE (COWABBIE TO MIRROOL)		21,840	118,055
COOLAMON	KERB AND GUTTER DEVLIN ST - S (COWABBIE TO METHUL), METHUL ST - W (DEVLIN TO BOOTH) & BOOTH ST - N (METHUL TO COWABBIE)		135,363	253,418
COOLAMON	LANE SEALING METHUL STREET - W (BOOTH TO DEVLIN)		31,500	284,918
GANMAIN	INTERSECTION STREET LIGHTING - INT DEVLIN/SHOWGROUND & GRANT/PARK		18,000	302,918
TOTAL OF TOWN WORKS PRIORITIES		-	302,918	302,918
2023/2024 Parks Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	THOMPSON TOUCH FIELD TELEMETRY		16,500	16,500
MARRAR	INTERSECTION YORK ST & SEE ST SYNTHETIC REPLACEMENT TO STENCILCRETE		10,000	26,500
TOTAL		-	26,500	26,500
2023/2024 Contributions Plan Works				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	LANE SEALING LEWIS STREET - W (BOOTH TO DEVLIN)		32,200	32,200
COOLAMON	STINSON STREET PATH NORTH SIDE (BRUCE TO LEWIS)		17,062	49,262
TOTAL		-	49,262	49,262
2023/2024 Drainage Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	BREDINS LANE CONCRETE DRAINAGE NORTH SIDE LEWIS TO GOV'T DAM)		346,500	346,500
TOTAL		-	346,500	346,500
				725,180.00

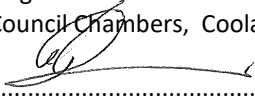
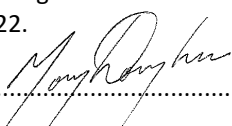
This is Page No. 33 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.

..... MAYOR..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

APPENDIX 7C				
2022/2026 DELIVERY PROGRAM & 2022/2023 OPERATIONAL PLAN				
2024/2025 Town Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	LANE SEAL BRUCE STREET - W (BOOTH TO DEVLIN)		31,500	31,500
COOLAMON	LANE SEAL COWABBIE STREET - W (BOOTH TO ORR)		36,800	68,300
COOLAMON	LANE SEAL METHUL STREET - W (DEVLIN TO CSC DEPOT)		18,200	86,500
COOLAMON	INTERSECTION STREET LIGHTING - INT COWABBIE/KINDRA, DUNROBIN/MIMOSA, STINSON/HOLDEN & STINSON/CURTIS		36,000	122,500
GANMAIN	HILL STREET SEAL (HANNAH TO BISHOP) AND BISHOP STREET SEAL (HILL TO SPRING)		153,300	275,800
	<i>TOTAL</i>	-	275,800	275,800
2024/2025 Parks Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	LIONS PARK SHADE SAIL		9,000	9,000
COOLAMON	REDGRAVE PARK SHADE SAIL		9,000	18,000
	<i>TOTAL</i>	-	9,000	9,000
2024/2025 Contributions Plan Works				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	DUNROBIN STREET PATH NORTH SIDE (COWABBIE TO METHUL)		19,110	19,110
	<i>TOTAL</i>	-	19,110	19,110
2024/2025 Drainage Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	DUNROBIN STREET NORTH SIDE OPEN DRAIN LINING (THOMPSON TO WILDMAN)		85,500	85,500
	<i>TOTAL</i>	-	85,500	85,500
				389,410.00

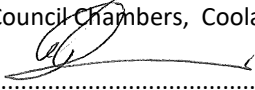
This is Page No. 34 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.


..... MAYOR.....  GENERAL MANAGER. 

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

APPENDIX 7C				
2022/2026 DELIVERY PROGRAM & 2022/2023 OPERATIONAL PLAN				
2025/2026 Town Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	QUARRY ROAD SEAL (COWABBIE TO WATTLE)		84,000	84,000
GANMAIN	PARK STREET SEAL (GRANT TO HIGH)		51,300	135,300
MARRAR	YORK STREET PATH-SOUTH SIDE (WOOD TO LYNE)		30,720	166,020
ARDLETHAN	LANE SEAL CASSITERITE CRES - E (REDMOND - NORTH)		28,000	194,020
COOLAMON	LEWIS STREET PATH EAST SIDE (STINSON TO HAKEA)		34,810	228,830
COOLAMON	METHUL STREET PATH WEST SIDE (DOUGLAS TO DUNROBIN)		30,720	259,550
<i>TOTAL OF TOWN WORKS PRIORITIES</i>		-	259,550	259,550
2025/2026 Parks Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
ARDLETHAN	IRRIGATION CONTROLLER TELEMETRY STEWART PARK		2,606	2,606
<i>TOTAL</i>		-	2,606	2,606
2025/2026 Contributions Plan Works				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
COOLAMON	KERB & GUTTER IVERACH ST-EAST SIDE (LOUGHNAN TO MANN) AND KINGDON DRIVE NORTH & SOUTH SIDE (IVERACH TO LOT 241)		145,775	145,775
<i>TOTAL</i>		-	145,775	145,775
2025/2026 Drainage Priorities				
TOWN	DESCRIPTION	MAINT. ESTIMATE	CAPITAL ESTIMATE	PROGRESS TOTAL
GANMAIN	DEACON ST - EAST SIDE (DERRY TO CAVE) PIPED SYSTEM		117,800	117,800
<i>TOTAL</i>		-	117,800	117,800
				525,731.00

This is Page No. 35 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.

..... MAYOR..... 

..... GENERAL MANAGER..... 

ES15) PLANT REPORT 2022/2023 CONSIDERATIONS (F.02-02, SC178)

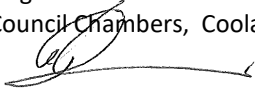
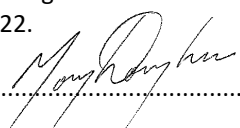
⇒ The **attached** report details the replacement items proposed for the forthcoming year. (See Plant Replacement Schedule attached). The following major items are up for consideration:

- 1) Replacement of one construction grader (Plant No.9). This grader was on a ten year replacement cycle from being purchased new in 2012. Re-assess viable condition on annual basis has been performed over the past year with reliable results. Replacement of this unit was deferred last year to permit replacement of two Super Dog gravel trailers. The grader has accrued over 9000hrs and is due for replacement.
- 2) Replacement of one Construction Gang 1 Crew Cab truck (Plant No.136). This truck is on five year replacement cycle and is due this year with over 90,000km of work accrued.
- 3) Overhaul of one construction drawn pneumatic roller (Plant No.356). The roller is allocated to construction gang one for the purpose of bitumen sealing and final trim rolling of road base materials. The roller is on a re-assess annual cycle and is due for an axle/hub and turn table rebuild.
- 4) Replacement of one Workshop utility (Plant No.301). This vehicle is on a three/four year replacement cycle and is due this year with over 130,000KM of work accrued.
- 5) Replacement of one parks and gardens mower (Plant No.642). This ride-on mower is on a three/four year replacement cycle and is due this year with over 730hrs accrued.
- 6) The community mowers will continue to be budgeted for replacement each year if required. An assessment has been performed to determine which machine is due for replacement taking into consideration unit hours and availability of community volunteers. With Ardlethan receiving the latest mower in June 2019, Marrar ride-on mower (Plant No.645) is due for replacement with over 500hrs of work accrued.

Recommendation

That the Plant Report as presented be received, and the items listed be presented for consideration in the draft estimates.

RESOLVED on the motion of Clr Lewis and seconded by Clr McKinnon that the Plant Report as presented be received, and the items listed be presented for consideration in the draft estimates. 52/03/2022

.......... MAYOR..........GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

2022 - 2023

2022 - 2023 PLANT REPORT		2022/2023		2023/2024		2024/2025		2025/2026		2026/2027		FUTURE		
Item Number	Plant Assignment	REPLACE YEAR	REMARKS	NET	COST	NET	COST	NET	COST	NET	COST	NET	REPLACE YEAR	
HEAVY PLANT														
TRUCKS														
9	CONTR. GAND 2	Good	A. Replacement category 10 year cycle.		290,000								2027/2028	
10	CONTR. GAND 1	Good	A. Replacement category 10 year cycle.										2027/2028	
11	MAINTEN. GAND 3	Good	A. Replacement category 10 year cycle.										2027/2028	
16	CONTR. GAND 1	Good	A. Replacement category 10 year cycle.		330,000		230,000						2027/2028	
17	CONTR. GAND 2	Good	A. Replacement category 10 year cycle.										2027/2028	
121	MAINTEN. GAND 3	Good	A. Replacement category 8 year cycle as a water truck with Councils Hero 10000 truck 2016. 2025 to be traded or sold at auction.										2023/2024	
124	CONTR. GAND 2	Good	A. Replacement category 8 year cycle as a water truck with Councils Hero 10000 truck 2016. 2025 to be traded or sold at auction.										2023/2024	
131	CONTR. GAND 1	Good	A. Replacement category 3 year cycle (To replace water truck 2022).										2023/2024	
132	CONTR. GAND 1	Fair	B. Replacement category 3 year cycle (To replace water truck 2022).	70,000		40,000							2023/2024	
134	CONTR. GAND 1	Good	A. Replacement category 3 year cycle (To replace water truck 2022).		225,000	180,000							2023/2024	
135	CONTR. GAND 1	Good	A. Replacement category 3 year cycle (To replace water truck 2022).					220,000	170,000				2023/2024	
201	MAINTEN. GAND 3	Fair	C. Replace or trade-in new necessary.										2023/2024	
206	CONTR. GAND 2	Good	C. Replace or trade-in new necessary.										2023/2024	
185	CONTR. GAND 1	Good	C. Replace or trade-in new necessary (New Trailer Delivery April 2022).										2023/2024	
182	CONTR. GAND 1	Good	C. Replace or trade-in new necessary (New Trailer Delivery April 2022).										2023/2024	
193	WARDENS	Fair	C. Replace or trade-in new necessary.										2023/2024	
194	CONTR. GAND 1	Good	C. Replace or trade-in new necessary.										2023/2024	
191	WARDENS	Fair	C. Replace or trade-in new necessary.										2023/2024	
202	MAINTEN. GAND 3	Good	A. Replace on 10 year cycle.										2023/2024	
201	CONTR. GAND 1	Good	A. Replace on 10 year cycle.										2023/2024	
202	MAINTEN. GAND 3	Good	A. Replace on 10 year cycle.										2023/2024	
203	CONTR. GAND 2	Good	A. Replace on 10 year cycle.										2023/2024	
SUB-TOTAL FOR HEAVY PLANT														
										220,000	220,000	385,000	250,000	0

© 8/9/2021 AMT2022_2023 Plant Report 12_231 Replacement Year.xls

MAYOR.

GENERAL MANAGER.

ES16) 2022/2023 MILBRAE QUARRIES VPA PROGRAMME (DA2021/44)

Milbrae Quarries currently have a Development Application lodged with Council for the expansion of their Walleroobie Pit resulting in increased volumes extracted on an annual basis.

- ⇒ Council are currently negotiating the Voluntary Planning Arrangements (VPA) and contribution amounts to Council due to increased impact on Council roads. In anticipation of Milbrae VPA contributions, the attached road reconstruction projects have been identified. (Attached)

Recommendation

For Council consideration.

RESOLVED on the motion of Clr Maslin and seconded by Clr Perkin that the report be received. 53/03/2022

ES17) TENDER 2022/01 – COOLAMON BUSINESS PARK CONCRETE WORKS (I.03-14, SC1066)

Tender 2022/01 is a lump sum contract for the construction of concrete driveways, footpaths, drainage channel, kerb and gutter to the Coolamon Business Park.

⇒ Five conforming tenders have been received ranging from \$523,637.90 to \$1,171,320.00 excluding GST. The attached sheet provides a summary of tender sums. [Attachment](#)

Cost

Of the five Contractors, Elliotts Concreting has submitted the lowest tender overall (\$523,637.90), with S & K Kenyon the next best some \$177,173.60 higher at \$700,811.50. The remaining three Contractors are \$454,239.00 or more greater than Elliotts Concreting.

Performance

Elliotts Concreting has performed Council's kerb and gutter works for the last 20 years and demonstrated they are capable of performing these works to Council's satisfaction. Council staff members also inspected recent path works performed by Elliotts Concreting and found the quality of works to be of a satisfactory standard.

S&K Kenyon have also been a contractor of Council in previous years and are equally capable.

Council has not previously utilised the services of the remaining three contractors, therefore it is difficult to comment on their performance but all list extensive experience in their submissions.

Availability

Contractors of Elliotts Concreting, S&K Kenyon and Ladex Construction, are all Wagga Wagga based companies and indicated availability in scheduled window.

Recommendation

That the tender from Elliotts Concreting be accepted.

RESOLVED on the motion of Clr Hutcheon and seconded by Clr Crocker that the tender from Elliotts Concreting be accepted. [54/03/2022](#)

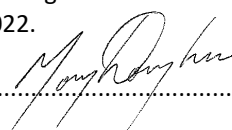
Tender 2022/01 - Coolamon Business Park

Item	Contractor	Address	Tender Sum (excl GST)		
			Part A	Part B	Total
1	Elliotts Concreting	5 Short St, Oura	\$ 101,525.90	\$ 442,112.00	\$ 543,637.90
2	Ladex Construction Group	35 Bomen Rd, Wagga Wagga	\$ 101,009.50	\$ 897,995.00	\$ 999,004.50
3	S&K Kenyon	30 Halloran St, Wagga Wagga	\$ 94,860.50	\$ 605,951.00	\$ 700,811.50
4	Folwick Construction	5 Kavanagh St, Gregory Hills, NSW	\$ 203,728.00	\$ 907,592.00	\$ 1,111,320.00
5	Conex Group	Stanhope Gardens, NSW	\$ 286,006.00	\$ 691,871.00	\$ 977,877.00

G:\Eng\SPECIFICATIONS\2021_2022\2022_01 Tender Business Park Concrete Works\2022_01_Responses



..... MAYOR.....



..... GENERAL MANAGER.....

5.4 EXECUTIVE MANAGER, DEVELOPMENT & ENVIRONMENTAL SERVICES REPORTS

HS1) DEVELOPMENT ACTIVITY REPORT THE PERIOD ENDING 28TH FEBRUARY, 2021

Summary

This report advises of the Development Application activity for the month of February 2022.

Development Activity Table

Application Number	Type	Address	Determination	Value
DA 2021/149	Construction of New Shed	12 Dunrobin Street, Coolamon	Approved	\$19,500.00
DA 2022/03	Construction of new storage room at the rear of the existing Fire Museum	46 Loughnan Street, Coolamon	Approved	\$100,000.00
DA 2022/09	Single storey residential dwelling with attached garage & alfresco	69 Langham Street, Ganmain	Approved	\$407,439.00
DA 2022/14	Construction of 15 x 9 metre shed	192 Cowabbie Street, Coolamon	Approved	\$30,000.00
DA 2022/16	Construction of 7 x 9 metre steel framed shed	21-23 Bourke Street, Matong	Approved	\$20,000.00
CDC 2022/01	New In ground Swimming Pool	112 Wallace Street North, Coolamon	Approved	\$34,495.00
TOTAL: 6			6	\$611,434.00

Financial Implications

There are nil financial implications to Council as a result of this report.

Consultation

Applications have been notified and exhibited in accordance with Council's Development Control Plan as required.

Recommendation

That Council receive and note this report on development activity for the period up to 28th February, 2022.

RESOLVED on the motion of Clr McKinnon and seconded by Clr Perkin that Council receive and note this report on development activity for the period up to 28th February, 2022. 55/03/2022

**HS2) COUNCIL BUILDING AND LAND ASSET MANAGEMENT INVENTORY
REPORT (A.11-01, SC33)**

Summary

This report presents to Council the 2022/2023 Council Building and Land Asset Management Inventory Report.

Background

- The annual inspection of all buildings and land assets has been carried out with the 2022/23 *Council Building and Land Asset Management Inventory Report* now being finalised. This document is now **tabled** for Councils information.

Council Staff will continue to utilise these documents as the primary method to identify upcoming and/or required works across the majority of Council's assets. This will assist in the preparation of forthcoming budgets, particularly in regards to ensuring that sufficient maintenance, repair and operational budgets are provided.

Financial Implications

The financial implications associated with this report will be required to be addressed via allocated general revenue funds or state and federal grants and will form part of the annual budgetary review process with the elected Council.

Attachments

- ➔ Building and Land Asset Management Report 2022/23. Attachment No. 5

Recommendation

That Council note the report titled Council Building and Land Asset Management Inventory Report.

RESOLVED on the motion of Cllr Hutcheon and seconded by Cllr Perkin that Council note the report titled Council Building and Land Asset Management Inventory Report. 56/03/2022

**HS3) COOLAMON SHIRE DRAFT SETTLEMENT STRATEGY UPDATE REPORT
(P.03-14, SC1366)**

Summary

This report provides information on the public exhibition of the Draft Coolamon Shire Settlement Strategy.

Background

The Draft Coolamon Shire Settlement Strategy was presented to the November 2021, Ordinary Council Business Meeting, where, Council resolved (232/11/2021) to:

- 1) *Note the report on the Draft Coolamon Shire Settlement Strategy; and*
- 2) *Endorse the public exhibition of the Strategy for a period of 60 days.*

What is a Settlement Strategy?

The Coolamon Settlement (Land Use) Strategy is a plan that identifies key issues facing the settlements in the Coolamon Shire and develops strategies to address those issues and manage the future growth and enhancement of each of the settlements for the next 20 years. Council undertook a review of the 2010 land use strategy to address changes that have occurred over the past 11 years.

This strategy will guide decision-making by Council & the NSW Government on areas for future residential expansion over the next 20 years (2021-2040). It considers locations for infill development in existing urban and rural zones &, if required, expansion of urban areas into surrounding rural areas.

List of Settlements/Study Area

This Strategy includes those areas within the Rural, Rural Residential and Village Zones under the Coolamon Local Environmental Plan 2011 located in:

- Ardlethan
- Beckom
- Coolamon
- Ganmain
- Matong
- Marrar

Why is a Settlement Strategy Important?

The value of documenting a Settlement Strategy is that it:

- Illustrates the desired future character and land use outcomes that the community (and Council) are aiming for and how the Council expects to achieve them;
- Helps Council staff and Councillors interpret and administer the planning instruments intended to implement the outcomes of the strategy and ensures greater consistency in land use decision-making;
- Promotes forward planning and increased certainty for the community and investors in each settlement and decreases the costs associated with assessing development;
- Assists with an improved understanding of how and why there may be changes to existing planning controls in Coolamon.

Purpose of the Strategy

Guiding population growth and the location of required residential and rural residential land is a key strategic challenge facing the Coolamon Shire LGA. The Coolamon Local Government Area (LGA) has experienced moderate but sustained population growth in recent years. In 2011, the ABS Census estimated residential population of the LGA was 4,099. In the five years following, the population grew by 216 people to 4,315 - an increase in total population of approximately 1 per cent.

Whilst there is no current constraints in land supply in any of the towns and villages within the Shire, with the exception of appropriately zoned land and rates of population growth projected to continue in LGA, ensuring an adequate supply of new and strategically located residential land in Coolamon is vital for managing housing affordability and ensuring the social, economic and environmental sustainability of the Coolamon Shire. Population growth and development also needs careful planning and management to ensure that the interests of the community, landowners and the development industry are balanced.

Consultation

In accordance with the November 2021 Council resolution, staff exhibited the Strategy from the 24th November 2021 to 24 January 2022.

The exhibition of the strategy was advertised in the following:

- Temora Independent
- Wagga Wagga Daily Advertiser
- Council Website and
- Council Facebook Page

A total of 6 Public submissions and 4 Agency submissions were received.

The majority of submissions were provided during the exhibition period. The submission from the NSW Department of Planning, Industry and Environment was received on 1 March 2022.

All submissions will be considered and utilised to inform the final version of the strategy which will be presented to Council with a recommendation for adoption. The NSW Department of Planning, Industry and Environments submission raised a number of matters that will need to be addressed prior to the finalisation of the strategy and include the following by way of summary:

- Include constraint mapping
- Include a staging and implementation plan
- Consider utilising R5 Large Lot Residential zone instead of RU4 Primary Production Small Lot
- Introduce commuter data
- Clarify methodology for dwelling demand
- Add discussion on minimum lot size for seniors
- Further detail on Coolamon lot demands
- Introduce land supply monitor
- Further detail on Harness Racing and Equine Precinct

Council staff will now consider and undertake actions to address the Departments comments. Ultimately, Council seeks to have the strategy endorsed by Council so as to ensure the future support for Planning Proposals for rezoning of those land parcels identified in the strategy.

Financial Implications

There are no immediate / or adverse financial implications resulting from the development and subsequent implementation of the Strategy.

Recommendation

That Council note the report on the status of the Draft Coolamon Shire Settlement Strategy.

RESOLVED on the motion of Clr McKinnon and seconded by Clr Maslin that Council note the report on the status of the Draft Coolamon Shire Settlement Strategy. 57/03/2022

HS4) DOMESTIC WASTE COLLECTION SERVICES TENDER (RFT 2022/02) (LF698)

Summary

This report provides details on the tenders received for Domestic Waste Collection Services for the Coolamon Local Government Area.

This tender is for provision of waste collection services for domestic garbage, recycling, garden organics and public place bins.

This report recommends that Council accept the tender offer submitted by Cleanaway Pty Ltd.

Background

The current Kerbside Collection and Transport of Putrescible Waste and Recycling Contract was awarded to HAYCON Environmental Services in 2011 for a period of 5 years with an option to extend.

The contract was extended under contract extension provisions up until 19th April 2022.

As a result of the end of the current waste collection contract with HAYCON Environmental Services coming to a close, Council staff developed a new 'Contract for: Collection of Domestic Waste, Recyclables, Food and Garden Organics (limited), and Public Place Bins'.

The contract was subsequently advertised and tenders have now been received.

Invitation to Tender

The Request for Tender was advertised in the following mediums on the following dates:

- *Temora Independent* - 28 January, 4 and 11 February 2022
- *Wagga Wagga Daily Advertiser* - 30 January, 5, 12 and 19 February 2022.

The tender advert was also published on Councils website and on Councils Facebook Page.

The tender period closed on 1 March 2022.

Tender Submissions

Two (2) submissions were received from the following organisations:

- Cleanaway Pty Ltd;
- J R Richards & Sons.

No late submissions were received.

Tender Submissions

Council received two (2) tenders during the submission period.

The tenders have been received from J R Richards and Sons and Cleanaway Pty Ltd.

J R Richards and Sons lodged a conforming tender in addition to 2 x non-conforming tenders. The conforming tender is listed in table 1 below under the heading 'conforming tenders'. The non-conforming tender schedules are listed in the table below under the heading of 'non-conforming tenders'.

The non-conformances by J R Richards and Sons are related to the use of 1 x truck is instead of 2 trucks, on the provision that the contract is issued for 10 years as opposed to 7 years with a 3 year option to renew and in relation to CPI Rise and Fall calculations.

Council staff see no issues with any of the no conformances identified by J R Richards and Sons.

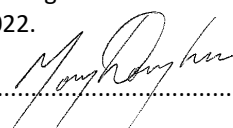
The tender submission submitted from Cleanaway is a non-conforming tender and the tender rates are identified in table 1 below under the heading of 'non-conforming tenders'.

The non- conformances by Cleanaway are administrative in nature and relate to the provision of 1 x truck (2 trucks were specified in the tender documents).

Council staff see no issues with any of the no conformances identified by Cleanaway Pty Ltd.



..... MAYOR.....



.....GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

Tenderers and tender prices are listed in the following table:

Tenderer	Description of Service	Service Rates – Cost Unit Description	Service Rate \$ – per unit excluding GST	Comment
Conforming Tenders				
J R Richards and Sons	Garbage Weekly collection of base service level 140 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week.	\$2.8866	No comment.
	Garbage Weekly collection of additional identical base service level 140 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week.	\$2.8866	No comment.
	Garbage Weekly collection of 240 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week	\$2.8866	No comment.
	Recycling Fortnightly collection of 240 litre mobile bin and transport to the Nominated Facility.	Per Recycling Service-Entitled Premise per fortnight.	\$3.7657	No comment.
	Food and Garden Organics Fortnightly collection of 240 litre mobile bin and transport to the Nominated Facility.	Per Food and Garden Organics Service-Entitled Premise per fortnight.	\$2.2755	No comment.
	Special Infirm Household Collection as per Clause 4.5.2 of the General Specification for Recycling Services at Multi occupancy Dwellings. Weekly collection of 240 litre mobile bins and transport to the Nominated Facility.	Cost in addition to the collection cost in X. Additional cost per Premise per week	\$8.7657	No comment.
	Public Place Bins Collection of Public Place Bins in accordance with the Schedule contained in the Annexure to Part 5 Public Place Bins Specification	Per Public Place Bin collection	\$15.7798	No comment.
	Event Bin Collection of event bins as requested by Council as per Clause 2.1 of the Public Place Bin Specification.	Per event bin collection	\$0.00*	Special event bins used for Council events are collected by Council. Community

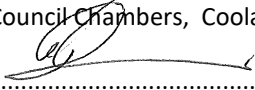
This is Page No. 52 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.


..... MAYOR..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

	Includes delivery and retrieval of Event Bins			organisations will have the opportunity to either dispose of waste from such events at landfill facilities free of charge or pay the nominated fee/charge.
	Payment for Transport to Alternative Facility	Mixed Solid Waste and Street Bins	= \$0.9049	No comment.
		Recycling Food and Garden	= \$0.8966 = \$0.9545	
Non-Conforming Tenders				
J R Richards & Sons				
Alternate Tender A Proposes Term of 7 years, use of 1 vehicle and alternate CPI Rise and Fall Calculation	Garbage Weekly collection of base service level 140 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week.	= \$1.3128	No comment.
	Garbage Weekly collection of additional identical base service level 140 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week.	= \$1.3128	No comment.
	Garbage Weekly collection of 240 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week	= \$1.3128	No comment.
	Recycling Fortnightly collection of 240 litre mobile bin and transport to the Nominated Facility.	Per Recycling Service-Entitled Premise per fortnight.	= \$1.9050	No comment.
	Food and Garden Organics Fortnightly collection of 240 litre mobile bin and transport to the Nominated Facility.	Per Food and Garden Organics Service-Entitled Premise per fortnight.	= \$1.2058	No comment.
	Special Infirm Household Collection as per Clause 4.5.2 of the General Specification for Recycling Services at Multi occupancy Dwellings. Weekly	Cost in addition to the collection cost in X. Additional cost per Premise per week	= \$6.9050	No comment.

This is Page No. 53 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.

..... MAYOR..... 

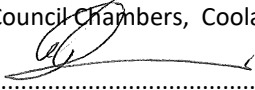
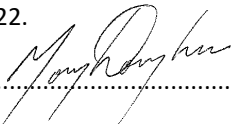
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..... GENERAL MANAGER.....

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

	collection of 240 litre mobile bins and transport to the Nominated Facility.			
	Public Place Bins Collection of Public Place Bins in accordance with the Schedule contained in the Annexure to Part 5 Public Place Bins Specification	Per Public Place Bin collection	= \$4.9565	No comment.
	Event Bin Collection of event bins as requested by Council as per Clause 2.1 of the Public Place Bin Specification. Includes delivery and retrieval of Event Bins	Per event bin collection	= \$0.00*	Special event bins used for Council events are collected by Council. Community organisations will have the opportunity to either dispose of waste from such events at landfill facilities free of charge or pay the nominated fee/charge.
	Payment for Transport to Alternative Facility	Mixed Solid Waste and Street Bins Recycling Food and Garden	= \$0.9049 = \$0.8966 = \$0.9545	No comment.
J R Richards & Sons				
Alternate Tender B Proposes Term of 10 years, use of 1 vehicle and alternate CPI Rise and Fall Calculation	Garbage Weekly collection of base service level 140 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week.	= \$1.2700	
	Garbage Weekly collection of additional identical base service level 140 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week.	= \$1.2700	No comment.
	Garbage Weekly collection of 240 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week	= \$1.2700	No comment.
	Recycling Fortnightly collection of 240 litre mobile bin and transport to the Nominated Facility.	Per Recycling Service-Entitled Premise per fortnight.	= \$1.8396	No comment.
	Food and Garden Organics Fortnightly collection of	Per Food and Garden Organics Service-Entitled	= \$1.1640	No comment.

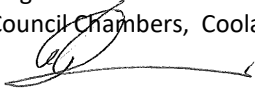
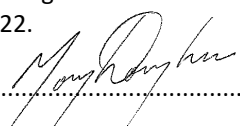
This is Page No. 54 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.

..... MAYOR.....


..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

	240 litre mobile bin and transport to the Nominated Facility.	Premise per fortnight.		
	Special Infirm Household Collection as per Clause 4.5.2 of the General Specification for Recycling Services at Multi occupancy Dwellings. Weekly collection of 240 litre mobile bins and transport to the Nominated Facility.	Cost in addition to the collection cost in X. Additional cost per Premise per week	= \$6.9050	No comment.
	Public Place Bins Collection of Public Place Bins in accordance with the Schedule contained in the Annexure to Part 5 Public Place Bins Specification	Per Public Place Bin collection	= \$4.7926	No comment.
	Event Bin Collection of event bins as requested by Council as per Clause 2.1 of the Public Place Bin Specification. Includes delivery and retrieval of Event Bins	Per event bin collection	= \$0.00	Special event bins used for Council events are collected by Council. Community organisations will have the opportunity to either dispose of waste from such events at landfill facilities free of charge or pay the nominated fee/charge.
	Payment for Transport to Alternative Facility	Mixed Solid Waste and Street Bins	= \$0.9049	No comment.
		Recycling Food and Garden	= \$0.8966 = \$0.9545	
Cleanaway				
Non-Conforming Tender. Use of 1 x truck and some administrative changes to contract document	Garbage Weekly collection of base service level 140 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week.	\$1.0850	No comment.
	Garbage Weekly collection of additional identical base service level 140 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week.	\$1.0850	No comment.

This is Page No. 55 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th March 2022.

..... MAYOR.....

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

	Garbage Weekly collection of 240 litre mobile bin and transport to the Nominated Facility.	Per Garbage Service-Entitled Premise per week	\$1.0850	No comment.
	Recycling Fortnightly collection of 240 litre mobile bin and transport to the Nominated Facility.	Per Recycling Service-Entitled Premise per fortnight.	\$1.5055	No comment.
	Food and Garden Organics Fortnightly collection of 240 litre mobile bin and transport to the Nominated Facility.	Per Food and Garden Organics Service-Entitled Premise per fortnight.	\$1.3550	No comment.
	Special Infirm Household Collection as per Clause 4.5.2 of the General Specification for Recycling Services at Multi-occupancy Dwellings. Weekly collection of 240 litre mobile bins and transport to the Nominated Facility.	Cost in addition to the collection cost in X. Additional cost per Premise per week	\$1.2000	No comment.
	Public Place Bins Collection of Public Place Bins in accordance with the Schedule contained in the Annexure to Part 5 Public Place Bins Specification	Per Public Place Bin collection	\$2.4500	No comment.
	Event Bin Collection of event bins as requested by Council as per Clause 2.1 of the Public Place Bin Specification. Includes delivery and retrieval of Event Bins	Per event bin collection	\$35.00	Special event bins used for Council events are collected by Council. Community organisations will have the opportunity to either dispose of waste from such events at landfill facilities free of charge or pay the nominated fee/charge.
	Payment for Transport to Alternative Facility	Garbage Recycling Food and Garden Public Place Bins	= \$0.62 = \$1.12 = \$1.69 = \$0.62	No comment.

Table 1: Tenderers and Tender Prices

Tender Evaluation

The relative ranking of tender's was determined from the assessment of the submitted tenders by a tender review panel comprising of relevant Council Staff

(General Manager, Director Corporate Services and Director Planning and Environment).

All submissions were assessed in accordance with the approved evaluation criteria being:

- a) Service methodology;
- b) Resourcing;
- c) Systems and reporting;
- d) Transition;
- e) WHS (mandatory); and
- f) Financial and commercial trading integrity, including insurances (mandatory).

All tenderers will be notified by telephone and in writing of Council's decision after the report has been determined by Council.

It is recommended that Council consider accepting the tender from Cleanaway Pty Ltd.

Cleanaway - Proposed Service Day Change

The tender submitted by Cleanaway would result in some service collection day changes.

The principle change proposed for the contract will be changing service days from Tuesday & Wednesday to a 4 day a week service. Where possible, service days would remain unchanged, minimising the total properties and residents required to be contacted.

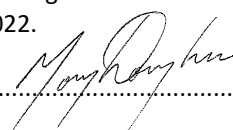
The following table identifies proposed collection time changes:

Town/Suburb	Current Collection Day	Proposed Collection Day	Comms required	First day of Service under new contract
ARDLETHAN	Wednesday	Wednesday	No	20 th April
BECKOM	Wednesday	Wednesday	No	20 th April
COOLAMON NORTH	Tuesday	Monday	Yes	25 th April
COOLAMON SOUTH	Tuesday	Tuesday	No	26 th April
GANMAIN	Wednesday	Friday	Yes	22 nd April
MARRAR	Tuesday	Monday	Yes	25 th April
MATONG	Wednesday	Wednesday	No	20 th April

Table 2: Proposed Service Day Changes



..... MAYOR.....



..... GENERAL MANAGER.....

Cleanaway recognises the short time frame required between the award of the tender and the commencement of the contract. Whilst Cleanaway understands that communications are typically the responsibility of Council, Cleanaway has offered to perform the communication activities on behalf of Council, or assist with the communications, at an agreed cost.

Collateral materials should be designed for direct communication towards residents. This could include:

- Bin flyers
- Reprint of Waste Calendars to indicate specific changes (all the types of changes happening)
- Letters for ratepayers

Methods of communication to be considered by Council:

- Letter to rates payers - to let them know there's a collection day change happening and when
- Letterbox drop of information flyer or postcard to residents
- Council Website
- Message on Council's customer service Phone Line about Bin Roll Out directing people to website for further information.

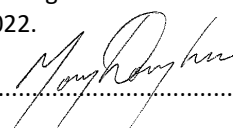
Performance Measurement

The appointed tenderer will have its performance assessed against the following specific key performance indicators:

Standard	Performance Criteria
Compliance	<ul style="list-style-type: none"> • satisfaction of the Aims and Objectives of the Contract • compliance with all terms of the Contract • compliance with the approved Quality Plan • compliance with the work Health and Safety Management System • compliance with Environmental Management System • compliance with Business Continuity Plan • compliance with quiet work practice strategy • specific recovered material streams are delivered to the processing facility in the intended condition • no materials are spilt during collection • surveys, where undertaken by council, show at least ninety-five percent (95%) customer satisfaction level • customer complaints resolved within the specified timeframes • maintain services within the performance benchmarks for missed services, early starts and other customer complaints
Non Compliance	<ul style="list-style-type: none"> • failure to satisfy the aims and objectives of the contract • lack of compliance with any of the terms of the contract • lack of compliance with quiet work practice strategy • services not provided on the scheduled day • mobile bins not correctly replaced after emptying • materials spilt are not cleaned up within the specified timeframes • recyclables rejected at the material recovery facility due to contamination or over compaction • organics rejected at processing facility due to contamination • surveys, where undertaken by council, show less than ninety-five percent (95%) satisfaction level • customer complaints not resolved within the specified time frames • performance benchmarks for missed services, early starts, and other customer complaints are not met



..... MAYOR.....



.....GENERAL MANAGER.....

Financial Implications

There are sufficient funds allocated for this contract within the current year's operating budget and future years' forward estimates.

Legislative Implications

The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and the Councils Contracts Policy.

The submitted tenders contain confidential commercial information of the tenderers and details of Council's tender evaluation and contingencies which, if disclosed, would:

- a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
- b) prejudice the commercial position of the person who supplied it.

It is considered that discussion of the matter/report in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers. Thus this report should be considered in Committee of a Whole.

Recommendation

- 1) That Council note the report titled Domestic Waste Collection Services Tender (RFT 2022/02);
- 2) That Council Award the Waste Collection Service Tender to Cleanaway Pty Ltd; and
- 3) If Cleanaway, for any reason, do not accept or enter into contract, offer the contract to J R Richards and Sons – Alternate Tender A, subject to further discussion and agreement on CPI Rise and Fall Provisions.

**HS4) DOMESTIC WASTE COLLECTION SERVICES TENDER (RFT 2022/02) (LF698)
(Continued)**

Summary

This report is an addendum report to the report titled 'Domestic Waste Collection Services Tender Report (RFT 2022/02)'.

This report recommends that Council now accept the tender offer submitted by J R Richards & Sons.

Background

Council staff have been in negotiations with Cleanaway and Councils Insurer in regards to a number of contract non-conformances that were proposed by Cleanaway.

The non – conformances related to a number of administrative contract provisions and whilst agreement was able to be reached on a number of those, agreement could not be reached on some of the insurance / liability related matters.

Council has received advice from its insurers that the proposed changes to the insurance and liability provisions in the contract should not be changed.

Accordingly, it is now recommended that Council accept the tender offer submitted by J R Richards & Sons for Alternate Tender A.

The J R Richards and sons alternative Tender A is based on providing the collection services over five days per week, requiring only one collection vehicle. This reduced capital outlay provides great savings for both Council and residents.

It is proposed should this option be selected, we would continue with the current two days per week collections for the first six months. This would allow time to plan and advertise the changes, with the introduction timed to coincide with the delivery of the new collection vehicle.

Financial Implications

There are sufficient funds allocated for this contract within the current year's operating budget and future years' forward estimates.

Recommendation

- 1) That Council note the report titled Domestic Waste Collection Services Tender (RFT 2022/02); and
- 2) That Council Award the Waste Collection Service Tender to J R Richards & Sons for Alternate Tender A.

RESOLVED on the motion of Clr Maslin and seconded by Clr Perkin: 58/03/2022

- 1) That Council note the report titled Domestic Waste Collection Services Tender (RFT 2022/02); and
- 2) That Council Award the Waste Collection Service Tender to J R Richards & Sons for Alternate Tender A.

† **ADJOURNMENT**

RESOLVED on the motion of Clr Lewis and seconded by Clr Hatty that Council resolve into Committee of a Whole for the purpose of considering confidential matters as listed in the Committee of a Whole agenda for the reason that such matters are considered to be of a confidential nature and in accordance with Council's policy thereto. 59/03/2022

Council adjourned at 3.56pm into Committee of a Whole and reconvened at 4.03pm.

6) RECOMMENDATIONS OF A COMMITTEE OF A WHOLE MEETING HELD 17TH MARCH 2022.

RESOLVED on the motion of Clr Hutcheon and seconded by Clr Perkin that the Recommendations of a Committee of a Whole Meeting held 17th March 2022 be received and adopted. 60/03/2022

7) MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD 3RD MARCH 2022.

RESOLVED on the motion of Clr McKinnon and seconded by Clr Maslin that the Minutes of the Audit, Risk & Improvement Committee Meeting held 3rd March 2022 be noted and endorsed. 61/03/2022

8) REPORTS: DELEGATES/MAYOR/COUNCILLORS

- Clr McCann advised that the President and CEO of Local Government NSW had visited Coolamon earlier in the week.
- Clr McCann advised that discussions regarding the Rate Pegg and Regional Housing were discussed at the Local Government Conference.
- Clr Maslin asked about the progress of the community consultation for the Community Strategic Plan.
- Clr McKinnon advised that the school would be co-ordinating the visit of the light horse. Clr McKinnon advised that the Advance Matong Committee had reviewed the proposed plans for the Matong Hall. Clr McKinnon advised that a mining company has been undertaking investigations around Cowabbie and Ardlethan.
- Clr Crocker formally acknowledged Colby Farmer, Jesse Rapley and Jamie Hard on their efforts in raising \$8,500 for the Red Neck Rally/Country Hope.
- Clr McCann advised that Ricky Hard, a previous Citizen of the Year, has raised \$76,280 for the Red Neck Rally.

Meeting Closed at 4.13pm.

Confirmed and signed during the Meeting held this 21st day of April 2022.

.....
MAYOR

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD AT THE COUNCIL
CHAMBERS, COOLAMON ON WEDNESDAY 3RD MARCH 2022 AT 10.09AM.

BUSINESS:

- 1) Apologies.
- 2) Confirmation of Minutes (3 November 2021)
- 3) Matters Arising from previous Minutes
- 4) External Audit
- 5) Internal Audit
- 6) Risk Management
- 7) Notification of Incidents of Fraud or Investigation involving Coolamon Shire Council
- 8) General Business
- 9) Next Meeting

PRESENT: A Balind (Bland Shire Council), Clr B Hutcheon and Clr A White

STAFF: T Donoghue, General Manager
C Armstrong, Executive Manager, Corporate & Community Services

INTERNAL AUDIT: Nil

EXTERNAL AUDIT: Nil

APOLOGIES: R Smith (Bland Shire Council)

1) **APOLOGIES**

Apology of R Smith was received and noted.

2) **CONFIRMATION OF MINUTES (3 NOVEMBER 2021)**

Recommendation

That the Minutes of the Meeting held 3 November 2021 as circulated be confirmed and adopted.

3) **MATTERS ARISING FROM MINUTES (3 NOVEMBER 2021)**

Nil

4) **EXTERNAL AUDIT**

C Armstrong provided a verbal report regarding the FY2022 external audit. Council staff participated in an Audit Planning meeting with NSW Audit Office and Crowe in February 2022. The Interim Audit has been scheduled for June 2022 and Council is yet to receive a the Annual Engagement Plan (AEP). It is anticipated that the AEP will be available for the next meeting (July 2022). Council staff had not invited representatives from the NSW Audit Office or Crowe as the AEP had not been received. Staff anticipate that some of the focus areas for the current year's audit will include RFS Asset, COVID impacts and asset revaluations.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH MARCH 2022.

MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD AT THE COUNCIL
CHAMBERS, COOLAMON ON WEDNESDAY 3RD MARCH 2022 AT 10.09AM.

5) **INTERNAL AUDIT**

- a. Current Internal Audit Topics
i. Contributions Plan

T Donoghue spoke about the engagement of the consultant for the Contributions Plan audit and that upon receipt, he would forward the scope/methodology to the Audit Alliance members.

- b. Report on Actions taken since last meeting.

A report showing the recommendations relating to the previous audits was presented to the committee.

6) **RISK MANAGEMENT**

T Donoghue and C Armstrong advised that two staff will now take on the responsibilities of Risk Management as follows:

- E Bowden – WHS
- R Perram – Enterprise Risk

7) **NOTIFICATION OF INCIDENTS OF FRAUD OR INVESTIGATIONS INVOLVING COOLAMON SHIRE COUNCIL**

- a. Incidents of Fraud
Nil reported.
- b. NSW Ombudsman's Reports
Nil reported.
- c. ICAC Enquiries involving Coolamon Shire Council
Nil reported.
- d. Office of Local Government
Nil reported.

8) **GENERAL BUSINESS**

T Donoghue advised that the Audit Alliance members would be meeting to continue to plan for the implementation of the new risk management and internal audit requirements and to consider future internal audit topics

9) **NEXT MEETING**

The next meeting of the Audit, Risk & Improvement Committee to be scheduled in the first week of July 2022 subject to the timetabling of all committee meetings for participating Audit Alliance Councils.

Meeting closed at 10.35am.

ATTACHMENTS FOR THE MEETING HELD 17TH MARCH, 2022

ITEMS DISTRIBUTED WITH THE AGENDA

- 1) ACTIVITY REPORTS
 - 1) Operating Statistics of the Coolamon Shire Library for February 2022.
 - 2) Community Development Officer's Report for February 2022.
 - 3) Road Safety Officer's Report for February 2022.
 - 4) Allawah Community Care Report for February 2022.
Refer Correspondence Item (1a).

- 2) INFORMATION PAPERS:
 - 1) Minutes of the Annual General Meeting of the Beckom Hall & Community Committee held 15th February 2022.
 - 2) Minutes of the Advance Ganmain Committee Meeting held 2nd March 2022.
 - 3) Minutes of the Advance Ardlethan Committee Meeting held 7th March 2022.
 - 4) Minutes of the Advance Matong Committee Meeting held 7th March 2022.
 - 5) Minutes of the Country Mayors Association of NSW AGM Meeting held 5th November, 2021 and Adjourned AGM Meeting held 11th March, 2022.
 - 6) Minutes of the Country Mayors Association of NSW Meeting held 11th March, 2022.
 - 7) Minutes of the AGM and Ordinary Meeting of the Ardlethan Showground Management Committee Meeting held 25th February 2022.
Refer Correspondence Item (2a).

- 3) A copy of The Australian Local Government Association (ALGA) list of National priorities for the upcoming Federal Election.
Refer General Manager's Report (GM3), [File No. E.01-03].

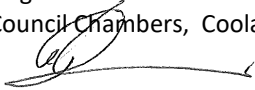
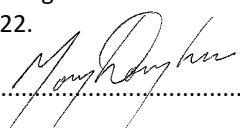
- 4) A copy of the Policies in relation to the Policy Review Report.
Refer Executive Manager, Corporate & Community Service's Report (CS2), [File No. P.12-01].

- 5) A copy of the Building and Land Asset Management Report 2022/23.
Refer Executive Manager, Development & Environmental Services' Report (HS2), [File No. A.11-01].

- 6) Correspondence in regard to the report on Rate Pegg.
Refer General Manager's Report (GM4), [File No. R.04-05].

- 7) A copy of the Child Safe Policy.
Refer Executive Manager, Corporate & Community Service's Report (CS3), [File No. P.12-01].

Appendix 1 – Adopted Policies March 2022

.......... MAYOR..........GENERAL MANAGER.



LOCAL COMPANION ANIMALS MANAGEMENT PLAN

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 1		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 Year		
Last Review Date	February 2022	Next Scheduled Review	February 2026

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EXECUTIVE SUMMARY

Coolamon Shire Council has identified the need to develop a Local Animal Management Plan to improve outcomes in the area of companion animal's management. New legislation and changing community expectations mean new approaches are now required. In addition, there is increasing recognition that enforcement approaches will not, on their own, result in lasting changes in human behaviour. They need to be supplemented by a range of other tools that focus on passive and voluntary approaches to achieving responsible pet ownership.

Investigations include a detailed examination of the issues (Section 2) and analysis of the existing situation in the Coolamon Shire Council area (Section 3). Part 1 culminates in a description of the Strategic Framework including the goal and aims. The Action Plans are contained in Part 2. They have been grouped into twelve key issue areas i.e.:

- Identification and registration;
- Dogs in public areas;
- Faeces management;
- Wandering dogs;
- Excessive barking;
- Dangerous dogs and restricted breeds;
- Cat management;
- Animal welfare and safety;
- Recognising the benefits of pet ownership;
- Enforcement
- Education and dissemination, and
- Funding and review

PART 1: STRATEGIC FRAMEWORK

1. INTRODUCTION

1.1 Local Companion Animals Management Plan

The Companion Animals Act 1998 introduced changes to the way dogs were managed by local authorities and, for the first time, introduced controls over domestic cats.

A Local Companion Animals Management Plan (LCAMP) is a document, which provides a means to assist Council to fulfil its responsibilities under the Companion Animals Act 1998 by determining relevant objectives and priorities along with a clear program of implementation.

1.2 Outline of this Plan

The LCAMP is divided into two parts:

Part 1 (Sections 1-4) is titled Strategic Framework. It examines relevant issues and responsibilities in relation to companion animal management. It culminates in a goal and aims of the LCAMP.

Part 2 (Section 5) is entitled Action Plans. It outlines the actions necessary for Council to reach and achieve the goal and aims as outlined in the Strategic Framework.

1.3 Scope of the Plan

This Plan integrates the developing of expertise in companion animal management around Australia, to create a program of future strategic actions to be considered and implemented by Council.

Relevant issues include those prescribed under relevant legislation as well as the generally understood notion of socially responsible pet ownership. The plan is confined to an examination of domestic dogs and cats.

2. COMPANION ANIMALS MANAGEMENT: A NEW AGENDA FOR LOCAL GOVERNMENT?

The Companion Animals Act 1998 (the Act) heralded a new era for Council's management of domestic cats and dogs. The days when animal control consisted largely of dog registrations and pound management have ceased. Today's management environment consists of both dogs and cats and includes a wider range of issues including the environment, animal welfare, removal of dog faeces, the question of on- and off-leash areas, and an apparently higher incidence of barking dog complaints. What was once a relatively straightforward part of Council activity is now highly emotive, attracting interest from both pet owners and non-pet owners alike.

Reliance on laws will probably always be the backbone of companion animal management, however, there is now more emphasis on the development of non-regulatory approaches such as public education. The NSW State Government have developed Statewide education campaigns, however Council can develop its own education programs if it has different priorities or if it wishes to supplement the work of the State Government.

There is also a role for the use of design of both domestic dwellings and public open space to help people to be responsible pet owners and to reduce the incidence of conflict. This implies a role for Council in disseminating appropriate design guidelines but also in modifying the planning and design of public parks.

The following section examines key issues in greater depth:

2.1 Registration and Identification of Companion Animals

(Companion Animals Act 1998, Sections 8 & 9)

Registration and identification are crucial components of animal management because they provide:

- A database for returning lost pets;
- A method of identifying offending animals;
- A way to communicate with pet owners; and
- A source of funds for education and enforcement.

Under the Act, a companion animal must be microchipped from 12 weeks of age (Section 8). A companion animal must be registered at six months of age (Section 9). An early priority of the Plan should focus on raising the level of both dog and cat registrations.

2.2 Dogs

2.2.1 Off-Leash Areas

(Companion Animals Act 1998, Section 13)

Council can declare a public place to be an off-leash area. Such a declaration can be limited so as to apply during a particular period or periods of the day or to different periods of different days. However, there must at all times be at least one public place in any Local Government Area that is an off-leash area.

Council has previously resolved that the off lead area is bound by Wade Street and Jacaranda Avenue and is signed accordingly to inform community members that the land can be used as an off leash area for registered dogs.

The popularity of dog ownership in Australia has resulted in the following issues:

- Dogs need to be socialised around other dogs and humans;
- Exercise and outings play a part in alleviating unwanted behaviours in the home such as excessive barking and some forms of aggression;
- There are benefits for humans – exercise, socialising with other dog owners (this is well documented) and the fact that for some people a dog is their main form of recreation;
- To avoid concentration of off-leash activity in one or a small number of areas; and
- As a compliance tool – by providing reasonable off-leash opportunities, Council can expect and appeal for compliance with leash requirements in other areas.

However, concerns have been expressed about risks from dog attacks and Council's exposure to an unreasonable level of public liability claims. It is important to understand the reason why dog's won't necessarily behave in the same way in the neutral territory of a public park. Attacks on private property frequently occur when a dominant, protective or injured dog is not adequately supervised with children and visitors. These triggers are not present in the neutral territory of a public park

when a dog is with its owner. Most data collected on this issue suggests that dog attacks are more likely to occur in and around the family home or another home.

Preliminary advice from the Local Government and Shires Association suggests that:

- Providing proper consideration is paid to sitting issues (including signage), a Council which complies with a statutory requirement to provide a facility is less likely to be exposed to liability risk than a Council which provides such facilities of its own initiative;
- The Act places liability for such claims with the offending dog owner; and
- Section 731 of the Local Government Act gives protection to Councils and their officers for acts done in good faith for the purpose of executing that or any other Act.

The publication 'Public Open Space and Dogs' makes suggestions for planning parks and dogs in mind. Water for swimming, earth mounds, hills and gullies are ideal for free running dogs and can be created artificially if not occurring naturally. Other design features could include ramps, hurdles, tyres, tipped logs, boulders and other agility equipment. Sandpits, while ideal for dogs, are not recommended because of their inevitable attraction to children. Some Council's in Australia have developed formal dog agility courses.

The off-leash parks could be provided on a time-share arrangement (i.e. dogs are allowed off-leash at certain times of the day – usually early morning and evening).

However Council must, at all times, provide at least one off-leash area within its Local Government Area. Time-share works well, however it is important to recognise its advantages, as follows:

- It concentrates potential problems into a restricted number of hours;
- Unremoved dog faeces may be a problem at other times; and
- Some dog owners may be disadvantaged if they work irregular hours or have small children. Timeshare may also not suit the elderly who wish to use time available during the day.

2.2.2 Public Places where Dogs would be Excluded

(Companion Animals Act 1998, Section 14)

Under the Act, dogs are also prohibited in the following public places:

- In or within 10m of any children's play areas;
- Food preparation and/or consumption areas (unless it is a public thoroughfare such as a road, footpath or pathway);
- Recreation areas where dogs are declared prohibited;
- Public bathing areas where dogs are declared prohibited;
- School grounds (unless with the permission of the person controlling the grounds);
- Child Care centres (unless with the permission of the person controlling the centre);
- Shopping areas where dogs are prohibited (unless secured in a vehicle, with the permission of the person controlling the place or going to or from a vet or pet shop); and
- Wildlife protection areas.

Thus, Council can prohibit dogs from particular recreation areas, public bathing areas, shopping centres and wildlife protection areas.

2.2.3 Dog Faeces

(Companion Animals Act 1998, Section 20)

Un-retrieved dog faeces present problems for health, environmental and amenity reasons. Under the Act, owners are required to remove their dogs' faeces immediately and properly dispose of them. In practice, this is extremely difficult to enforce and may need to be an early priority for any public education activities.

Council must provide sufficient rubbish receptacles for owners to dispose of their dogs' faeces in areas that are commonly used for exercising dogs. At a minimum, leash free areas would need to be provided with suitable rubbish receptacles.

2.2.4 Nuisance Dogs

(Companion Animals Act 1998, Section 21)

Under Section 21 of the Act a dog is a nuisance if it:

- Is habitually at large;
- Makes a noise by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises;
- Repeatedly defecates on another person's property;
- Repeatedly chases any person, animal or vehicle;
- Endangers the health of any person or animal; or
- Repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

Inadequate fencing in rural and semi-rural areas makes it difficult for owners to responsibly confine their dogs. In urban areas, no or low front fence requirements make it difficult for owners to confine their dogs to their property.

Complaints relating to barking problems are often not easy to resolve and consume large amounts of Council officers' time.

Since nuisance problems are often difficult to define and measure, they can prove difficult to enforce. The words 'repeatedly' and 'habitually' are important in determining if a nuisance exists.

2.2.5 Dangerous Dogs

(Companion Animals Act 1998, Sections 34 and 51)

An authorised officer of a Council may declare a dog kept in the area as dangerous. Once a dog is declared dangerous, the owner must comply with specified conditions including keeping the dog in a childproof enclosure.

2.2.6 Restricted Dogs

(Companion Animals Act 1998, Sections 55 and 56)

The Act states that the following are restricted dogs:

- Pit bull terriers
- American Pit Bull Terriers;

- Japanese Tosas;
- Argentinian fighting dogs;
- Brazilian fighting dogs; and
- Any other dog of a breed, kind or description prescribed by the regulations as restricted for the purposes of this Division (e.g. dogs used as guard dogs by security personnel could be prescribed as restricted dogs).

The owner of a restricted dog must also comply with specified conditions including keeping the dog in a childproof enclosure.

- Any other dog of a breed kind or description whose importation into Australia is prohibited by or under the Customs Act 1901.
- Any other dog declared by an authorised officer of a Council under Division 6 of Part 5 of the Act.

2.3 Cats

The issues of cat management relate predominantly to the impact of cats on wildlife. Cats can also be a nuisance to surrounding neighbours. A distinction needs to be made between feral cats and owned domestic cats.

Council can prohibit cats from entering public places. Other options for protection of wildlife include:

- Cat curfews
- Education to encourage people to keep their cat indoors;
- Cat proof fences and enclosures; and
- Use of housing design to help owners to responsibly confine their cat.

2.3.1 Areas Where Cats Would Be Prohibited (Companion Animals Act 1998, Section 30)

Under the Act, owned domestic cats are prohibited in the following public places:

- Food preparation or consumption areas; and
- Wildlife protection areas (unless it is a public thoroughfare such as a road, footpath or pathway)

A wildlife protection area is a public place that has been declared by Council for the protection of wildlife.

2.3.2 Nuisance Cats (Companion Animals Act 1998, Section 31)

A cat is a nuisance if it:

- Makes a persistent noise; or
- Repeatedly damages anything outside the property on which it is ordinarily kept.

This will be similar to handling nuisance dog complains, although cats are more difficult to confine to a property than dogs. It is envisaged that each complaint will need to be examined on a case by case basis.

2.4 Enforcement or Education

An ongoing debate in animal management is the relative merits of enforcement versus education. Laws will probably always be the backbone of the management task. However, the advantages of taking a legal approach should not blind us to its shortcomings. The legal approach is sometimes inefficient and apart from consuming resources in maintaining an enforcement presence it may only achieve compliance for a short period of time.

By contrast, voluntary compliance, if it can be achieved will just about always provide more meaningful, lasting changes in behaviour. It depends more on overcoming ignorance, indifference and incompetence than in prescribing concrete forms of acceptable behaviour. However education changes behaviour slowly, it can be expensive and is hard to evaluate.

Neither approach should be regarded as a panacea. A combination will just about always be appropriate. The secret is to understand the strengths and weaknesses of each and how they operate in different policy contexts.

The Act anticipates that the State Government will undertake community education from the money allocated to the Companion Animals Fund. Council may also wish to undertake its own education programs either to augment the message of the statewide campaign or where its priorities vary from those of the State Government.

2.5 Recognising the Benefits of Pet Ownership

The health and social benefits of owning pets are now well understood and have been documented in numerous scientific studies. At one level this means a balanced approach to managing domestic pets.

At another more implicit level, there is an emerging understanding that pets contribute to quality of life, a positive that could perhaps be fostered by Local Government.

At this stage, fostering the positives in an explicit way would still be something of a quantum leap, focused as local government is on handling complaints. However over time the Plan could be adjusted to integrate an explicit consideration of the benefits of owning pets.

Part of the challenge involves removing barriers to owning pets. The Petcare Information and Advisory Service has published brochures for landlords and tenants outlining rights and responsibilities of people wishing to own pets in rental accommodation. As an early initiative, Council could make these brochures available for the local community.

Other initiatives could be explored in the development of local public health initiatives.

3. THE LOCAL CONTEXT

3.1 Coolamon Shire Council

The Coolamon Local Government Area (LGA) covers 2,433 square kilometres. The LGA has a population of approximately 4,315 with the town of Coolamon having a population of 2,199. The primary land uses are agricultural and farming.

3.2 Animal Management in the Coolamon Shire Council Area

The Planning and Environmental Services Section of Council implements and undertakes animal management in the Coolamon Shire Council area.

Council operates an animal facility, off Loughnan Street, Coolamon. Impounded dogs are either released to the owner, sold, destroyed or released to registered charities for re-homing. Council policy restricts the sale of large hunting or savage stray dogs from the pound.

3.3 Relevant Policies and Plans

The Coolamon Shire Council's Local Companion Animal Management Plan (L.C.A.M.P) outlines the actions required by Council to fulfil and implement the requirements of the Companion Animals Act 1998. Part 2 of the L.C.A.M.P. details the actions required to fulfil the aims of the plan. All actions are prioritised and responsibility for their implementation are assigned. It also recognises that it is a continuing process and the plan allows for amendment through reviews by Council and the community. Other relevant policies and plans in the Coolamon Shire Council area are:

- Local Environment Plan 2011
- Development Control Plan 2015

4. GOAL AND AIMS

The goal for the Coolamon Shire Local Companion Animals Management Plan is:

- To promote and facilitate responsible ownership of dogs and cats, animal welfare, and the benefits of animal companionship.

The aims of the Plan are:

- To ensure Council meets its obligations under the Companion Animals Act 1998;
- To investigate the best mix of regulatory and non-regulatory approaches to achieving responsible pet ownership in the Coolamon LGA;
- To establish priorities for companion animals management for the next three to five years; and
- To consider ways Council could harness the benefits of owning pets.

The Action Plans are practical actions that Council can undertake to ensure these aims materialise. These are set out in Part 2 and have been grouped into twelve key issue areas.

PART 2: ACTION PLANS

5. KEY ISSUE AREAS

The key issue areas include:

- Identification and registration;
- Dogs in public places;
- Faeces management;
- Wandering dogs;
- Excessive barking;
- Dangerous dogs and restricted breeds;
- Cat management;
- Animal welfare and safety;
- Recognising the benefits of pet ownership
- Enforcement
- Education and dissemination; and
- Funding and review.

5.1 Identification and Registration

Identification and registration is important for reunion of lost pets with their owners and as a source of funding for animal management programs. It also provides a database for Council to communicate with its pet owning population.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE
Educate the community about the importance and need for micro chipping and registering dogs and cats.	High	Coolamon Shire Council	<ul style="list-style-type: none"> Issue 2 newsletters items regarding animal registration and identification in the Community Newsletter per year. Boost registrations through enforcement and other animal management activities.

5.2 Dogs in Public Places

Dogs and their owners are significant users of public open space, however some dogs cause problems for other park users and the environment.

Council needs to decide if additional off leash areas should be provided and if so, how many and where. There may be a case to prohibit dogs from some public places. These issues need to be decided in consultation with the local community.

The provisions relating to dogs' access to public open space need to be disseminated widely to the community. Appropriate signage is essential.

Off-leash areas need to be protected from conflicting uses or development. This is best done by integrating the provisions into relevant plans of management.

Over time, improved planning and design can be used to reduce conflicts between different public open space users and resources.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE
Undertake a review of on and off leash provisions and areas from which dogs (and cats) might be prohibited.	Low	Coolamon Shire Council	Review completed following consultation with the community. New off leash area created. Appropriate declarations and orders made under S13 (6) and S14 (1) of the Companion Animals Act, 1998.
Seek advice on appropriate risk	Low	Coolamon Shire Council	Relevant advice received.

management strategies in public places.			
Disseminate leash provisions and publish prohibited areas.	Medium	Coolamon Shire Council	Strategy for dissemination is developed and implemented.
In order to optimise the dissemination and enforcement effort, hold a training seminar to brief relevant staff.	Medium/High	Coolamon Shire Council	Seminar held.
Advise relevant Council departments, adjacent Council's and other relevant stakeholders of the leash provisions.	Medium/High	Coolamon Shire Council	Advice forwarded.
Consider leash provisions in the development of Plans of Management for public open space.	Medium	Coolamon Shire Council	Draft Plans of Management to be referred for comment to Authorised Officer.

5.3 Faeces Management

Removal and disposal of dog faeces by dog owners is required under Section 20 of the Companion Animals Act 1998. It is important for environmental, health and amenity reasons. However it is recognised that this requirement is difficult to enforce. Encouraging owners to pick up and remove their dog's faeces could be an early priority for public education.

Although it is Council's duty to provide sufficient rubbish receptacles for the disposal of dog faeces in areas commonly used for exercising dogs (pursuant to Section 20), the current situation with "off-leash" areas in the Coolamon Local Government Area does not permit this to occur, unless specific areas in the villages are declared by Council to be "off-leash" areas.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE
Investigate the installation of sufficient rubbish receptacles for the disposal of dog faeces should any village areas be declared as "off-leash" areas.	Medium-High	Coolamon Shire Council	Options for disposal of dog faeces reviewed.
Decide on procedures for enforcing the requirement for people to remove and dispose of their dog faeces.	Medium-High	Coolamon Shire Council	Enforcement procedures created and adopted.

Educate the community about the importance of removing and disposing of dog faeces and options available.	High	Coolamon Shire Council	Input into the public education campaign as an early priority.
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5.4 Wandering Dogs

Dogs wandering at large contribute significantly to the dog management task.

Identification and registration are central to management of wandering dogs.

Housing and boundary design may also have a role to play in helping owners to properly confine their dogs on their property.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMACE
Educate the community about the importance of properly confining their dogs.	High	Coolamon Shire Council	Input into education campaign as an early priority. Promote and enforce identification and state registration of dogs (and cats) to enable safe return of companion animals.

5.5 Excessive Barking

Barking complaints are problematic due to their inherent subjectivity and the fact that they are not easily resolved.

Options for improvement include use of a diary system by complainants, staff training in negotiations and the introduction of a referral system to a specialist animal behaviourist.

STARTEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE
Review procedures for dealing with barking complaints.	Medium-High	Coolamon Shire Council	All barking dog complaints dealt with in accordance with standard operating procedure.

5.6 Dangerous Dogs and Restricted Breeds

The Companion Animals Act 1998 provides special procedures for dealing with dangerous dogs and restricted breeds.

Both categories of dog are required to be kept in a child-proof enclosure. Council needs to determine appropriate specifications for a child-proof enclosure. A suggested definition is an enclosure which is sufficient to restrain the dog and will prevent a child from having access to the dog.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE
Review procedures for dealing with dangerous	Medium-High	Coolamon Shire Council	In accordance with standard operating procedures.

dogs and restricted breeds.			
Identify and make available for affected dog owners designs for suitable child-proof enclosures.	Medium-High	Coolamon Shire Council	Prototype design approved and develop pamphlet to disseminate to public.

5.7 Cat Management

Newborn cats are now required to be identified and registered under the Companion Animals Act 1998.

Council can prohibit cats from entering specified public places. There are also procedures for dealing with nuisance cats.

Some of the options proposed in other areas (eg, cat bans, cat curfews, etc.) are extremely difficult and expensive to enforce. Public education is required to increase awareness of the need to identify and register cats and about responsible cat ownership.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE
Establish procedures for dealing with nuisance cats and where applicable for dealing with cats entering wildlife protection areas	Medium-High	Coolamon Shire Council	Procedures established in accordance with standard operating procedures.
Educate the community about responsible pet ownership and the need to identify and register their cats.	High	Coolamon Shire Council	Input into education program as an early priority.

5.8 Animal Welfare and Safety

Animal management needs to ensure appropriate animal welfare and safety.

Of particular importance is to promote de-sexing of non-breeding pets.

STARTEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE
Promote de-sexing of companion animals.	High	Coolamon Shire Council	Input into education program.
Promote and enforce identification and registration of dogs and cats to enable safe return of companion animals.	High	Coolamon Shire Council	Input into education program.

Review existing holding facility arrangements for compatibility with new responsibilities.	Medium-High	Coolamon Shire Council	Animal facility review completed and new facility erected.
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5.9 Recognising the Benefits of Pet Ownership

Local government could have a role to play in promoting the health and social benefits of owning domestic pets.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE
Consider the health benefits of owning pets in the local community.	Low	Coolamon Shire Council	Health benefits of pet ownership included in brochures to the local community.
Assist tenants and landlords with queries relating to owning pets in rental accommodation.	Low	Coolamon Shire Council	Distribute literature on keeping pets in rental accommodation to the local community.

5.10 Enforcement

While Council already has enforcement procedures in place, these should be subject to ongoing review as circumstances change and better approaches become evident.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE
Review all enforcement procedures and protocols for operational improvements and gaps.	Medium	Coolamon Shire Council	Annual Review

5.11 Education and Dissemination

Education is the key to voluntary changes in human behaviour. It involves education of animals, their owners and prospective owners. It also involves showing non-pet owners, especially children how to behave around animals. To be effective, education needs to be designed and implemented with great care, taking into account identified priorities and programs being implemented by the State Government. Developing a comprehensive education program should be an early priority.

The education program should consider educational courses, brochures, communication in media, etc. and may require staff training in dealing with the community in their day to day patrols.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE
Plan a comprehensive campaign involving all stakeholders to identify education priorities and appropriate action.	High	Coolamon Shire Council	Education campaign implemented.

5.12 Funding and Review

Once adopted, the Plan needs to be subject to ongoing review as new issues and priorities emerge.

A detailed record system is important to ensure Council can accurately track trends in registrations, complaints, infringements and orders and pound activity.

Animal management activities will not be funded from registrations and fines alone. Council needs to consider other possible sources of revenue to help fund animal management. The Plan should be completely reviewed within three to five years.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE
Ensure the LCAMP is implemented and reviewed.	Medium-High	Coolamon Shire Council	LCAMP completely reviewed within three to five years.
Review records system.	Medium-High	Coolamon Shire Council	Audit record system to ensure detailed records are kept on all animal management activities.

Policy Document

Contaminated Land Management Policy



REROC
RIVERINA EASTERN REGIONAL
ORGANISATION OF COUNCILS



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Website: www.coolamon.nsw.gov.au

Acknowledgement

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- Former Deniliquin Shire Council (Edward River Shire Council)
- Griffith City Council
- Temora Shire Council
- Former Tumbarumba Shire Council (Snowy Valleys Council)
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Policy

1. ABOUT THIS POLICY

This policy, known as the Contaminated Land Management Policy, outlines requirements relating to the use and / or development of land that is or may be contaminated.

This policy has been developed under the provisions of the *Contaminated Land Management Act*¹ (CLM Act), its associated State Environmental Planning Policy No. 55 – Remediation of land² and the Managing Land Contamination – Planning Guidelines³ in regards to the principles of:

- i. Ensuring that changes of land use, or new development proposals, will not increase the risk to human health or the environment;
- ii. Avoiding inappropriate restrictions on land use; and
- iii. Providing information to support decision making and to inform the community.

1.1 LAND TO WHICH POLICY APPLIES

All land in the Coolamon Shire Local Government Area (LGA).

1.2 DATE ADOPTED BY COUNCIL

This policy was adopted by Council at Coolamon on **17 March 2022**

1.3 TERMS AND DEFINITIONS

Terms and definitions are set out in Appendix 1.

1.4 PURPOSE

This policy provides a framework for the management of contaminated or potentially contaminated land in the Coolamon Shire LGA. The policy identifies how the management of contaminated land is integrated into Council's planning and development processes.

¹ Contaminated Land Management Act 1997
<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+140+1997+cd+0+N>

² State Environmental Planning Policy No. 55 – Remediation of Land
http://www5.austlii.edu.au/au/legis/nsw/consol_reg/seppn55ol537/

³ Managing Land Contamination – Planning Guidelines
http://www.epa.nsw.gov.au/resources/clm/gu_contam.pdf

1.5 OBJECTIVES

The integration of contaminated land management into the local planning and development control process will enable Council to:

- Ensure that the Council exercises its functions in relation to the development of contaminated land with a reasonable standard of care and diligence and that decisions are made in good faith;
- Ensure that the likelihood of land contamination is considered as early as possible in the planning and development control process;
- Ensure that planning and development decisions take into account available information relating to the likelihood of land contamination;
- Link decisions about the development of land with the information available about contamination possibilities;
- Ensure that any development of contaminated land will not result in unacceptable levels of risk to human health or the environment;
- Avoid inappropriate restrictions on the development of contaminated land;
- Ensure that site investigations and remediation work are carried out in a satisfactory manner, and where appropriate, are independently verified by site audits;
- Facilitate the provision of consistent and reliable information to the public about land contamination;
- Ensure that ongoing responsibility for management and monitoring of contaminated land is clearly and legally assigned;
- Ensure that the community is not unduly disadvantaged by increased health and environmental risks or increased management costs when accepting the dedication of public assets;
- Adopt a policy approach that will provide strategic and statutory planning options based on the information about contamination; and
- Exercise statutory planning functions with a standard of care.

1.6 POLICY APPLICATION

This policy applies to the following planning functions of Council:

- The preparation and amendment of Local Environmental Plans
- The preparation, approval and amendment of Development Control Plans
- The preparation and adoption of Plans of Management for Community Land
- The determination of Development Applications
- The modification of Development Consents;
- The determination of activities pursuant to Part 5 of the Environmental Planning and Assessment Act 1979; and
- The storage and sharing of contaminated land information through Section 10.7 certificates.

1.7 GUIDELINES

This policy has been developed from the State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) and in conjunction with the *Contaminated Land Management Act 1997* (CLM Act) and Coolamon Local Environment Plan 2011.

Effective management of contaminated land in land-use planning is necessary in managing the risk of harm potentially posed by land contamination to human health and the environment.

In the context of land contamination, councils are the planning and consent authorities and are thereby expected to act in “good faith” and in accordance with the requirements of the NSW CLM Act. “Good faith” provisions also extend to the subordinate State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55), and its Planning Guidelines.

Councils have responsibilities under the *Environmental Planning and Assessment Act*⁴ (EP&A Act) in regard to the early identification of contaminated sites, the consideration of land contamination issues in planning functions, data and information management regarding land contamination, and to inform the public on contamination matters (e.g. Section 10.7 planning certificates).

Under the CLM Act, the EPA regulates contaminated sites where the contamination is significant enough to warrant regulation. Contaminated sites that are not regulated by the EPA are managed by local councils through land-use planning processes.

1.8 CHANGE MANAGEMENT

This policy will require management and review every 4 years or as legislation and regulations are updated. Any change must be made in accordance with the relevant legislation and regulations applicable at the time, and/or any regulatory changes.

2. OBLIGATIONS

2.1 DUTY TO REPORT

The CLM Act 1997 requires persons to notify the Environment Protection Authority (EPA) if they become aware that their activities have contaminated land so as to present an unacceptable risk to human health or the environment.

The Act also requires landowners to notify the EPA if they become aware that their land has been contaminated so as to present an unacceptable risk of harm to human health or the environment. This requirement applies whether the contamination occurred before or during the current owner’s tenure of the land and the notification must be made as soon as practicable after becoming aware of the risk (See Appendix 2 – Activities that may cause contamination).

To assess this risk, the land owner and or persons who have caused the contamination should consult Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997*.⁵

Section 60 of the CLM Act imposes a duty on owners of land, and persons who have contaminated land, to immediately notify the EPA when they become aware that contamination presents a significant risk of harm.

⁴ Environmental Planning and Assessment Act
<http://www.legislation.nsw.gov.au/viewtop/inforce/act+203+1979+first+0+N>

⁵ Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act*
<http://www.epa.nsw.gov.au/clm/150164-land-contamination.htm>

According to the Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997*, a person is taken to be aware of the contamination if it is considered that they are aware or should have reasonably become aware of the contamination. Factors taken into account in determining when a person should reasonably have become aware of the contamination are;

- i. The persons' abilities, including their experience, qualifications and training
- ii. Whether the person could reasonably have sought advice that would have made them aware of the contamination
- iii. The circumstances of the contamination.

2.2 CONSULTANTS

Contaminated land consultant certification schemes have been developed to ensure any consultants dealing with contaminated sites have the necessary competencies to carry out the work. The certifications outlined below are recognised by the EPA and certify that a contaminated land consultant has achieved an acceptable minimum standard of competency:

- Site Contamination Practitioners Australia (SCPA); and
- Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP)

Where reports are required to be submitted to the EPA and/or Council they must comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a certified SCPRA or EIANZ CLA Specialist CEnvP Practitioner. This requirement includes reports associated with a:

- Preliminary investigation order
- Management order
- Voluntary management proposal
- Ongoing maintenance order
- Duty to report contamination

Where required to be submitted to Council, reports must be prepared in accordance with the current relevant guidelines approved under the CLM Act and in accordance with SEPP 55. Council will require the following to be submitted:

- Preliminary investigation
- Detailed investigation
- A Remediation Action Plan
- Validation, monitoring and remediation reporting

The front cover of a submitted report must include the details of the consultant's certification. For a CLA Specialist CEnvP this involves affixing the CEnvP logo and for SCPA the certified practitioner is to affix their seal.

As the contaminated land consultant certification schemes are new, there is a 24 month transition period to enable consultants to become certified. Any requirements for reporting undertaken after 1 July 2017 must be prepared, or reviewed and approved, by a certified consultant.

3. COUNCIL RECORDS AND INFORMATION MANAGEMENT

Council has a responsibility to provide information regarding land use history, land contamination and remediation.

The SEPP 55 Guidelines emphasises the importance of local government information systems in ensuring that adequate information is available to Council staff and the community in relation to both actual and potential land contamination.

Council also has a statutory responsibility to include certain information regarding land contamination on planning certificates issued under Section 10.7(2) of the EP&A Act.

Council's records regarding contaminated land are dynamic and will change over time as land is investigated, remediated and validated, and as new sites of potential contamination are identified. Existing records in relation to contaminated land should be kept on individual property files for each parcel of land. To assist Council in the management of information the following is (without limitation) records for individual parcels of land (where available / known):

- a) Site contamination reports submitted to Council (i.e. Preliminary Investigation, Detailed Investigation, Remedial Action Plans Validation and Monitoring Reports);
- b) Site Audit Statements received;
- c) EPA declarations and orders issued under the CLM Act (Including voluntary investigation management proposals approved by the EPA);
- d) Development Applications for Category 1 remediation works;
- e) Prior notification to Council of Category 2 remediation works;
- f) Notification of completion of Category 1 and Category 2 remediation work;
- g) Information regarding previous or current land uses which are likely to have resulted in land contamination; and
- h) Written complaints to Council about contamination.

Notations may be made on Council's property information system in relation to investigations and remediation work carried out for individual properties. This will assist staff to identify land that has been fully remediated or remediated for specific land uses. Some properties listed on the information system may be subject to legal notices under legislation administered by the EPA. The public should also consult with the EPA for up-to-date information on any such land in the local government area.

4. PLANNING (SECTION 10.7) CERTIFICATES

Under Section 10.7 of the EP&A Act a person may request a planning certificate that contains advice on land contamination matters about a property from Council. For example, a planning certificate would show the existence of a council policy to restrict the use of land.

Such matters relating to land contamination that must be included on section 10.7(2) planning certificates are as set out in section 59(2) of the CLM Act will also include:

- a) Whether Council has adopted a policy to restrict the use of land due to the risk of land contamination;
- b) Whether the land is an investigation area or remediation site;
- c) Whether the land is subject to an investigation order or remediation order; and
- d) Whether a site audit statement of the land is held by Council.

Council is formally advised whenever a notice is issued under the CLM Act and accordingly annotates its planning certificates. Section 10.7(2) planning certificates will not include specific information about actual or potential contamination (such as the types, extent and level of contamination) on a parcel of land.

Council may also elect to provide additional information of a factual nature on S.10.7(5) certificates regarding the contamination status of a property.

Procedure

1. ABOUT THIS PROCEDURE

The procedure applies to a planning process in which there is a need to consider a potential or known contaminated site in the development application or a planning proposal process. It is premised on SEPP 55 Planning Guidelines and sets out steps to ensure decisions are made in good faith, adequately manage harm and that the land is appropriate for its intended use.

A separate procedure exists for the management of data and information relating to potential or to known contaminated land, including managing notifications from the NSW EPA, Site Assessment Statements, consultant reports, historical land use information, etc (See Appendix 12).

2. COUNCIL'S PROCEDURE FOR CONSIDERING LAND CONTAMINATION ISSUES FOR PLANNING PROPOSALS

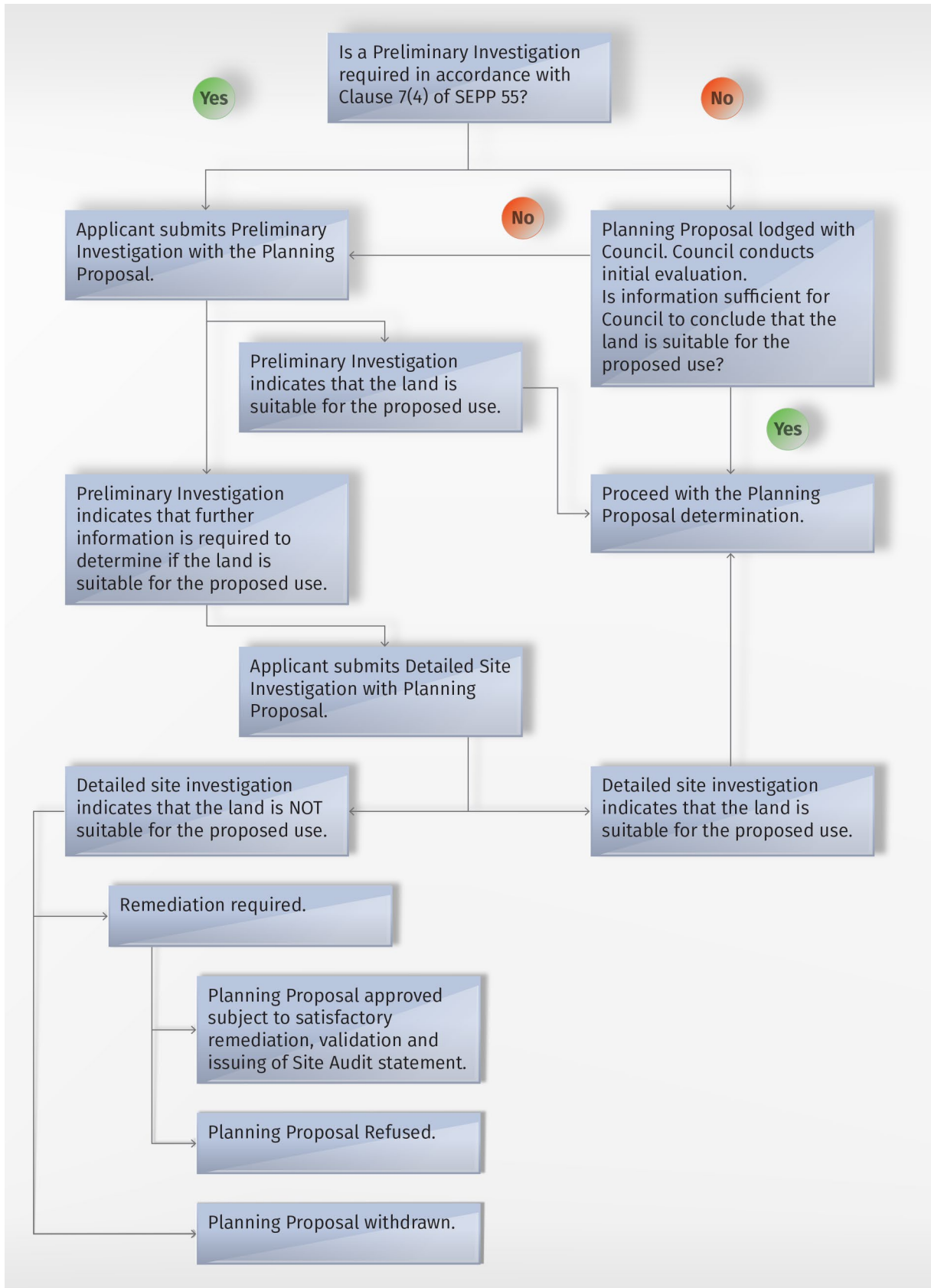
All land subject to a planning decision must be considered as to whether the issue of contamination is relevant. If it is, investigations may be required to provide information about the land to enable that function to be carried out in good faith.

An initial evaluation is an assessment of readily available factual information. Its purpose is to determine whether contamination is an issue that requires further investigation prior to the preparation of the plan, or determination of the matter and whether a site investigation process is required to be carried out.

The preliminary investigation is to identify any past or present potentially contaminating activities and to provide a preliminary assessment of site contamination. The preliminary investigation typically contains a detailed appraisal of the site history and a report based on visual site inspection and assessment.

The detailed site investigation is undertaken by an experienced and certified consultant at the cost of the applicant, and should be undertaken in accordance with the guidelines made or approved by the EPA under Section 105 of the CLM Act.

Figure 1: Preliminary Investigation process for planning proposals



2.1 INITIAL EVALUATION

An initial evaluation is to comprise an assessment of readily available factual information. Its purpose is to determine whether contamination is an issue that requires further investigation prior to the preparation of the plan, or to determine the matter and whether a site investigation process is required.

The initial evaluation will be based on readily available factual information and should be carried out regardless of the nature of the proposed use or the current use. This information may include:

- the current zoning and permissible land uses;
- records from previous zoning;
- historical land uses;
- aerial photographs;
- development and building applications; and
- property files and information provided by the applicant or other information available to Council.

Council may also carry out a site inspection of the land as part of the initial evaluation process.

As part of the initial investigation, applicants may request Council undertake a search of its records to determine previous approved developments at the site.

If Council is satisfied that the initial evaluation concludes that contamination is not an issue, then Council may not require any further investigation.

If, after an initial evaluation, there is nothing to suggest that the land might be contaminated, or that further enquiry is warranted, Council and the proponent may process without further reference to this policy. However; if there are indications that:

- the land is or may be contaminated; or
- there is insufficient information on which to make a decision;

a site investigation process is to be carried out in accordance with the Contaminated Land Planning Guidelines.

Insufficient information on which to a make a decision exists if there are significant gaps in historical information for a site, or if land uses are not described in sufficient detail to identify the presence or absence of possible contaminating land uses during periods in which such uses could be lawfully carried out.

The circumstances in which a site investigation process is required also include those specified in clause 6 and 7 of SEPP 55 – Remediation of Land. In accordance with these clauses, Council will require a preliminary investigation to be submitted with zoning and rezoning applications or a subdivision or development application where the land concerned is:

- Land that is within an investigation area;
- Land on which a potentially contaminating land use is being, or is known to have been carried out;

- Land on which it is proposed to carry out development for residential, educational, recreational, child care purposes or for a hospital;
- Where there is no knowledge or incomplete knowledge as to whether potentially contaminating development has been carried out on the land; and
- Where it would have been lawful to carry out such development on the land during any period in respect of which there is no knowledge or incomplete knowledge.

See Appendix 5: Council procedure for Initial Evaluation for steps on undertaking this process.

2.2 PRELIMINARY INVESTIGATION

The objectives of a preliminary investigation are to identify any past or present potentially contaminating activities and to provide a preliminary assessment of site contamination. The preliminary investigation typically contains a detailed appraisal of the site history and a report based on visual site inspection and assessment.

Where contaminating activities are suspected to have had an impact on the land, sampling and analysis will be required to confirm and support any conclusion reached from the site history appraisal.

When undertaking a preliminary investigation landowners should consider that the information gained should be in accordance with the Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997* and may include:

- Description of activities that have occurred on the site
- Any large gaps in history that might hide a use
- Reliability of sources
- Historical permissible uses that may have occurred on site where there is a gap in land history
- Does that site pose a significant threat to human health or the environment?
- Does information conform to the relevant EPA guidelines?

As part of the preliminary investigation, applicants may request Council search its records to determine previous approved developments at the site.

Council will require further investigation (preliminary investigation) to be conducted and results submitted with planning proposals where it is found through the initial evaluation that the land concerned is:

- Land that is or that has been notified to the EPA under s60, or is regulated by the EPA under any other section, of the CLM Act;
- Land on which activities referred to in Appendix 2 are being undertaken, or are known to have been carried out; or
- Land on which there is incomplete knowledge about whether activities referred to in Appendix 2 are being, or are known to have been carried out, and if the proposed development involved residential, educational, recreational, child care or hospital purposes.

Where an initial evaluation by Council identified that the land was previously used for agricultural or horticultural purposes, Council may request a preliminary investigation to be undertaken to determine the history of the property. If the preliminary investigation shows that the land was only used for broad acre agriculture then the application may, in most cases, proceed. Although it is likely that herbicides and pesticides were used for broad acre farming, the likelihood of elevated levels of residual pesticides in the soil would be low. However, if investigations show that the land was used for intensive agriculture or horticulture, or if there are any other reasons for Council to be concerned about contamination or misuse of potential contaminants then a further investigation may be required.

Council may also require further investigation when:

- There are reasonable grounds to believe that the land is contaminated because of its history, condition, or other factual information known (where it is available);
- The site has been investigated or remediated but there is insufficient information available about the nature and extent of contamination or remediation, or whether these circumstances have changed;
- Where the land use changes to a more sensitive land use;
- There are restrictions on, or conditions attached to, the use of the site by regulatory or planning authority that are, or may be related to contamination, but there is insufficient information available about the nature and extent of contamination;
- Council records have demonstrated that the site is associated with pollution incidents or illegal dumping of waste; or
- The site is adjoining land that has been associated with activities that may cause contamination listed in Appendix 2 and it is likely that this may have contaminated the subject site.

The preliminary site contamination investigation shall be reported in accordance with the requirements of the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites. The applicant is responsible for engaging a suitably certified, qualified and experienced consultant to undertake the preliminary site contamination investigation and is responsible for all costs borne in engaging the consultant and the works involved.

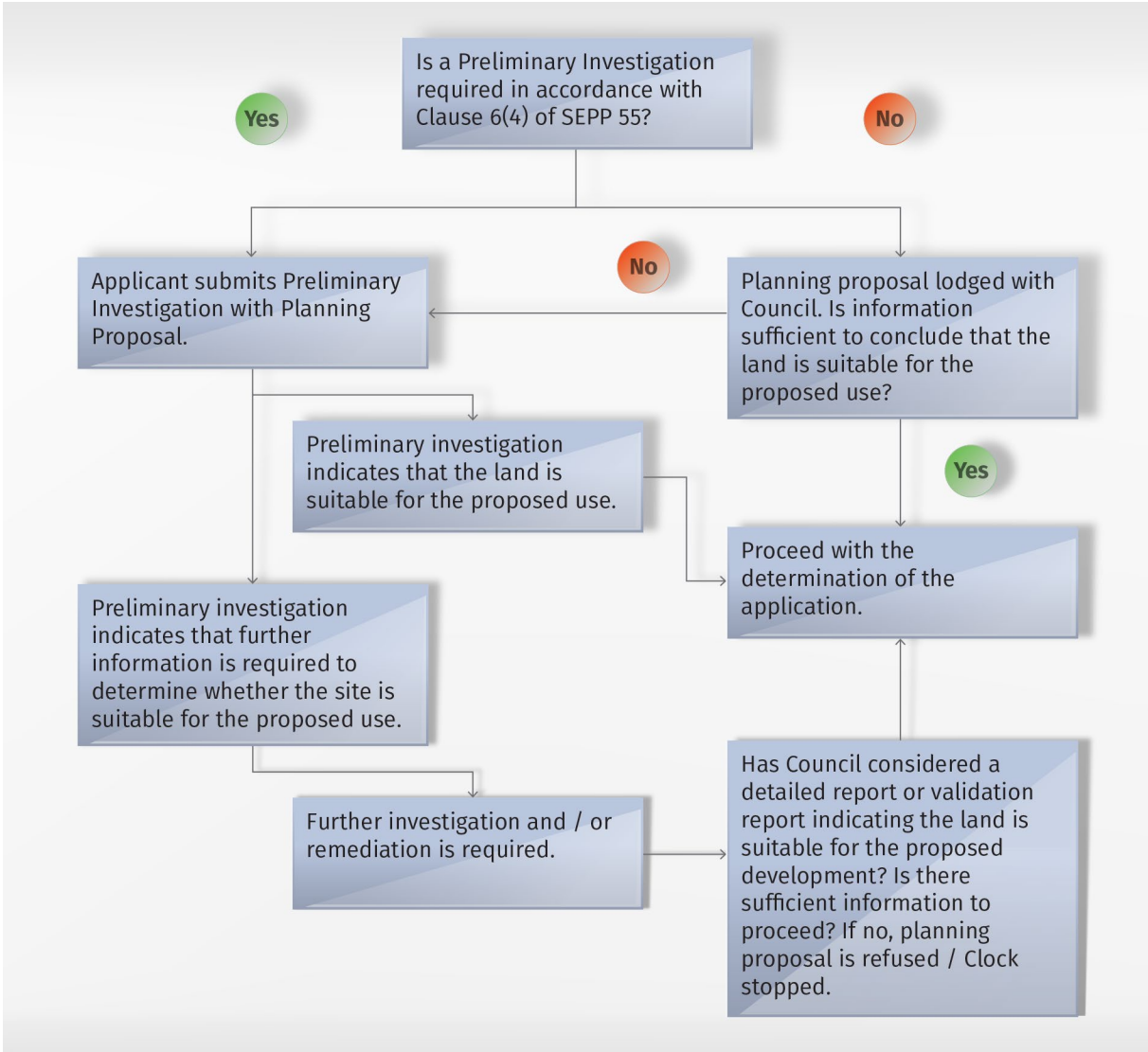
If after the preliminary investigation Council is satisfied that contamination is not an issue, then any further investigation may not be required.

See Appendix 6: Council procedure for Preliminary Site Investigation for steps on undertaking this process.

2.3 DETAILED INVESTIGATION

If the result of the preliminary investigation demonstrates the potential for, or existence of, contamination that may preclude the land from being suitable for the proposed zone or use, Council may require a detailed contamination investigation, which is described below. In some cases, the preliminary and detailed investigations may be combined (e.g. where it is known that the land is contaminated or that the land has been used for a potentially contaminating activity).

Figure 2: Consideration of planning proposals



The detailed site contamination investigation is to be undertaken, in accordance with the guidelines made or approved by the EPA under Section 105 of the CLM Act, by a suitably certified, qualified and experienced consultant at the cost of the applicant. The objectives of a detailed site investigation are to:

- Define the extent and degree of contamination;
- Assess the potential risk posed by contaminants to human health and the environment; and
- Obtain sufficient information for the development of a Remedial Action Plan (if necessary).

The detailed site contamination investigation shall state whether the site is suitable for the proposed use, and for all other purposes permissible in the zone if it can be made suitable through remediation.

If remediation is required, the report should also list the feasible remediation options available to make the site suitable for any purpose permitted within that zone. If a feasible option is available, the planning proposal can proceed with certain provisions.

If site contamination investigations show that the site is contaminated, but there are feasible remediation options, Council may include provisions in a local environmental plan or development control plan to ensure that remediation is addressed prior to the redevelopment of the land.

Section 4 outlines the process for remediation and validation prior to development in accordance with the approved planning proposal.

If the detailed site investigation shows that the site is contaminated, but there are no options to remediate, Council may not allow the planning proposal to proceed.

In the event that a detailed site investigation report is required to be assessed by Council, Council may hire a third party consultant to assess the investigations on Council's behalf, at the applicant's expense.

See Appendix 7: Council procedure for Detailed Site Investigation for steps on undertaking this process.

3. COUNCIL'S PROCEDURE FOR CONSIDERING LAND CONTAMINATION ISSUES FOR DEVELOPMENT APPLICATIONS

3.1 GENERAL

Section 79C of the EP&A Act requires Council to consider the suitability of the site for the proposed development when assessing development applications. This includes any risk from contamination to public health and environment.

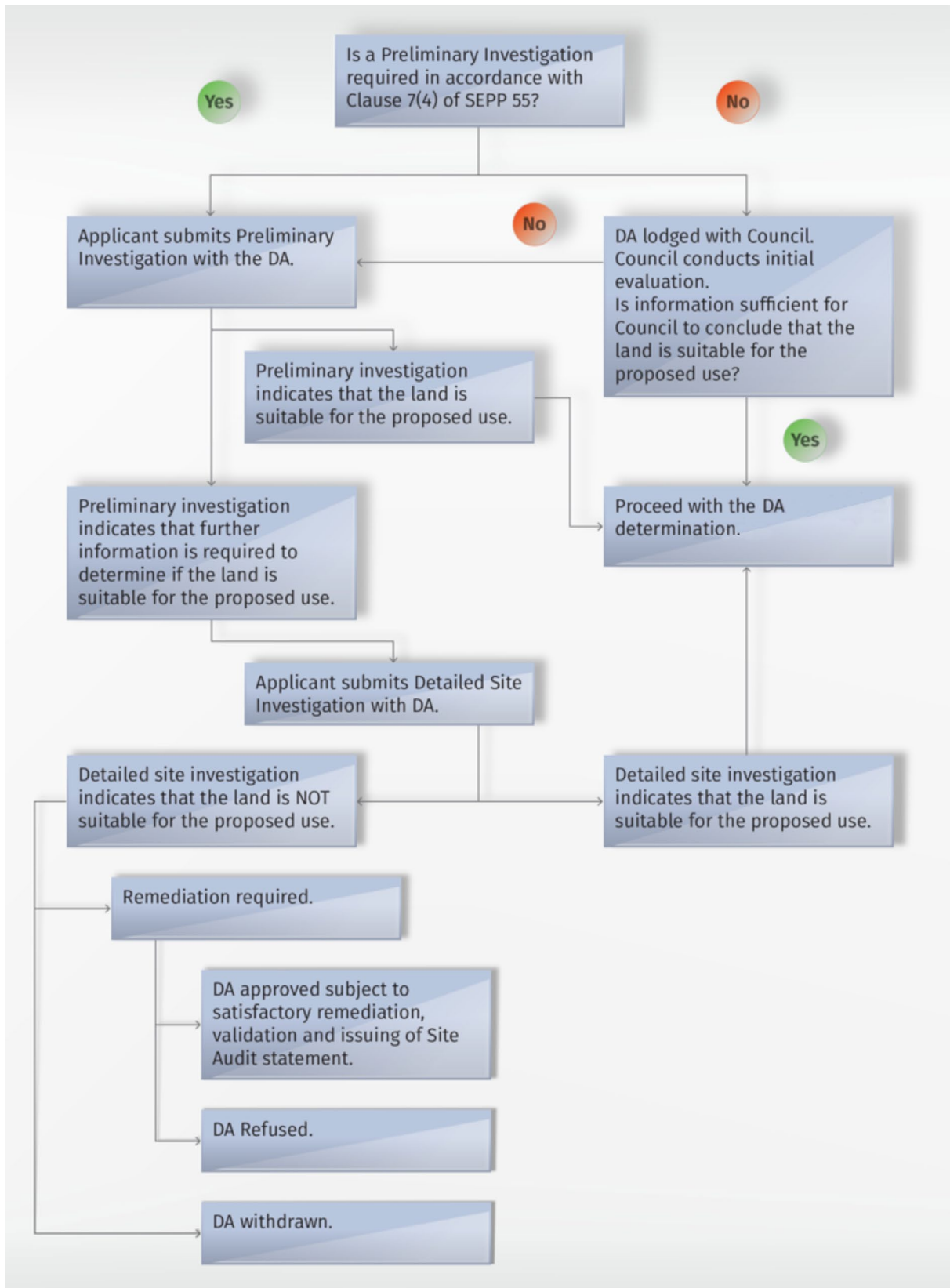
Council will not grant consent to the development of any land unless there has been consideration of whether the land is contaminated, and;

- If the land is contaminated, Council is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purposes of the proposed development; and
- If the land requires remediation to be made suitable for any purpose for which the development is proposed, Council is satisfied that the land will be remediated before the land is used for that purpose.

Upon lodging a development application for a change of use, the applicant can also become liable for the clean-up of any contamination on the site prior to their proposal being authorised. This is because when a change of use is approved, it can result in an increased risk of harm, even if the contamination itself does not change.

The following sections outline situations when Council will require site contamination information to be submitted with applications.

Figure 3: Preliminary Investigation process for development applications



3.2 INITIAL EVALUATION

Council will conduct an initial evaluation as part of the assessment process for a development application to determine if contamination is likely to be an issue and whether sufficient information is available to make a decision in good faith.

The initial evaluation will be based on readily available, factual information provided by the applicant and any other available information (e.g. previous contamination investigations, previous zoning and land use and restrictions relating to contamination issued by the EPA). For that purpose, the contamination may be within a building/structure or other structure on the land, rather than only within the soil of that land.

Where an initial evaluation by Council identified that the land was previously used for agriculture or horticulture purposes, Council may request a preliminary investigation to be undertaken to determine the history of the property. If the preliminary investigation shows that the land was only used for broad acre agricultural then the application may proceed. Although it is likely that herbicides and pesticides were used for broad acre farming, the likelihood for elevated levels of residual pesticides in the soil would be low. However, if investigations show that the land was used for intensive agriculture or horticulture, or if there are any other reasons for Council to be concerned about contamination or misuse of potential contaminants then a further investigation may be required.

See Appendix 5: Council procedure for Initial Evaluation for steps on undertaking this process.

3.3 PRELIMINARY INVESTIGATION

The objectives of a preliminary investigation are to identify any past or present potentially contaminating activities and to provide a preliminary assessment of site contamination. The preliminary investigation typically contains a detailed appraisal of the site history and a report based on visual site inspection and assessment.

Council will require further investigation where it is found through the initial evaluation that the land concerned is:

- Land that is within an investigation area that has been notified as such by the EPA;
- Land on which activities referred to in Appendix 2 are being, or are known to have been carried out; or
- Land on which there is incomplete knowledge about whether activities referred to in Appendix 2 are being carried out, and if the proposed development involved residential, educational, recreation, child care or hospital purposes.

Council may also require further investigation when:

- There are reasonable grounds to believe that the land is contaminated because of the land's history, condition, or other information known (where it is available);
- The site has been investigated or remediated but there is insufficient information available about the nature and extent of contamination or remediation, or where these circumstances have changed;
- The land use has changed to a more sensitive land use;

- There are restrictions on, or conditions attached to the use of the site by a regulatory or planning authority that are, or may be related to contamination, but there is insufficient information available about the nature and extent of contamination;
- Council records have demonstrated that the site is associated with pollution incidents or illegal dumping of wastes; or
- The adjoining land has been associated with activities that may cause contamination listed in Appendix 2 and is likely that this may have contaminated the subject site.

The preliminary site contamination investigation shall be carried out in accordance with the requirements of the *NSW EPA Guidelines for Consultants Reports on Contaminated Sites*. The applicant is responsible for engaging a suitably qualified and experienced consultant to undertake the preliminary site contamination investigation and is responsible for all costs borne in engaging the consultant.

As part of the preliminary investigation, applicants may request Council undertake a search of its records to determine previous approved developments at the site.

If after the preliminary investigation Council is satisfied that contamination is not an issue, then any further investigation may not be required.

See Appendix 6: Council procedure for Preliminary Investigation for steps for undertaking this process.

3.4 DETAILED INVESTIGATION

If the results of the preliminary investigation demonstrate the potential for, or existence of, contamination which may preclude the land from being suitable for the proposal, Council may require a detailed contamination investigation, which is described below. In some cases, the preliminary and detailed investigations may be combined (e.g. where it is known that the land is contaminated or that the land has been used for an activity that could cause contamination).

The lodgement of a development application may trigger the management and/or remediation of any significant contamination on the site prior to the development being authorised. The detailed site contamination investigation is to be undertaken by a suitably certified, qualified and experienced consultant (at the cost of the applicant) in accordance with the guidelines made or approved by the EPA under Section 105 of the CLM Act.

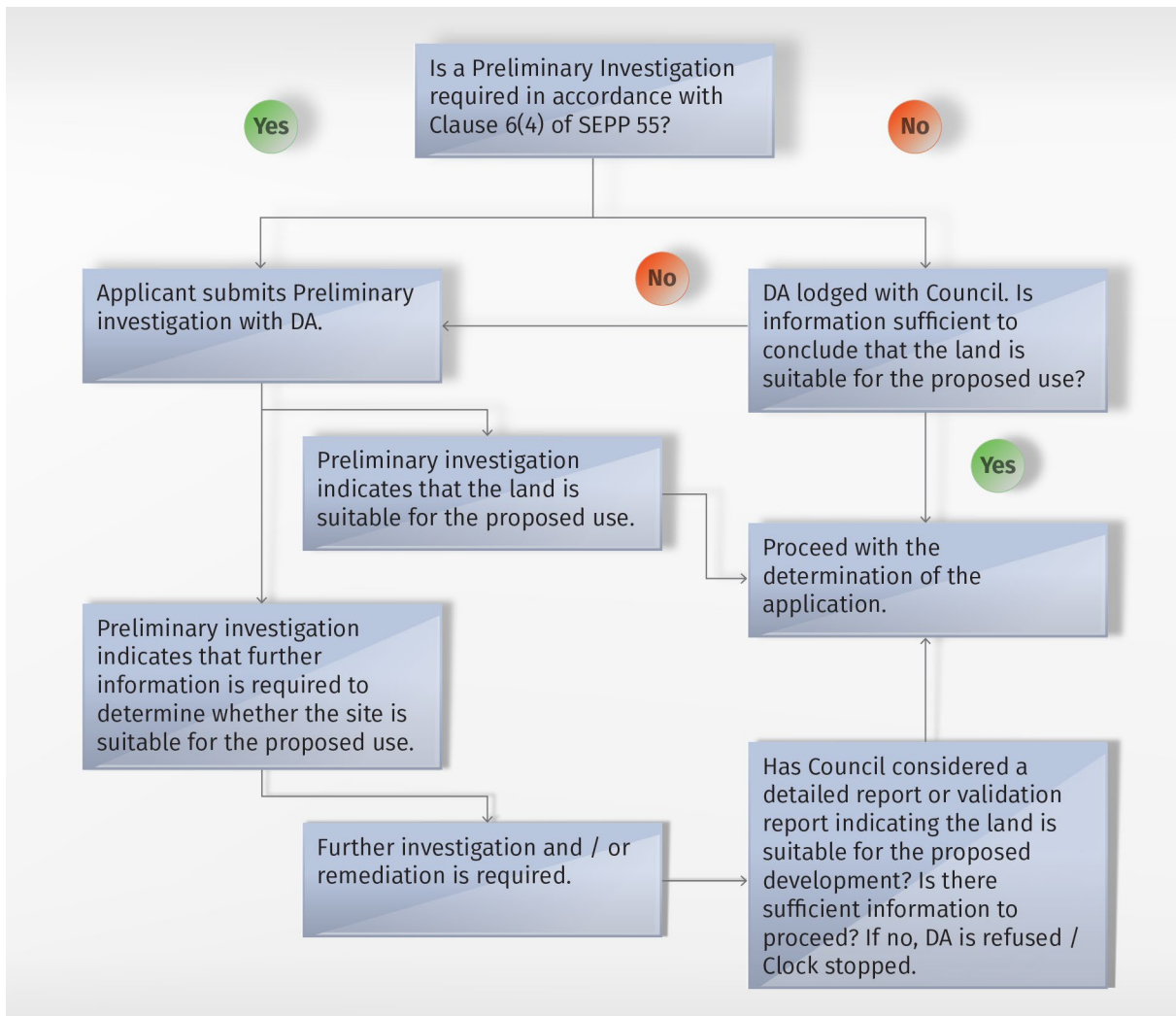
The objectives of a detailed site investigation are to:

- Define the extent and degree of contamination;
- Assess the potential risk posed by contaminants to human health and the environment; and
- If necessary, obtain sufficient information for the development of a Remedial Action Plan.

The detailed site contamination investigation shall state whether the site is suitable for the proposed use and for all other purposes permissible in the zone, or if remediation is necessary. If remediation is required, a remediation action plan will need to be prepared for Council outlining the feasible remediation options available to make the site suitable for the proposed use.

If the detailed site contamination investigation states (and Council is satisfied) that the site is suitable for the proposed use, then Council may determine the development application through Council's usual procedures.

Figure 4: Consideration of development applications



If the results of the detailed site contamination investigation demonstrated the existence of contamination that may preclude the land from being suitable for the proposed use, the applicant may choose to either withdraw the application or to remediate the land. Council's response will then depend on whether the remediation work constitutes Category 1 or Category 2 remediation work. A detailed explanation of what constitutes Category 1 remediation or Category 2 remediation is provided in Section 4.5 and 4.6 respectively.

If the remediation proposed is Category 1 remediation work (i.e. remediation work that requires development consent), Council may:

- Require the applicant to amend the application (if already submitted) to include a remediation proposal; or
- Require a new development application for the remediation to be submitted before the application is considered for the final use of the site.

If the proposed remediation is Category 2 remediation work (i.e. remediation work that does not require consent), Council may;

- Impose conditions on the development consent for the use, requiring the site to be remediated and validated either before other work commences or before occupation of the site; or
- Issue deferred commencement consent for the use of the site, and require the site to be remediated and validated before other work commences.

If the investigation finds that the land is unsuitable for the proposed use and may not be appropriately remediated, or the applicant does not wish to remediate:

- The proposal may be modified to a use that is suitable for the land without remediation, provided a new development application is not required; or
- The application may be withdrawn; or
- The application should be refused.

See Appendix 7: Council procedure for Detailed Investigation for steps outlining this process.

4. REMEDIATION PROCESSES

4.1 REMEDIATION

A Remedial Action Plan (RAP), is documentation describing remedial actions that should be prepared for all remediation proposals. A formal RAP must be developed by an experienced and certified consultant and be submitted to Council for all Category 1 remediation work (i.e. remediation work that required development consent). The RAP should also contain an environmental management plan and workplace health and safety plan for the remediation works and shall be submitted to Council prior to DA approval.

The objectives for the RAP are to:

- Set remediation objectives;
- Determine the most appropriate remedial strategy; and
- Identify necessary approvals that need to be obtained from any other regulatory authorities.

Remedial Action Plans are to be consistent with the SEPP 55 Planning Guidelines and all remediation is to be carried out in accordance with the EPA guidelines made under the CLM Act. The applicant is responsible for engaging an experienced and certified consultant to prepare the RAP and for all associated costs, including any remediation works as well as site audit costs if requested by Council.

The previous Figure 3 outlines the relationships between the Planning System and the CLM Act, and the role of Council and the EPA in the process of site remediation.

See Appendix 8: Council procedure for Remediation for steps for undertaking this process.

4.2 VALIDATION AND MONITORING REPORT

The objective of the validation and monitoring report is to demonstrate that the objectives of the RAP have been achieved and that any conditions of development consent in regard to contaminated land have been complied with.

Council will require a validation and monitoring report to be submitted by the applicant after remediation works have been completed, and prior to the commencement of any development works. Council will place a condition on the development consent requiring the submission and approval of a validation and monitoring report prior to the issue of a construction certificate, or if a construction certificate is not required, prior to occupying the site, or within a specified timeframe as stipulated in conditions of consent. The validation report will be required to be submitted to the satisfaction of the Council.

Alternatively, Council may issue a deferred commencement or staged consent for the proposed use or development, requiring that remediation and validation is undertaken prior to any other work commencing.

Ideally the same certified consultant should undertake the site investigation, remediation and validation of the site. The Validation Report must confirm that the remediated site complies with the clean-up criteria set for the site in the RAP and be prepared in accordance with the *EPA Guidelines for Consultants Reporting on Contaminated Sites*.

Council may require independent review of the remediation and validation by an EPA accredited auditor.

4.3 VOLUNTARY REMEDIATION

Section 60 of the CLM Act places a duty on the owner and the polluter of contaminated land to report contamination to the EPA.

Owners of land that has been identified as being contaminated or potentially contaminated may wish to voluntarily undertake investigation and/or remediation at any time, regardless of whether they intend to carry out development, or apply for a planning proposal regarding that land.

Investigation by the owner must be undertaken in accordance with the relevant EPA guidelines by an experienced and certified consultant. Remediation must be carried out according to the NSW legislation and the process outlined in this Policy. Requirements for remediation are provided below in Section 4.4.

Council will consider the results of any investigation or remediation prior to providing a planning certificate for the property.

See Appendix 9: Council procedure for Voluntary Remediation for steps for undertaking this process.

4.4 REQUIREMENTS FOR REMEDIATION

In some situations remediation work itself has the potential for environmental impact and the planning process must ensure that these impacts are adequately identified and mitigated. Remediation work is classified as either Category 1 remediation work (i.e. remediation that requires development consent), or Category 2 remediation work (i.e. remediation work where no consent is required however the work must still be carried out in accordance with the requirements of SEPP 55).

All remediation work must be carried out by an experienced and certified consultant in conjunction with a Remedial Action Plan. Council's procedure for considering site remediation proposal is shown in Figure 3.

4.5 CATEGORY 1 REMEDIATION WORK

Development consent is generally only required for remediation work where there is potential for significant environmental impacts from the work.

Remediation work that requires development consent is known as Category 1 remediation work. Category 1 work includes any work that is:

- Designated development; or
- Carried out on land that is declared to be critical habitat (for threatened species); or
- Likely to have a significant impact on critical habitat or a threatened species, population or ecological community; or
- Development for which another State Environmental Planning Policy or a regional environmental plan requires development consent; or
- In an area or zone to which any of the following classifications apply under an environment planning instrument:
 - A. Coastal protection;
 - B. Conservation or heritage conservation;
 - C. Habitat area, habitat protection area, habitat or wildlife corridor;
 - D. Environment protection;
 - E. Escarpment, escarpment protection or escarpment preservation;
 - F. Floodway;
 - G. Littoral rainforest;
 - H. Nature reserve;
 - I. Scenic area or scenic protection;
 - J. Wetland; or
- On any land in a manner that does not comply with a policy made under the contaminated land planning guidelines by the council for any local government area in which the land is situated.

All category 1 remediation work must be carried out in accordance with:

- The contaminated land planning guidelines;
- The guidelines published under the CLM Act; and
- A Remedial Action Plan prepared in accordance with the contaminated land planning guidelines and approved by the consent authority.

All other remediation work may be carried out without development consent and is known as Category 2 remediation work.

Note: under Clause 9(f) of SEPP 55, Council's can nominate Category 1 remediation works, It's not a good idea to nominate everything, but if there is a concern, eg: removal of USTs not being undertaken correctly or shallow groundwater, adjacent to a waterway etc, then the Council is able to nominate these works as Category 1. You will then have to list them above.

4.6 CATEGORY 2 REMEDIATION WORK

Category 2 remediation works is all remediation work that is not defined as Category 1 remediation work. Category 2 remediation work does not require development consent.

- Part 5 of the EP&A Act applies where development consent is not required under a planning instrument but where approval from a public authority is required. Each determining authority will consider the potential significance of any environment impacts from the proposed remediation.
- If the remediation is likely to significantly impact the environment, an Environmental Impact Statement (EIS) would be required.
- If consent is not required under SEPP 55 (e.g. Category 2 remediation works), it is unlikely that the remediation works will significantly impact the environment and therefore an EIS would not be required, however this would be determined on a case-by case basis.

Under Part 5 of the EP&A, Category 2 remediation works must take full account of all matters likely to impact the environment

SEPP 55 requires that Council must be notified at least 30 days before Category 2 remediation works commence. Prior notice of Category 2 remediation works must also address the information in Appendix 3 – Requirements for Category 2 Remediation Works.

A copy of the Validation and Monitoring Report and Site Audit Statement from an EPA accredited auditor must be forwarded to Council within 30 days of the completion of remediation works. Council will not consider any subsequent development applications for the site until it is satisfied that the site suitable for the proposed use.

See Appendix 9: Council procedure for Remediation for steps for undertaking Category 1 and Category 2 remediation works.

4.7 SITE AUDITING

A site audit is an independent review of any or all stages of the site investigation process, conducted in accordance with the CLM Act. A site audit may review a preliminary investigation, a detailed investigation, a Remedial Action Plan, or validation report.

A site audit will lead to the provision of a certificate called a Site Audit Statement, stating for what use the contaminated land is suitable. A Site Audit Statement must be prepared by an EPA accredited site auditor in accordance with the legislation.

Council may request a site audit to be undertaken at any stage during the contamination investigation or remediation works if Council:

- Believes on reasonable grounds that information, including that related to potential contamination or previous land use history, provided by the applicant is incorrect or incomplete;
- Wishes to verify whether the information provided by the applicant has adhered to appropriate standards, procedures and guidelines; or
- Does not have the internal resources to undertake a technical review.

If Council requires a site audit, the cost shall be borne by the applicant.

A site auditor can comment on, or verify information provided by the applicant:

- to determine if the contaminated land consultant complied with all appropriate standards, procedures and relevant EPA guidelines;
- to determine if further investigations or remediation is required before the land is suitable or determine any specified use or range of uses.
- to determine if the proposed remediation is adequate and, if undertaken, will render the site suitable for the proposed use.
- to determine if there is any acceptable off-site migration of contaminants, particularly via ground water; or
- to determine if the contamination conditions at the site are suitable for in-ground absorption of stormwater.

Before issuing a Site Audit Statement, the site auditor must prepare a Site Audit Summary Report. This report is a requirement of the EPA. It contains the key information and the basis of consideration that leads to the issue of the Site Audit Statement. The EPA Guideline for the NSW Site Auditor Scheme provides guidelines on the content of the statement and audit report.

See Appendix 10: Council procedure for Site Auditing for undertaking process steps.

5. PLANNING (SECTION 10.7) CERTIFICATES

Under Section 10.7 of the EP&A Act a person may request from Council a planning certificate that contains advice on land contamination matters about a property. For example, a planning certificate would show the existence of a council policy to restrict the use of land.

Such matters relating to land contamination that must be included on section 10.7(2) planning certificates area as set out in section 59(2) of the CLM Act and will also include:

- a) Whether Council has adopted a policy to restrict the use of land due to the risk of land contamination;
- b) Whether the land is an investigation area or remediation site;
- c) Whether the land is subject to an investigation order or remediation order; and
- d) Whether a site audit statement of the land is held by Council.

Council is formally advised whenever a notice is issued under the CLM Act and accordingly annotates its planning certificates. Section 10.7(2) planning certificates will not include specific information about actual or potential contamination (such as the types, extent and level of contamination) on a parcel of land.

Additional information of a factual nature regarding the contamination status of the site can be placed on the S.10.7(5) section of the planning certificate.

See Appendix 11: Section 10.7 Certificates procedure for undertaking this process steps.

APPENDIX 1: TERMS AND DEFINITIONS

<p>Category 1 Remediation Work under SEPP 55 <i>As defined in the SEPP 55 guidelines.</i></p>	<p>Remediation work that requires development consent. Defined in Section 4.5 of this document.</p>
<p>Category 2 Remediation Work under SEPP 55 <i>As defined in the SEPP 55 guidelines.</i></p>	<p>Remediation work that does not require development consent under SEPP 55. Defined in Section 4.6 of this document.</p>
<p>CLM Act</p>	<p><i>Contaminated Land Management Act 1997</i></p>
<p>Contaminated Land <i>As defined in the SEPP 55 guidelines.</i></p>	<p>Land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land that poses, or is likely to pose, an immediate or long-term risk to human health or environment.</p>
<p>Contamination <i>As defined in the CLM Act.</i></p>	<p>The presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality being a presence that represents a risk of harm to human health or any other aspect of the environment.</p>
<p>Detailed Investigation <i>As defined in the SEPP 55 guidelines.</i></p>	<p>An investigation to define the extent and degrees of contamination, to assess potential risk posed by contaminants to human health and the environment, and to obtain sufficient information for the development of a remedial action plan if required.</p>
<p>EP&A Act</p>	<p><i>Environmental Planning and Assessment Act 1979</i></p>
<p>Independent review <i>As defined in the SEPP 55 guidelines.</i></p>	<p>An evaluation by an independent expert required by a planning authority of any information submitted by an applicant conducted at the applicant's expense.</p>
<p>Initial evaluation <i>As defined in the SEPP 55 guidelines.</i></p>	<p>An assessment of readily available factual information to determine whether contamination is an issue relevant to the decision being made.</p>
<p>Investigation Order <i>As defined in the SEPP 55 guidelines.</i></p>	<p>An order by the EPA under the Contaminated Land Management Act 1997 to investigate contamination at a site of within an area.</p>
<p>Notice of completion <i>As defined in the SEPP 55 guidelines.</i></p>	<p>A notice to Council in accordance with the State Environmental Planning Policy No. 55 – Remediation of Land that remediation work has been completed.</p>
<p>Notification of remediation <i>As defined in the SEPP 55</i></p>	<p>Prior notice of category 2 remediation work given to Council in accordance with the State Environmental Planning Policy no. 55 –</p>

<i>guidelines.</i>	Remediation of Land.
Planning authority <i>As defined in the SEPP 55 guidelines.</i>	A public authority or other person responsible for exercising a planning function.
Preliminary Investigation <i>As defined in the SEPP 55 guidelines.</i>	An investigation to identify any past or present potential contaminating activities and to provide a preliminary assessment of any site contamination. The preliminary investigation typically contains detailed appraisal of the site history and a report based on visual site inspection and assessment.
Remedial Action Plan <i>As defined in the SEPP 55 guidelines.</i>	A plan that sets remediation goals and documents that outline the process required to remediate a site.
Remediation Order <i>As defined in the SEPP 55 guidelines.</i>	A direction from the EPA under the <i>Contaminated Land Management Act 1997</i> to remediate.
Remediation Site <i>As defined in the SEPP 55 guidelines.</i>	A site declared by the EPA under the Contaminated Land Management Act 1997 as posing a significant risk of harm.
Remediation Work <i>As defined in the SEPP 55 guidelines.</i>	Work in, on or under contaminated land, being work that: Removes the cause of contamination of the land; or Disperses, destroys, reduces, mitigates or contains the contamination of the land; or Eliminates or reduces any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on that land).
SEPP 55	State Environmental Planning Policy 55 – Remediation of Land
Site Audit <i>As defined in the CLM Act.</i>	<i>A review</i> That relates to management of the actual or possible contamination of land; and That is conducted for the purpose of determining any one or more of the following matters The nature and extent of any contamination of the land The nature and extent of any management of actual or possible contamination of the land Whether the land is suitable for any specified use or range of uses What management remains necessary before the land is suitable for any specified use or range of uses The suitability and appropriateness of a plan of management, long-term management plan or a voluntary management proposal.

<p>Site Auditor <i>As defined in the SEPP 55 guidelines.</i></p>	<p>A person accredited by the EPA under the Contaminated Land Management Act to conduct site audits.</p>
<p>Site Auditor Statement <i>As defined in the SEPP 55 guidelines.</i></p>	<p>A certificate issued by a site auditor for what use the land is suitable. OR A site audit statement prepared by a site auditor in accordance with the Contaminated Land Management Act.</p>
<p>Site Audit Report <i>As defined in the SEPP 55 guidelines.</i></p>	<p>A report containing the key information and the basis of consideration which leads to the issue of a site audit statement. OR A site audit report prepared by a site auditor in accordance with the Contaminated Land Management Act.</p>
<p>Site History <i>As defined in the SEPP 55 guidelines.</i></p>	<p>A land use history of a site that identifies activities or land uses that may have contaminated the site, establishes the geographical location of particular processes within the site, and determines the approximate time periods over which these activities took place.</p>
<p>Site Investigation Process <i>As defined in the SEPP 55 guidelines.</i></p>	<p>The process of investigating land that may be, or is, contaminated, for the purpose of providing information to a planning authority.</p>
<p>Validation <i>As defined in the SEPP 55 guidelines.</i></p>	<p>The process of determining whether the objectives for remediation and any development consent conditions have been achieved.</p>

APPENDIX 2: ACTIVITIES THAT MAY CAUSE CONTAMINATION

Activities that may cause contamination, as listed by the Planning Guidelines SEPP 55 – Remediation of Land, are listed below. This should be used as a guide only. A conclusive contaminated or non contaminated status can only be determined after a site history investigation and sampling analysis (where required).

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation
- clandestine laboratories and hydroponic plantings*

Source: Department of Urban Affairs and Planning & Environment Protection Authority. 1998. Managing Land Contamination Planning Guidelines. Table 1.

* Not currently listed in SEPP 55 Guidelines Remediation of land.

APPENDIX 3: REQUIREMENTS FOR CATEGORY 2 REMEDIATION

An applicant undertaking Category 2 remediation work must comply with the following requirements in order to maintain the amenity of adjoining owners, to prevent a risk to human health and to protect the environment.

The following detail should also be included in the development of a Remedial Action Plan in accordance with Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997.

1. Hours of Operation

All remediation work (including the delivery/removal of materials or equipment) shall be limited to the following hours of work (unless through an alternative mutual agreement in writing with Council or is carried out in a residential zone) to:

- Monday to Friday 7.00am to 6.00pm
- Saturday 8.00am to 1.00pm

No remediation work is permitted on Sundays or public holidays.

Noise from power tools and equipment in a residential zone is only restricted by the following:

- Noise should not be heard in a habitable room in a neighbour's residence between:
 - 8pm to 7am on weekdays and Saturdays
 - 8pm to 8am on Sundays and public holidays

2. Noise and Vibrations

Any noise and vibrations from the site shall be limited by:

- Complying with the NSW EPA's Industrial Noise Policy where applicable;
- Ensuring that all machinery and equipment is operated in an efficient manner to minimise noise from the site on adjoining properties;
- Ensuring that the use of any plant and/or machinery does not cause vibrations in excess of legislation and Australian Standards, on any premises.

3. Erosion and Sediment Control Plans

An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted to Council for approval prior to remediation works commencing onsite. The ESCP shall be developed with regard to the requirements detailed in Council's Soil and Water Management Policy and Council's Engineering Guidelines and Technical Specifications.

Sediment control structures shall be provided to prevent sediment entering drainage systems particularly where surfaces are exposed or where soil is stockpiled.

All erosion and sediment control measures must be maintained in a functional condition throughout the remediation works.

4. Stockpiles

No stockpiles of soil or other materials shall be placed on public land (i.e. footpaths, reserves or nature strips). All stockpiles shall be placed away from drainage lines, gutters or stormwater pits or inlets. All stockpiles of soil or other material shall be maintained to prevent dust, odours or seepage. All stockpiles of contaminated soils shall be secured to prevent dust, odour or seepage if being stored for more than 24 hours.

5. Bunding

Any areas used for remediation or the stockpiling of construction materials or contaminated soils shall be controlled to contain surface water runoff and run-on and be designed and constructed so as to prevent the leaching of contaminants into the subsurface/groundwater. Locate stockpiles and construction materials away from drainage lines and provide bunding of disturbed areas and excavations to prevent runoff to waterways or stormwater where necessary. Ensure stabilisation as soon as possible. All surface water discharges from the area to Council's stormwater system shall not contain detectable levels of contaminants.

6. Site Access and Vehicle Use

Vehicle access to the site shall be designated to prevent the tracking of sediment onto public roadways and footpaths. Soil, earth, mud or similar material must be removed from the roadway by sweeping, shovelling, or a means other than washing on a daily basis or as required by an appropriate authority. Soil residue from vehicle wheels shall be collected and disposed of in an appropriate manner.

All vehicles are to:

- Enter and exit the site in a forward motion;
- Comply with all road rules, including vehicle weight limits;
- Minimise the use of Local Roads by utilising State Roads where available;
- Be cleaned pre and post works to prevent the movement of weed seeds;
- Securely cover or seal all loads to prevent the release of any dust, fumes, soil or liquid emissions during transportation;
- Conduct deliveries of soil, materials, equipment or machinery during the hours of remediation work outlined in Section 1;

Note. Applicants may consult Council prior to selecting the most suitable transport route.

7. Air Quality

Emissions of dust, odour and fumes from the site are to be appropriately controlled as per the EPA regulations and guidelines. These may include but are not limited to:

- Using water sprays to suppress dust;
- Establishing dust screens around work zones, the perimeter or the development site and any material handling areas;
- Securely covering loads entering/exiting the site;
- Covering stockpiles of contaminated soil that remain on site for more than 24 hours;

- Keeping excavation surfaces and stockpiles moist.

8. Groundwater and Surface Water

Contaminated water is to be disposed of offsite at an appropriate waste treatment processing facility. Alternatively water that has been analysed for suspended solids, total solids, pH and contaminants identified in preliminary/detailed site investigations may be excavation pumped to stormwater if levels of all parameters tested meet EPA and Australian and New Zealand Guidelines (ANZECC) for fresh and marine water quality. Application may be made to Council for the water to be disposed of via sewer via a Trade Waste Agreement.

9. Existing Vegetation

There shall be no removal or disturbance to trees or native understorey without the prior written consent through Council's Tree Preservation Order process. All trees that will be retained on the site must be suitably protected from damage during remediation works. This includes provision of protective fencing to protect the root zone of these trees. The fencing must extend to a minimum of the drip line of each tree. No stockpiling, storage, excavation, vehicle parking, or vehicle movement is to occur within the root zone protection area. Tree protection fencing must remain in place until the end of remediation works.

All exposed areas shall be progressively stabilised and revegetated on the completion of remediation works.

10. Capping of Contaminated Soil

Capping of contaminated soil should only occur after alternative remediation works have been investigated, particularly in urban zoning or areas identified as future growth in Coolamon's LEP/DCP.

Contaminated soil is only permitted to be capped if it does not prevent any permitted use of the land and it can be demonstrated that there will be no ongoing impacts on human or environment health. Capping of contaminated soil that exceeds zoning permissible levels, is classified as Category 1 Remediation Work and may only be permitted in accordance with a Development Consent.

Where site capping is carried out on a site and further maintenance is required, Council will require the placement of a covenant on the title of the land. The covenant will advise of any maintenance works required to be carried out. Records of any maintenance undertaken on the site shall be kept for future reference and provided to Council on an annual basis. The cost of the preparation of covenant is borne by the applicant.

11. Contaminated Soil Disposal

Disposal of contaminated soil must be in accordance with the Protection of the Environment Operations Act and Regulations and any EPA guidelines relevant at the time (such as the NSW EPA publication NSW EPA Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (2004)).

Any enquires associated with the off-site disposal of waste from a contaminated site should be referred to the EPA helpline (phone 131 555). If contaminated soil or other waste is transported to or from a site a licensed waste transport contractor must be used.

The Coolamon Shire Council's Waste Management Facility only accepts waste in accordance with its Environment Protection Licence (insert licence number). Section L5 Waste requires that waste be 'General Solid Waste'. Analysis of the contaminated soil is to be undertaken to verify that the waste is 'General Solid Waste'. All documentation is to be provided to Council's Waste Management Team and approved prior to the waste entering the landfill.

12. Work Health and Safety

It is the employer's responsibility to ensure that all site remediation works comply with the Work Health and Safety legislation and other applicable SafeWork (previously known as WorkCover) NSW requirements.

13. Importation of Fill

All fill imported to the site shall be validated as Virgin Excavated Natural Material (VENM/ENM) as defined in the Protection of the Environment Operations Act 1997 (POEO Act) to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Council may in certain instances require details of the appropriate validation of imported fill material to be submitted with any application for the future development of the site.

Fill is permitted for use provided that:

- It itself is not contaminated;
- It is weed and pest free;
- It is compatible with the existing soil characteristic so as not to adversely affect site drainage.

14. Site Security and Lighting

The site shall be secured to ensure against all unauthorised access by using appropriate fencing.

It is recommended that security lighting is used to deter unauthorised access. If security lighting is used it shall be shielded to protect the amenity of adjoining landowners.

15. Rodents and Vermin

Rodents and vermin are to be adequately controlled and disposed of in an environmentally appropriate manner.

16. Consultation

Written notification to adjoining owners/occupants is to occur at least two days prior to the commencement of remediation works. Notification is to include:

- Estimated length of works;
- Contact details of Site Manager;

Signage visible from the road and adjacent to site access is to display the Site Manager and Remediation Contractor contact details for the duration of the works.

17. Removal of Underground Petroleum Storage Systems (UPSS)

The removal of all UPSS is to be completed in accordance with the:

- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2014)⁶;
- Australian Institute of Petroleum's Code of Practice: The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994)⁷;
- NSW Work Cover requirements;
- Australian Standard/s including AS 2601 – 1991 Demolition of Structures and AS 1940 – 2004 Storage and Handling of Flammable and Combustible Liquids.

Following the removal of underground storage systems containing fuel, the site area, which includes bowser lines and fuel lines, shall be assessed, remediated if need be, and validated in accordance with the requirements above. All documents must be submitted to Council, including but not limited to a tank pit validation prepared in accordance with the POEO regulations.

18. Hazardous Materials

Hazardous and/or intractable wastes arising from the remediation work shall be removed and disposed of in accordance with the requirements of the NSW EPA and SafeWork (previously known as WorkCover) NSW, together with the relevant regulations, namely:

- NSW Work Health and Safety Act 2011;
- NSW Work Health and Safety Regulation 2011;
- Contaminated Land Management Act and Regulations; and
- Environmentally Hazardous Chemicals Act 1985 and Regulations.

Under the Protection of the Environment Operations Act 1997 the transportation of Schedule 1 Hazardous Waste is a scheduled activity and must be carried out by a transporter licensed by the NSW EPA.

19. Site clean-up/rehabilitation

The remediation work site must be stabilised to ensure that no offsite impacts occur on the site post completion.

⁶ Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014
<http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+565+2014+cd+0+N>

⁷ NB: Australian Institute of Petroleum's Code of Practice: The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994) has been withdrawn by AIP.

20. Site Validation

All Category 2 remediation work shall be validated by a site auditor accredited by the EPA under Part 4 of the CLM Act and a copy provided to Council within 90 days of completion and prior to the commencement of building construction works. The validation report is to:

- Contain a copy of any reports or records taken during remediation or following completion of validation works;
- Contain a validation statement detailing all works have been undertaken and completed satisfactorily;
- Demonstrate that the objectives of any relevant Remedial Action Plan (RAP) have been achieved, any conditions of development consent have been complied with or whether any further remediation work or restrictions on land use are required;
- Provide evidence confirming that all NSW EPA, SafeWork (previously known as WorkCover) and other regulatory authorities license conditions and approvals have been met;
- Identify the need for continued monitoring in situations where clean-up is not feasible or on-site containment has occurred;
- State the suitability of the site for its current or proposed use.

Successful validation is the statistical confirmation that the remediated site complies with the clean-up criteria set for the site.

The site auditor must:

- Be currently accredited by the NSW EPA;
- Comply with all relevant publications of the NSW EPA;
- Not have a conflict of interest or a pecuniary interest, within the meaning of Section 54 of the Contaminated Land Management Act 1997.

The full cost of the validation will be borne by the applicant and not Council.

Category 2 Remediation Works Checklist

Requirement	Completed
Remediation works are not classified as designated development under the <i>Environmental Planning and Assessment Act 1979</i> or any other planning instrument.	
Remediation works are not proposed on land that is: Identified as critical habitat under the <i>Threatened Species Conservation Act 1995</i> ; or Likely to have a significant impact on threatened species, populations, ecological communities or their habitats; or In an area or zone classified under an Environmental Planning Instrument as conservation or heritage conservation, habitat area, habitat protection area, habitat or wildlife corridor, environment protection, floodway, nature reserve, scenic area or scenic protection, or wetland; or Requiring consent under another State Environmental Planning Policy.	
Remediation work is consistent with the <i>Requirements for Category 2 Remediation of Contamination Land</i> , or you have received written confirmation from Council.	
Details of category 2 remediation work has been submitted 30 days prior to commencement, unless otherwise exempt.	
Written notification to adjoining owners/occupants has occurred at least two days prior to the commencement of remediation works detailing the estimated length of the works and contact details of the Site Manager.	
Have provided written correspondence to Council and members of the public who raised written concerns relating to the remediation works within 2 working days of commencement.	
Signage is visible from the road and adjacent to site access; displaying the Site Manager and Remediation Contractor contact details.	
Have provided notice of completion of remediation work within 30 days after the completion of the works to Council and any other consent authority in accordance with Clauses 17 and 18 of SEPP 55.	
Have provided independent verification within 90 days of remediation works being completed.	
If applicable, have notified Council of maintenance required in order for a covenant to be placed on the title.	
Have a mechanism in place to provide Council details of maintenance completed annually.	

APPENDIX 4: CONDITIONS OF CONSENT

The following conditions have been created for use with development applications involving contaminated land. Not all conditions will be relevant to every development application and they will be used as appropriate and where relevant to a particular application. Amendments may also be made, where appropriate, to reflect legislative or other changes.

Contaminated Land

The subject land has been contaminated from past land use or development. Accordingly, the applicant is advised to make contact with the SafeWork NSW (previously known as WorkCover) for advice regarding minimising harm to workers during operations. Any soil or debris that may need to be removed from the site may only be deposited at licensed landfill sites able to receive potentially contaminated wastes. Reference should be made to Coolamon Shire Councils Contaminated Land Management Policy.

Contamination – Recommendations

The recommendations contained in (insert section) of the document entitled (insert title) prepared by (insert author) dated (insert date) and supplied to Council (insert date) are adopted as conditions of this Consent subject to the following additional requirements.

- a) Insert
- b) Insert

Contamination – Notation on Title

A notation is to be registered on the title of (insert Lot and DP) advising prospective purchasers to the effect that:

- a) The land is classified as contaminated land as past uses of the land may have contaminated, or contributed to the contamination of, the land; and
- b) Remediation works have been partial and localised only; and
- c) Contaminants may remain in both the soil and groundwater; and
- d) Further investigation and remediation may be required prior to any particular use of the land being undertaken or approved.

Environmental - site remediation works

Site remediation works (as may be required) are to be carried out generally in accordance with the approved contamination report and remedial action plan, the ANZECC and NHMRC Guidelines (1992) and applicable NSW Environment Protection Authority Guidelines.

On completion of the site remediation works, the following documentation is to be submitted to the Principal Certifying Authority and to Coolamon Shire Council, if Council is not the Principal Certifying Authority:

- a) Written notification that the site remediation works have been completed is to be submitted within 30 days of the works being completed.

- b) The report is to certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan and relevant NSW Environment Protection Authority requirements. (D436)

State Environmental Planning Policy 55 – guidelines and notices

All remediation work must, in addition to complying with any requirement under the Environmental Planning and Assessment Act or any other law, be carried out in accordance with:

- a) the contaminated land planning guidelines; and
- b) the guidelines (if any) in force under the Contaminated Land Management Act 1997.

In addition a notice of completion of remediation work on any land must be given to the Council. The notice is to be given within 30 days after the completion of the work.

Completion of Remediation Works – Prior to the commencement of any other works

Upon the completion of any remediation works stated in the RAP, the person acting on this consent must submit to Council a Validation and Monitoring Report. The report is to be prepared in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites 1998.

Completion of Remediation Works – Prior to Occupation

Upon the completion of the approved remediation works stated in the approved Remediation Action Plan and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the person acting on this consent shall submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites 1998.

Environmental Management Plan

Prior to the issue of a Construction Certificate, an Environmental Management Plan (EMP) for the site is to be submitted to Coolamon Shire Council for consideration and approval. The EMP is to be prepared by an experienced and certified consultant in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The EMP is to:

- a) Address all environmental aspects of the development's construction and operational phases; and
- b) Recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s); and
- c) Incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

The EMP should include but is not limited to the following:

- i. Soil and water management
- ii. Air Quality
- iii. Water Quality
- iv. Dust suppression
- v. Litter control
- vi. Noise control
- vii. Waste management
- viii. Dangerous/hazardous goods storage
- ix. Emergency response and spill contingency.

Council will not withhold its consent to the Environmental Management Plan provided the above-mentioned matters are reasonably addressed.

The relevant aspects of the approved EMP are to be implemented during the relevant phase(s) of the development.

- Employment of Environmental Consultant

An experienced and certified environmental consultant is to be employed to supervise the implementation of the development in accordance with the relevant aspects of the approved EMP as identified at each phase of the development (e.g. prior to commencement of works, construction and post-construction/ ongoing operations of the development). Details of the environmental consultant, including contact details, employed to oversee the development is to be submitted to Coolamon Shire Council with the 'Notification of Commencement' 2 days before any works are to commence on site.

Note: An appropriately qualified and experience environmental consultant must be certified by one of the following certification schemes or equivalent:

- Site Contamination Practitioners Australia (SCPA); and
- Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP).

- Add following paragraph if required:

Operational matters of the development, Compliance Certificates or other written document are to be obtained from a qualified environmental consultant certifying that the aspects of the approved EMP are complied with. The Compliance Certificate or other written documentation is to be submitted to Coolamon Shire Council on an annual basis, on the anniversary of the Occupation Certificate being issued for the development.

Erosion and Sediment Control

Run-off and erosion control measures must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The control measures must be in accordance with Coolamon Shire Council's adopted Erosion and Sediment Control Guidelines for Building Sites.

Erosion and sediment control measures must address and incorporate general site management material handling practices, soil stabilisation, wind erosion, access measures and shall provide for:

- a) The diversion of uncontaminated run-off around cleared or disturbed areas.
- b) The erection of a silt fence to prevent debris escaping into drainage systems or waterways.
- c) The prevention of tracking of sediment by vehicles onto roads.
- d) Covering of vehicles entering/exiting the site with material.
- e) The stockpiling of topsoil, excavated material, construction and landscaping supplies and debris within the site, and the removal or utilisation (where appropriate) of that stockpile after completion of the works.
- f) Maintenance of control measures until the land is effectively rehabilitated and stabilised beyond the completion of construction. (C430)

Maintenance of soil erosion and pollution controls

All measures specified in Council's Soil and Water Management Policy to minimise the effects of soil erosion and pollution are to be installed then maintained until disturbed areas are rehabilitated and landscaped. Council may issue infringement notices incurring a monetary penalty where measures are not provided or maintained.

Environmental - dust control

Effective dust control measures shall be introduced and maintained at all times. Full details of the proposed method of dust control shall be submitted to and approved by Council with the construction certificate.

Environmental - dust suppression

Dust suppression techniques are to be employed during works to reduce any potential nuisances to surrounding properties.

Waste Disposal

All waste generated on site during the project shall be classified and separated in accordance with DECCWs Waste Classification Guidelines and transported to facility that may lawfully accept the waste.

Secure Remediation Area

Prior to commencement of works on site, a secure fence shall be installed around the proposed remediation area to prevent access by unauthorised persons, which shall be removed following completion of remediation works.

Landscape Plan

Prior to the issue of a Construction Certificate, a detailed Landscape Plan that includes the following will be required:

- a) Identification and accurate mapping of all trees suitable for retention based on health and condition.
- b) Report detailing species, health, condition and hazard rating of trees identified as suitable for retention.

- c) Trees identified for retention to be clearly tagged on site to allow for assessment by Council officers.
- d) A tree planting/revegetation plan detailing species and location.
- e) Methods of tree protection during engineering works for trees identified to be retained.

APPENDIX 5: COUNCIL PROCEDURE FOR INITIAL EVALUATION

Process: Initial Evaluation

Exceptions: If an application is sent directly to the NSW Department of Planning and Environment as the land is deemed to be contaminated, and that the contamination is significant enough to be declared Significantly Contaminated under the CLM Act.

Trigger: An application is submitted to Council by an applicant for a given site.

Checklist process:

Step	Process	Yes	No
1	Does the application include a statement that the land (or neighbouring land) is, or is likely to be contaminated?	Go to Step 1A.	Initiate Preliminary site investigation process – Appendix 6.
1A	Did the application include a Site Audit Statement or Remedial Action Plan?	Go to site auditing or to Remediation process. - Appendix 10 and 8 respectively.	Go to Step 2.
2	Is the application requiring a change in land use to residential, educational, recreational, child care or hospital?	Need to be mindful of this when deciding as to whether a preliminary site investigation is required before proceeding.	Go to Step 3.
3	Is the site; under consideration (or neighbouring sites) included in the Register as 'significantly contaminated' or 'remediated land'? Listed on the EPA's notifications list i.e. sites which are awaiting assessment?	Go to Step 3A.	Go to Step 4.
3A	Does the Site Audit Statement or Remedial Action Plan place limitations on the use of the land?	Initiate preliminary site investigation process – Appendix 6.	Go to Step 4.
4	Is the site under consideration (or neighbouring sites) included in the register as potentially contaminated land?	Go to Step 4A.	Go to Step 5.

4A	Determine previous land use history and contamination potential. Is contamination possible?	Initiate preliminary site investigation – Appendix 6.	Go to Step 5.
5	Has the site under consideration been subject to either a preliminary or detailed site contamination investigations in the past?	Go to Step 5A.	Go to Step 6.
5A	Locate and review Site Audit Statement and the Validation and Monitoring Report. Do restrictions and/or conditions on the land use require further investigation?	Initiate preliminary site investigation – Appendix 6.	Go to Step 6.
6	Is the application outlining no change in land use, but the existing land use involves an activity listed in Appendix 2 of the Policy?	Go to Step 6A.	Go to Step 7.
6A	Is the previous/existing land use related to industrial/commercial or to intensive broadacre?	Consider if a preliminary site investigation is warranted before proceeding.	Go to Step 7.
7	<p>Does information on current zoning and permissible land uses (e.g. restrictions and/or conditions on land use relating to land contamination contained in the LEP, DCP etc), or records from previous zonings, development and building applications, property files and information provided by the applicant <u>suggest land contamination may be an issue for this or in neighbouring sites?</u></p> <p>Does the Local Environment Plan or Development Control Plan place restrictions or conditions for the development of the site?</p> <p>Is an identified historical land use for the land (or neighbouring land) listed in Appendix 2 of the Policy?</p> <p>Is an identified historical land use (or neighbouring land) related to agriculture or intensive horticulture? (excludes broadacre horticulture).</p>	Yes or maybe to one or more – Initiate preliminary site investigation - Appendix 6.	No to all. Proceed with normal planning assessment process. Process finalised.

Is or has the site (or neighbouring land) been subject to land use restrictions related to contamination?		
Is or has the site (or neighbouring land) been subject to conditions on its use?		
Is or has the site (or neighbouring land) been subject to remediation action?		
Is or has the site (or neighbouring land) been subject to pollution incidents and/or illegal dumping of waste?		
Did a site inspection identify any land contamination issues?		

Key decision for check list:

Initial Evaluation Report (as a file note) concludes that:

1. Reasonable efforts have been made to come to a conclusion that there is no risk in the development application relating to land contamination, hence the assessment of the Development Application continues business-as-usual; or
2. There is insufficient information to determine whether the land under consideration in the development application is not contaminated land, in that the land concerned is either:
 - Land that is within an investigation area that has been notified as such by the EPA;
 - Land on which activities referred to in Appendix 2 of the Contaminated Land Management Policy are being, or are known to have been carried out, especially in regards to agriculture and intensive horticulture activities; or
 - Land on which there is incomplete knowledge about whether activities referred to in Appendix 2 of the Contaminated Land Management Policy are being, or are known to have been carried out, and if the proposed development involved residential, educational, recreational, child care or hospital purposes.

If 1): proceed with normal business process in the assessment of the development application.

If 2): notify the applicant in writing that a Preliminary Site Investigation is required.

APPENDIX 6: COUNCIL PROCEDURE FOR PRELIMINARY SITE INVESTIGATION

Process: Preliminary Site Investigation

Exceptions: If an application is sent directly to the NSW Department of Planning and Environment (as a consenting authority) as the land is deemed to be contaminated, and that the contamination is significant enough to warrant regulation.

Trigger: Initial Evaluation could not conclude that the land under consideration in the application is not contaminated land.

Activity: Request the applicant to use a suitably qualified expert to undertake a preliminary site contamination investigation, and to undertake this investigation in accordance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites. Request that the outcomes of this investigation are included in a revised application. (Note: this activity can be undertaken in conjunction with the Detailed Site Investigation).

Checklist process:

Step	Process	Yes	No
1	The application includes a Preliminary Site Investigation Report.	Go to Step 2.	Go to Step 1A.
1A	Request the applicant provide the Preliminary Site Investigation Report.	Go to Step 2.	Undertake Step 1A before proceeding.
2	Review the Preliminary Site Investigation Report and determine whether a Detailed Site Investigation is required.	Go to Step 3.	Undertake Step 2A before proceeding.
3	Preliminary Site Investigation Report (as a file note with the report) demonstrates the potential for, or existence of, contamination, which may preclude the land of being suitable for the proposed use.	Go to Detailed Site Investigation – Appendix 7.	Go to Step 4.
4	Is there a requirement for conditions of consent (refer to Appendix 4).	Go to step 5.	Process the application. Process finalised.
5	Process application with Conditions of Consent.	Process finalised.	Step 5 needs to be undertaken before process can be finalised.

APPENDIX 7: COUNCIL PROCEDURE FOR DETAILED SITE INVESTIGATION

Process: Detailed Site Investigation

Exceptions: If an application is sent directly to the NSW Department of Planning and Environment (as the consenting authority) as the land is deemed to be contaminated, and that the contamination is significant enough to warrant regulation.

Trigger: Preliminary Site Investigation Report identifies the potential for, or existence of, contamination which may preclude the land of being suitable for the proposed use.

Activity: Request the applicant to use a suitably qualified expert to undertake a detailed site contamination investigation, and to undertake this investigation in accordance with the NSW EPA Guidelines for Consultants Reports for Contaminated Sites. Request that the outcomes of this investigation are included in a revised development application. (Note: this activity can be undertaken in conjunction with the Preliminary Site Investigation).

Checklist process:

Step	Process	Yes	No
1	The application includes a Detailed Site Investigation Report.	Go to Step 3.	Go to Step 2.
2	Request the applicant provide a Detailed Site Investigation Report	Go to Step 3.	Undertake Step 2 before proceeding.
3	Does the Detailed Site Investigation Report include a statement that the site is contaminated and that the contamination is significant enough to warrant regulation?	Go to Step 4.	Go to Step 3A.
3A	Request the applicant submit a revised Detailed Site Investigation Report to include a statement on the suitability.	Go to Step 3B.	Cannot proceed until Step 3A is undertaken.
3B	Revised Detailed Site Investigation report received.	Go to Step 4.	Cannot proceed until revised detailed site investigation report is received.
4	The Detailed Site Investigation Report includes a statement on whether the site is suitable for the proposed use and for all other purposes permissible in the zone, or if it can be made suitable through remediation.	Go to Step 5.	Go to Step 4A.
4A	Request a statement on whether the site is suitable for the proposed use and for all other	Go to Step 5.	Undertake Step 4A before proceeding.

	purposes permissible in the zone, or if it can be made suitable through remediation.		
5	Does the Detailed Site Investigation Report include a statement that the site is potentially contaminated and that the contamination is significant enough to warrant regulation?	Go to Step 5A.	Go to Step 6.
5A	Notify NSW EPA immediately.	Proceed with EPA directions.	No other action can be undertaken until Step 5A has occurred.
6	Does the Detailed Site Investigation Report conclude that the land is unsuitable for the proposed use and may not be appropriately remediated, or the applicant does not wish to remediate?	Go to Step 6A.	Go to Step 7.
6A	The application may be modified to a use that is suitable for the land without remediation (e.g. relating to a development application outlining no change in land use), provided a new development application is not required, or the application can be withdrawn, or the application can be refused by Council. Application modified for consent.	Go to Step 7.	Go to Step 6B.
6B	Has the applicant indicated its intent to withdraw the development application?	Go to Step 6C.	Go to Step 6D.
6C	Close the assessment of the application.	Process finalised.	Undertake Step 6C to finalise process.
6D	Application refused by Council.	Go to Step 6E.	Application is required to be modified, withdrawn or refused for process to be finalised.
6E	Consider if the site should be included on the Contaminated Lands site register and include on register if required.	Process finalised.	Undertake Step 6E to finalise process.
7	Does the Detailed Site Investigation Report include a statement that the site <u>is</u>	Go to Step 8.	Go to Step 9.

	<u>contaminated</u> , which may preclude the land from being suitable for the proposed use?		
8	Has the applicant indicated its intent to withdraw the development application?	Go to Step 6C.	Go to Step 9.
9	Is Council satisfied that the site is suitable for the proposed use and for all other purposes permissible in the zone?	Go to Step 10A.	Go to Step 9.
9A	Are conditions of consent required?	Go to Step 9B.	Go to Step 10.
9B	Include conditions of consent (see Appendix 4 of the Policy).	Process finalised.	Process can't be finalised until Step 9B is undertaken.
10	Council to develop restrictions and/or conditions for the land, including any restrictions relating to the intended land use or conditions on the remediation and also provision of a Validation and Monitoring Report prior to commencement of development work (e.g. construction certificate).	Go to Step 11.	Undertake Step 10 before proceeding.
11	Does the Detailed Site Investigation Report include a list of feasible remediation options available to remediate the site in order to make it suitable for the proposed use?	Go to Remediation – Appendix 8.	Go to Step 11A.
11A	Seek this information from the applicant.	Go to Remediation – Appendix 8.	Process cannot proceed until Step 11A has been undertaken.

Note: Subsequent to finding that the Detailed Site Investigation Report includes a statement that the site is contaminated and that the contamination is significant enough to warrant regulation, Council must notify the NSW EPA who may then declare the land as a 'Remediation Site' thereby subjecting the land to remediation works and processes under the Management Order issued by the EPA.

APPENDIX 8: COUNCIL PROCEDURE FOR REMEDIATION

Process: Managing requirements of Council, the applicant and other actors relating to remediation of land and its congruence with SEPP 55 Planning Guidelines, and that remediation works will be undertaken in accordance with the relevant EPA Guidelines under the Contaminated Land Management Act.

Exceptions:

- Category 1 remediation works with consent from the Department of Planning and Environment.
- Category 2 remediation works subject to a Remediation Order by the EPA without consent. Under this scenario the EPA declares that the land is a Remediation Site and a Remediation Order is issued by the EPA.
- Site that is under voluntary remediation (i.e. Voluntary Remediation Plan) with the EPA declaring the site a Remediation Site (See Section 4.3, Voluntary Remediation) and where the EPA does not require the specific works to be undertaken under the EP&A Act.

Trigger:

- Land covered by a development application requires remediation to make the land suitable for the proposed use and for all other purposes permissible in the zone.
- Receipt of a notification regarding proposed Category 2 remediation works without consent.

Checklist process:

Step	Process	Yes	No
1	Is the remediation work likely to have a potential for significant environmental impacts from the remediation works?	Go to Step 1A	Go to Step 1B
1A	Remediation works would be considered as Category 1 remediation works with Council consent (go to sub-section Category 1 Remediation Works With Council Consent).	Proceed to subsection Category 1 Remediation Works with Council Consent.	N/A
1B	Considered as Category 2 remediation works without consent (go to sub-section Category 2 Remediation Works Without Consent).	Proceed to subsection Category 2 Remediation Works Without Consent.	N/A

Notes: Category 1 remediation work includes any work that is:

1. Designated development as listed in Schedule 3 under the Environmental Planning and Assessment Regulation (2000), and requires the applicant to prepare an Environmental Impact Statement.
2. Carried out on land that is considered as critical habitat (for threatened species).
3. Likely to have a significant impact on critical habitat or a threatened species, population or ecological community.
4. Development for which another SEPP requires development consent.
5. In an area or zone to which are classified for coastal protection, conservation or heritage conservation, habitat area, habitat protection area, habitat or wildlife corridor, environmental protection, floodway, nature reserve, scenic area or scenic protection, wetland, or any land in a manner that does not comply with the Policy made under the contaminated land planning guidelines by Council.
6. Any other works as nominated by Council under s.9(f) of SEPP 55 – Remediation of Land.
7. Council should notify NSW EPA that it considers remediation works associated with a planning proposal or development application to be Category 1 remediation works.

Category 1 Remediation Work Subject to Management Order with Consent of Department of Planning and Environment.

Notes:

1. Similar process to Category 1 Remediation Works with Council Consent except that Department of Planning and Environment manage the assessment steps and Council receives notifications at certain stages in the process.
2. A Remediation Action Plan must be prepared by the applicant and subsequently approved by the Department of Planning and Environment (as the consenting authority).
3. Department of Planning and Environment may require an Environmental Impact Statement (EIS) if the remediation is likely to significantly affect the environment.
4. A Remediation Action Plan, planning proposal or development application and an EIS is required to be submitted by the applicant to the Department of Planning and Environment.
5. Management Order is issued by the EPA.
6. Post-remediation: Validation and Monitoring Report and Site Audit Statement sent to the Department of Planning and Environment (under SEPP 55) and to the EPA (under the Remediation Order).

Category 1 Remediation Work with Council Consent

Step	Process	Yes	No
1.	Does the Category 1 remediation work include any work that is designated development listed in Schedule 3 of the Environmental Planning and Assessment Regulation?	Determine whether the applicant is required to submit an Environmental Impact Statement before proceeding.	Go to step 2.
2	If the remediation work is Category 1 remediation work, has the applicant submitted a Remedial Action Plan?	Go to 2A.	Remedial Action Plan required before proceeding.
2A	Is Council satisfied that the site can be remediated?	Go to Step 3.	Go to Step 2B.
2B	Request applicant provides a revised Remedial Action Plan or if unsure decide whether to use a Site Auditor to review the Remedial Action Plan.	Go to Step 3.	Undertake Step 2B before proceeding.
3	Are the proposed clean-up criteria appropriate for the future use of the site, considering possible human health and environmental impacts?	Go to Step 4.	Go to Step 3B.
3B	Has the applicant provided a suitable revised Remedial Action Plan and Council is satisfied the land can be remediated for the intended land use. If unsure decide whether to use a Site Auditor to review the Remedial Action Plan.	Go to Step 4.	Undertake Step 3B before proceeding.
4	Are the proposed plans for remediation work acceptable in that they include an operational plan, occupational health and safety plan, site environmental management plan, community relations plan and contingency plan and outline all necessary approvals required from regulatory authorities?	Go to Step 5.	Go to Step 4A.
4A	Request applicant provides revised Remedial work plans. Is council satisfied with the revised remedial work plans? Unsure – Decide whether to use a Site Auditor to review the Remedial Action Plan.	Go to Step 5.	Undertake Step 4A before proceeding.

5	Is a Site Auditor required to review the Remediation Action Plan?	Inform the applicant that Council intends to engage a Site Auditor, and that the cost of this auditor is with the applicant. Go to Step 6.	Go to Step 7.
6	Request the applicant to submit a satisfactory Remedial Action Plan. Process should be stopped until a satisfactory RAP is submitted.	Go to Step 7.	Undertake Step 6 before proceeding.
7	Does Council need to impose conditions on the development consent in relation to: Requiring the submission of a Validation and Monitoring Report after completion of the remediation work, but before commencement of the development work (i.e. before issuance of a construction certificate). Any other conditions and/or restrictions on the remediation work, including any condition of consent set out in appendix 3 of the Policy?	Go to Step 7A. Go to Step 7B.	Go to Step 8.
7A	Prepare conditions of consent to reflect provision of a Validation and Monitoring Report upon completion of remediation works.	Go to Step 8.	Undertake step 7A before proceeding.
7B	Prepare conditions of consent to reflect identified conditions of consent relevant to the remediation works and ongoing management of the land under consideration in regards to occupational health and safety, site environmental management (including ongoing site monitoring) and any other identified matter.	Go to Step 8.	Undertake Step 8A before proceeding.
8	Any objections received on the advertised planning proposal or development application (including the Remedial Action Plan)?	Go to Step 8A.	Go to Step 9.
8A	Is the planning proposal or development consent a designated development?	Go to Step 8B.	Go to Step 9.
8B	These objections must be sent to the Department of Planning and Environment for comment.	Go to Step 9.	Undertake step 8B before proceeding.
8C	Planning proposal or development consent is not designated development, Council is to	Go to Step 9.	Undertake step 8C.

	review objections and make a determination on these		
9	Determine the development application, including any comments on objections received from the Department of Planning and Environment (if designated development).	Go to Step 10.	Undertake step 9 before proceeding.
10	Inform the applicant of determination.	Go to Step 11.	Undertake step 10 before proceeding.
11	Upon completion of the remediation works, and before a construction or occupation certificate is issued, has a notification from the applicant that includes the Validation and Monitoring Report been submitted to Council within 30 days of completion of the remediation works or as specified in the Development consent? (Note: sometimes submission for the validation report within 30 days of completion of remedial works and prior to construction certificate is not feasible. Some flexibility is required here.	Go to Step 12.	Go to Step 11A.
11A	Request the notification and Validation and Monitoring Report to be submitted to Council.	Go to Step 12.	Undertake step 11A before proceeding.
12	Does the Validation and Monitoring Report include: A statement that the land under consideration has been remediated in accordance with the approved Remedial Action Plan to make it suitable for its intended use or other purpose in that zone?	Go to Step 13.	Go to Step 12A.
12A	If the site was remediated in accordance with requirements, then request the report is modified to include such a statement, or; If the report identified that full remediation was not feasible or onsite containment of contamination is proposed, then ensure that a detailed ongoing monitoring strategy/program and site environmental management plan is provided.	Go to Step 13.	Undertake step 12A before proceeding.
13	Does the Validation and Monitoring Report include: A statement confirming that all licences,	Go to Step 13A.	Go to Step 13C.

	approvals and development consents have been complied with?		
13A	Did the Validation and Monitoring Report include any documentary evidence?	Go to Step 14.	Go to Step 13B.
13B	Request that the report is modified to include such documentary evidence.	Go to Step 14.	Undertake step 13B before proceeding.
13C	Request that the report is modified to include such a statement and documentary evidence.	Go to Step 14.	Undertake step 13C before proceeding.
14	Does the Validation and Monitoring Report include: A Site Audit Statement and Site Audit Summary Report?	Go to Step 15.	Go to Step 14A.
14A	Request that the Site Audit Statement and Site Audit Summary Report is provided.	Go to Step 15.	Undertake step 14A before proceeding.
15	Is Council satisfied with the Validation and Monitoring Report and the Site Audit Statement?	Process finalised.	Undertake step 15A
15A	Seek a Site Auditor to review with a view to verify information contained in the Validation and Monitoring Report (See Appendix 10 Site Auditing).	Go to Step 15.	Cannot proceed until Step 15A is undertaken.

Note: Site auditor will provide a report that will confirm the above questions and thereby dictate whether the process continues or if another iteration on the Remedial Action Plan is required. If no Remediation Action Plan is sought (or is not needed), then the remediation must be tested against standards endorsed by the EPA.

Include the relevant information in section 10.7(2) planning certificates, covenants on the title or annual reporting and other information made available under section 10.7(5).

Category 2 Remediation Work Without Consent

Notes:

1. Category 2 remediation work is all remediation work that is not defined as Category 1 remediation work.
2. Category 2 remediation work does not require consent.
3. Council is required to be notified of any proposed category 2 remediation work at least 30 days before the works commence.
4. This notification is also required to address information contained in Appendix 2 Requirements for Category 2 Remediation Works.
5. Remediation Action Plans are not mandatory for Category 2 works without consent, but Council can deem the risk of contamination to be of the level requiring a Remediation Action Plan to be developed by the applicant.
6. A copy of the Validation and Monitoring Report and a Site Audit Statement from an EPA accredited auditor must be forwarded to Council within 30 days of the completion of the remediation works. Council will not consider any subsequent development applications for the site until it is satisfied that the site is suitable for the proposed use.
7. This section does not consider Category 2 Remediation Work Subject to a Remediation Order by the EPA – without consent, nor Category 2 remediation works relating to underground petroleum storage systems (even though Appendix 3 of the Policy includes UPSSs in the ‘requirements for category 2 remediation works’). The UPSS regulatory framework is proposed to be changed in 2017 resulting in more responsibility given to local government.

Step	Process	Yes	No
1	For Category 2 remedial works, was Council notified at least 30 days before commencement of the works?	Go to Step 3.	Go to step 2.
2	Contact applicant to remind them of the notification requirement.	Go to Step 3.	Process cannot proceed until Step 2 is complete.
3	Did the notification include a proposal for the remediation works that addressed information contained in Appendix 3 of the Policy in relation to ‘Requirements for Category 2 Remediation Works’, and the dates in which	Go to Step 4.	Go to Step 3A.

	this work is to be undertaken?		
3A	Obtain this information from the applicant.	Go to Step 4.	Process cannot proceed until Step 3A is undertaken.
4	Did the notification seek any approvals from Council (e.g. dissolved hydrocarbon impact from open excavations to be taken to landfill or discharged to the sewer under consent conditions)?	Go to Step 4A.	Go to Step 5.
4A	Consult with relevant internal operational area.	Go to Step 5.	Undertake Step 4A before proceeding.
5	Did the notification require any approvals from other regulatory bodies (e.g. leaching [i.e. discharge] of toxic material to stormwater or sewer).	Go to step 5A.	Go to Step 6.
5A	Request evidence of approval.	Go to Step 6.	Undertake Step 5A before proceeding.
6	Did the notification provide contact details?	Go to Step 6A.	Go to Step 7.
6A	Consult with relevant internal operational area.	Go to Step 7.	Undertake Step 6A before proceeding.
7	Has a remedial works plan been submitted with the notification?	Go to Step 8.	Go to Step 7A.
7A	Ask and receive the Remedial Works Plan from the applicant.	Go to Step 8.	Cannot proceed until Step 7A is undertaken.
8	Does the Remedial Works Plan state that it has been prepared in line with the SEPP55 Planning Guidelines, and that proposed remediation works will be undertaken in accordance with the relevant EPA Guidelines under the Contaminated Land Management Act?	Go to Step 9.	Go to Step 8A.
8A	Seek the applicant or proponent to provide this confirmation in writing.	Go to Step 9.	Undertake step 8A before proceeding.
9	Has a site inspection been undertaken?	Go to Step 10.	Go to Step 9A.
9A	Arrange and undertake a site inspection.	Go to Step 10.	Undertake step 9A before proceeding.

10	Upon completion of the remedial works has the following been provided to Council? Within 30 days of completion of the remediation works, a notification that remediation work and validation has been completed.	Go to Step 11.	Go to Step 10A.
10A	Contact the proponent and request this information is submitted to Council	Go to Step 11.	Cannot proceed until Step 10A is undertaken.
11	Upon completion of the remedial works has the following been provided to Council? Validation and Monitoring Report	Go to Step 12.	Go to Step 11A.
11A	Contact the proponent and request the Validation and Monitoring Report is submitted to Council.	Go to Step 12.	Cannot proceed until Step 11A is undertaken.
12	Upon completion of the remedial works is Council satisfied that the category 2 remediation works have been carried out?	Go to Step 13.	Go to Step 12A.
12A	Issue a clean-up notice under the POEO Act requiring that further works be undertaken, or that a site auditor is appointed to review works to date and make suggestions on what additional works are required.	Go to Step 13.	Cannot proceed until Step 12A is undertaken.
13	Is Council satisfied with the content of the Validation and Monitoring Report and the Site Audit Statement?	Go to Step 14.	Go to Step 13A.
13A	If Council is not satisfied with the content of the site audit statement it should be reported to the EPA.	Go to Step 14.	Cannot proceed until Step 13A is undertaken.
14	Did the Validation and Monitoring Report and/or Site Audit Statement include: A statement that the land under consideration has been remediated to make it suitable for its intended use or other purpose in that zone?	Go to Step 15.	Go to Step 14A.
14A	Request that this information is provided.	Go to Step 15.	Undertake step 14A before proceeding.
15	Did the Validation and Monitoring Report and/or Site Audit Statement include: Requirements relating to ongoing site	Go to Step 15A.	Go to Step 16.

	management, including restrictions on use?		
15A	Include the relevant information in section 10.7(2) planning certificates, covenants on title or annual reporting and other information made available under section 10.7(5).	Go to Step 16.	Undertake step 15A.
16	Has a site inspection been undertaken?	Go to Step 17.	Undertake Step 16A.
16A	Undertake a site inspection.	Go to Step 17.	Cannot proceed until Step 16A is undertaken.
17	Council is satisfied with the remediation work.	Process finalised.	Process cannot be finalised until Council is satisfied with the remediation works.

Note: Some notifications on category 2 remediation works without consent list requests Council approvals. An example is the discharge of dissolved hydrocarbon impact to sewer or to take it to landfill to de-wet. Council follows the NSW office of Water's Liquid Trade Waste Management Guidelines April 2009.

APPENDIX 9: COUNCIL PROCEDURE FOR VOLUNTARY REMEDIATION

Process: -To manage data and/or information regarding any voluntary management proposal approved by the EPA.

Exceptions: None identified.

Objective: to ensure the appropriate management of data and information from activities related to voluntary management proposals.

Trigger:

- Land owner informs Council of intent to remediate identified contaminated land.
- EPA notifies Council of a voluntary management proposal to remediate a contaminated site.
- EPA notifies Council of completion of remediation works associated with a voluntary management proposal.

Checklist process:

Step		Yes	No
1	Notification received from EPA in regards to a voluntary management proposal?	Go to Step 2.	Process not applicable.
2	Record information in Council's systems in accordance with agreed procedures.	Go to Step 3.	Undertake Step 3 before proceeding.
3	Is Council satisfied that a section 10.7(2) planning certificate can be issued for the site?	Go to Step 4.	Go to Step 5.
4	Prepare appropriate text for the section 10.7(2) planning certificate (See Appendix 11 Section 10.7 Certificates).	Process Completed.	Process not completed until Step 4 is undertaken.
5	Liaise with EPA for clarification.	Process completed.	Process not completed until Step 5 is undertaken.

Notes:

1. Duty to Notify: Anyone whose activities have caused land to be contaminated, and owners of land who become aware, or ought reasonably to be aware, that the land has been contaminated must notify the EPA as soon as practicable after becoming aware of the contamination when a site owner provides an undertaking to voluntarily remediate a site that initiates a process via a notification to the NSW EPA. This is a requirement under section 60(3) of the Contaminated Land Management Act and supported by the Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act.
2. Management Orders: The EPA may order persons to manage significantly contaminated land in the following hierarchy: those responsible for the contamination, the landowner and the notional owner. Under worst-case scenarios this could see Council as the 'notional owner' of private land and thereby is responsible for remediation.
3. Voluntary Management Proposals: The EPA may approve a voluntary management proposal for the management of significantly contaminated land, with or without conditions. The voluntary management proposals subsumes the former voluntary investigation proposal and the voluntary remediation proposal.

APPENDIX 10: COUNCIL PROCEDURE FOR SITE AUDITING

Process: To ensure that Council has confidence in information regarding contamination or potential contamination of land and verification thereof.

Exceptions: None identified

Trigger: Council:

- Believes on reasonable grounds that information including that related to potential contamination or previous land use history, provided by the applicant is incorrect or incomplete.
- Wishes to verify whether the information provided by the applicant has adhered to appropriate standards, procedures and guidelines.
- Does not have the internal resources to undertake a technical review.

Notes:

1. A Site Auditor is an individual accredited by the EPA under Part 4 of the CLM Act.
2. Site auditors review the work of contaminated site consultants. The CLM Act calls these reviews site audits and defines a site audit as an independent review.
3. Site auditors can prepare an independent review:
 - a. that relates to investigation or remediation carried out (whether under the CLM Act of otherwise) in respect of the actual or possible contamination of land; and
 - b. that is conducted for the purpose of determining any one or more of the following matters:
 - I. the nature and extent of any contamination of the land
 - II. the nature and extent of the investigation or remediation
 - III. whether the land is suitable for any specified use or range of uses
 - IV. what investigation or remediation remains necessary before land is suitable for any specified use or range of uses
 - V. the suitability and appropriateness of a plan of remediation, a long-term management plan, a voluntary investigation proposal or a remediation proposal.
4. Costs for Site Audit services are borne by the applicant.

Checklist process:

Step	Process	Yes	No
1	Developed a terms of reference for site audit.	Go to Step 2.	Undertake Step 1 before proceeding.
2	Package and provide all direct and background information required to be verified by the Site Auditor.	Go to Step 3.	Undertake Step 2 before proceeding.
3	After completion of the site audit, has the Site Audit Summary Report been provided with the Site Audit Statement?	Go to step 4.	Go to Step 3A.

3A	Seek Site Audit Summary Report from applicant.	Go to Step 4.	Undertake Step 3A before proceeding.
4	Is Council satisfied with the outcomes of the site audit?	Process completed.	Go to Step 5.
5	Liaise with site auditor to clarify findings or report to EPA for review.	Process Completed.	Process cannot be deemed completed until Step 5 (findings clarified or EPA reviewed) is undertaken.

APPENDIX 11: SECTION 10.7 CERTIFICATES PROCEDURE

Process: To ensure that accurate information regarding land contamination matters including Council policy to restrict the use of land is included in planning certificates issued under section 10.7 of the EP&A Act.

Trigger: A request for information regarding a parcel of land that triggers a process under section 10.7 of the EP&A Act.

Steps:

1. Identify parcel of land of interest.
2. Check Register for annotations regarding contaminated land management issues.
3. Generate certificate.
4. Confirm correctness of statements included in the certificate regarding contaminated land management matters.

Under s.10.7 of EP&A Act, a person may request from Council a planning certificate containing advice on matters about the land that are prescribed in the EP&A Regulation including information regarding land contamination.

- (a) Section 59(2) of the CLM Act provides that specific notations (as listed below) relating to contaminated land issues must be included on s.10.7 certificates where:*
- (b) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued;*
- (c) that the land to which the certificate relates is subject to a management order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued;*
- (d) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act – if it is the subject of such an approved proposal at the date when the certificate is issued;*
- (e) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act – if it is subject to an order at the date when the certificate is issued;*
- (f) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act – if a copy of such a statement has been provided at any time to the local authority issuing the certificate.*

In addition to detailing information relevant to the prescribed matters, all s.10.7(2) certificates issued by Council will also contain one of the following notations relating to land contamination:

Where Council's contaminated land policy restricts the use of land which:

- has a previous land use history which could have involved use of contaminants on the site, for examples, land which may have been used for an activity listed in Appendix 2, or
- is known to be contaminated, but
- has not been remediated,

an appropriate notation may be:

'Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands that have previously been used for certain purposes. Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted.'

Where council's contaminated land policy restricts the use of land which:

- is known to contain contaminants, but
- has been remediated for a particular use or range of uses and some contamination remains on the site, for example encapsulated,

an appropriate notation might be:

'Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which are considered to be contaminated, or on lands which have been remediated for a specific use. Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted.'

Where Council records do not contain a clear site history without significant gaps in information and council cannot determine whether or not the land is contaminated, and therefore the extent to which council's policy should apply, council may decide to take a cautious approach. In such cases an appropriate notation might be:

'Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Council records do not have sufficient information about previous use of this land to determine whether the land is contaminated. Consideration of Council's adopted policy and the application or provisions under relevant state legislation is warranted.'

Council may make additional notations upon S.10.7(2) or S.10.7(5) certificates where specific information is obtained in relation to the use of land.

APPENDIX 12: PROCEDURE FOR STORING CONTAMINATED SITES INFORMATION

Purpose: To record all information relating to contamination or potential contamination on land within the Coolamon Shire.

Scope: Coolamon Shire Officers within the Planning and Environmental Department.

References:

- I. NSW Environmental Planning and Assessment Act 1979
- II. NSW Environmental Planning and Assessment Regulation 2000
- III. NSW State Records Act 1998

Activity:

On receipt of Contaminated Land information the following steps should be followed:

Check if relevant parcel(s) are listed on the Contaminated Land Register.

1. If listed:
 - a. Update information in the Contaminated Land register if applicable. The entry is to contain/include:
 - Date of entry
 - Person identifying the information provided; and
 - Any evidence or information supporting the entry.
2. If not listed:
 - b. Insert an entry into the Contaminated Land register. The entry is to contain/include:
 - Date of entry;
 - Type of potential contamination noted;
 - Person identifying the contamination;
 - Any evidence or information provided with the contamination.
3. The information will be included into TRIM the electronic recording system of Coolamon Shire Council. The information will be stored on the property file in addition to the Contaminated Land Register.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required, the policy will be reviewed at least once during a term of Council

Version 2 Adopted: Council Meeting held 17 March 2022 (Minute No. 43/02/2022)

ASBESTOS POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
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Policy Responsibility	Planning & Environment Services		
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1. Introduction

Coolamon Shire Council acknowledges the serious health hazard of exposure to asbestos.

In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos.

Where material containing asbestos is in a non-friable form (that is, cannot be crushed by hand into a powder), undisturbed and painted or otherwise sealed, it may remain safely in place. However, where asbestos containing material is broken, damaged, disturbed or mishandled, fibres can become loose and airborne posing a risk to health. Breathing in dust containing asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions. Further information about asbestos and the health impacts of asbestos can be found in Appendix A and website links to additional information are provided in Appendix B.

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public within the Local Government Area (LGA)
- workers (employees and other persons) in council workplaces.

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- as a responsible employer
- contaminated land management
- council land, building and asset management
- emergency response
- land use planning (including development approvals and demolition)
- management of naturally occurring asbestos
- regulation of activities (non-work sites)
- waste management and regulation.

1.1 Purpose

This policy aims to outline:

- the role of council and other organisations in managing asbestos
- council's relevant regulatory powers
- council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- general advice for residents on renovating homes that may contain asbestos
- council's development approval process for developments that may involve asbestos and conditions of consent
- waste management and regulation procedures for asbestos waste in the LGA
- council's approach to managing asbestos containing materials in council workplaces; and
- sources of further information.

1.2 Scope

This policy applies to all of the whole of the Coolamon LGA within council's jurisdiction.

The policy provides information for council workers, the local community and wider public. Part 1 of the policy includes the sections that are likely to be of most interest to the local community and wider public. Part 2 is information that applies to workers associated with council including employees, contractors, consultants, and volunteers (as defined by the NSW *Work Health and Safety Regulation 2011*). Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the LGA.

The policy outlines council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact council or the appropriate organisation (contact details are listed in Appendix E).

The policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW.
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW.
- Additional guidance material listed in Appendix B.
- Detailed information on council's procedures and plans may be found in other documents, which are referenced in part 2 under section 18.1.

2. Definitions

Definitions are provided in Appendix C.

3. Roles and responsibilities of council

3.1 Educating residents

Council shall assist residents to access appropriate information and advice on the:

- prohibition on the use and re-use of asbestos containing materials
- requirements in relation to development, land management and waste management
- risks of exposure to asbestos
- safe management of asbestos containing materials
- safe removal and disposal of minor quantities of asbestos containing materials.

Educational information and website links for educational materials can be found in Appendices A and B.

3.2 Managing land

Council is responsible for managing public land. This may include land with naturally occurring asbestos as described in section 5 and land contaminated with asbestos as outlined in section 6.

3.3 Managing waste

Where council is the appropriate regulatory authority, council is responsible for:

- Issuing clean up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the *Protection of the Environment Operations Act 1997*).
- Issuing prevention or clean up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the *Protection of the Environment Operations Act 1997*).
- Issuing penalty infringement notices for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).
- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 149 certificates) where on-site disposal is permitted.
- Operating licensed landfill facility/facilities that accept/s asbestos waste

Waste facilities that are licensed to accept asbestos waste are listed in Appendix F.

3.4 Regulatory responsibilities

Council has regulatory responsibilities under the following legislation, policies and standards in situations where council is the appropriate regulatory authority or planning authority:

- *Contaminated Land Management Act 1997* (NSW)
- *Environmental Planning and Assessment Act 1979* (NSW)
- *Environmental Planning and Assessment Regulation 2000* (NSW)
- *Local Government Act 1993* (NSW)
- *Protection of the Environment Operations Act 1997* (NSW)
- *Protection of the Environment Operations (General) Regulation 2009* (NSW)
- *Protection of the Environment Operations (Waste) Regulation 2014* (NSW)
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *Demolition work code of practice 2015* (catalogue no. WC03841).

Additional legislation, policies and standards relating to the safe management of asbestos are listed in Appendix G.

The situations in which council has a regulatory role in the safe management of asbestos are listed in Table 1.

Table 1: Situations in which council has a regulatory role in managing asbestos

Issue	Council's role	Section of policy
Contaminated land	<ul style="list-style-type: none"> Record known asbestos site contamination on section 149 certificates where practicable and for council workplaces, record on council's asbestos register. Notify stakeholders of land use planning policy requirements relating to contamination. Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of SafeWork NSW). 	Section 6
Development assessment	<ul style="list-style-type: none"> Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. Ensure compliance with development conditions. Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9. 	Section 9
Demolition	<ul style="list-style-type: none"> Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>. Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. 	Section 9
Emergencies and incidents	<ul style="list-style-type: none"> Regulate the clean-up of asbestos waste following emergencies where sites are handed over to the council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean-up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i>. 	Section 7
Naturally occurring asbestos	<ul style="list-style-type: none"> Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos. Prepare an asbestos management plan for council workplaces or road works which occur on land containing naturally occurring asbestos. 	Section 5
Residential premises	<ul style="list-style-type: none"> Respond to any public health risks (risks to council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW). Respond to public health risks posed by derelict properties or asbestos materials in residential settings. 	Section 9
Waste	<ul style="list-style-type: none"> Manage waste facilities in accordance with environmental protection legislation. Respond to illegal storage, illegal dumping and orphan waste. Regulate non-complying transport of asbestos containing materials. 	Section 10

3.5 Responsibilities to workers

Council is committed to fulfilling its responsibilities to workers under the NSW *Work Health and Safety Act 2011* and NSW *Work Health and Safety Regulation 2011* and maintaining a safe work environment through council's:

- general responsibilities
- education, training and information for workers
- health monitoring for workers
- procedures for identifying and managing asbestos containing materials in council premises.

These responsibilities are outlined in part 2.

4. Other stakeholders involved in managing asbestos

Council is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues.

Appendix E notes useful contacts and Appendix H notes agencies involved in managing asbestos. Various asbestos scenarios requiring stakeholders to work together are outlined in Appendix I.

Part 1 – Asbestos in the Local Government Area: Information for the community

5. Naturally occurring asbestos

Naturally occurring asbestos only poses a health risk when elevated levels of fibres are released into the air, either by human activities or by natural weathering and these fibres are breathed in by people. Information on naturally occurring asbestos, work processes that have the potential to release naturally occurring asbestos fibres into the air and known locations of naturally occurring asbestos in NSW is provided in Appendix A under section 2.1. This information is indicative, and not a complete picture of all naturally occurring asbestos in NSW.

There are no known deposits of naturally occurring asbestos within the LGA.

5.1 Responsibilities for naturally occurring asbestos

For naturally occurring asbestos that will remain undisturbed by any work practice, council is the lead regulator.

Where development applications propose activities that may disturb areas of naturally occurring asbestos (such as excavation), any consent or approval should contain conditions requiring: testing to determine if asbestos is present, and the development of an asbestos management plan if the testing reveals naturally occurring asbestos is present. Council will verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW will coordinate enforcement where non-compliance is suspected.

Where naturally occurring asbestos will be disturbed due to a work process, including roadwork, excavation and remediation work, SafeWork NSW is the lead regulator. Requirements for workplaces are summarised in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. Where naturally occurring asbestos is part of a mineral extraction process, the NSW Department of Industry is the lead regulator.

5.2 Managing naturally occurring asbestos

Where naturally occurring asbestos is encountered or suspected, the risk from disturbance of the naturally occurring asbestos should be assessed by an occupational hygienist.

The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with an asbestos management plan. Requirements for risk management,

asbestos management plans and provisions for workers are outlined in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

5.2.1 Management of naturally occurring asbestos by council

Council will aim to prevent the exposure of workers and the public to any naturally occurring asbestos that is known or discovered in the council workplace.

If naturally occurring asbestos is discovered in the LGA, council will develop risk controls, an asbestos management plan in relation to the naturally occurring asbestos in the council workplace and provide guidance materials where necessary.

6. Contamination of land with asbestos

Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A under sections 2 and 3. The nature of asbestos contamination of land can vary significantly and there can be a number of different mechanisms available to address this contamination depending upon its source and extent.

6.1 Responsibilities for contaminated land

Responsibility for cleaning up contaminated land lies with the person responsible for contaminating the land or the relevant landowner.

Council may issue a clean-up notice to the occupier of premises at or from which council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed (under part 4.2 of the *Protection of the Environment Operations Act 1997*).

Council may also issue prevention notices (under part 4.3 of the *Protection of the Environment Operations Act 1997*) to ensure good environmental practice. If a person does not comply with a prevention notice given to the person, council employees, agents or contractors may take action to cause compliance with the notice.

Any reasonable costs incurred by council in monitoring or enforcing clean up and prevention notices may be recovered through a compliance cost notice (under part 4.5 of the *Protection of the Environment Operations Act 1997*). Council shall keep records of: tasks undertaken; the hours council employees have spent undertaking those tasks; and expenses incurred.

During site redevelopment council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the *Environmental Planning and Assessment Act 1979*. That is, council will apply the general requirements of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land and the Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*.

Council provides information about land contamination on planning certificates (issued under section 149 of the *Environmental Planning and Assessment Act 1979*) as outlined in section 6.2.

For sites that are 'significantly contaminated' and require a major remediation program independent of any rezoning or development applications, the EPA and SafeWork NSW are the lead regulatory authorities as outlined in Appendix A under section 2.4.2.

The management of council workplaces contaminated with asbestos is outlined in section 14.4.

6.2 Finding out if land is contaminated

A person may request from council a planning certificate containing advice on matters including whether council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under section 10.7 (2) of the *Environmental Planning and Assessment Act 1979*.

Factual information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When council receives a request for a certificate under section 10.7 (2), it may also inform applicants of any further information available under section 10.7 (5). Council may also use section 10.7 (5) certificates to record other information, particularly anything else of a factual nature about contamination which council deems appropriate (such as details of land history, assessment, testing and remediation).

Council records can only indicate known contaminated sites. Any site may potentially be contaminated.

Council may issue notices to land owners or occupiers requiring information about land it has reason to believe may be contaminated by asbestos using section 192 and section 193 of the *Protection of the Environment Operations Act 1997*.

6.3 Duty to report contaminated land

A person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination (under section 60 of the *Contaminated Land Management Act 1997*). Situations where this is required are explained in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

The EPA will inform council of contaminated land matters relating to the LGA as required under section 59 of the *Contaminated Land Management Act 1997*.

6.4 Derelict buildings

Concerns regarding potential health risks from derelict properties may be directed to council. Derelict properties include abandoned buildings, fire damaged buildings and otherwise dilapidated buildings. Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, this poses a potential risk to public health.

Council may respond to derelict properties that pose a demonstrable public health risk using a range of regulatory tools according to the particular circumstances.

Council may issue a clean-up notice or prevention notice and compliance cost notice as noted in section 6.1.

Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood under the relevant provisions of the *Environmental Planning and Assessment Act 1979*. An order may require immediate compliance with its terms in circumstances which the person who gives the order believes constitute a serious risk to health or safety or an emergency. If a person fails to comply with the terms of an order, council may act under the *Environmental Planning and Assessment Act 1979* to give effect to the terms of the order, including the carrying out of any work required by the order.

If the derelict building is on a site that is a workplace then SafeWork NSW is the lead agency responsible for ensuring that asbestos is removed by appropriately licensed removalists.

7. Responding to emergencies and incidents

Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. This may include working with state agencies in accordance with the NSW Asbestos Emergency Plan and the Disaster Assistance Guidelines. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

7.1 Responsibilities in the clean up after an emergency or incident

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency.

Council may issue a clean-up, prevention, cost compliance or penalty infringement notice as outlined in section 3.3 and section 6.1.

Alternatively, council may act under the *Environmental Planning and Assessment Act 1979* as outlined in section 6.4 of this policy.

Council will determine an appropriate response depending on the nature of the situation.

This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to council as soon as practicable.
- Follow the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW.
- Ensure that any council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures (see section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean-up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensure that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).
- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.

7.2 Advice to the public regarding clean up after an emergency or incident

During a clean up after an emergency or incident, the possibility of neighbours being exposed to asbestos fibres may be very low if precautions are taken to minimise the release and inhalation of asbestos dust and fibres.

As a precautionary measure, where council is involved in a clean-up, council may consider advising those in neighbouring properties to:

- avoid unnecessary outdoor activity and do not put any laundry outside during the clean up
- close all external doors and windows and stay indoors during the clean up
- consider avoiding using air conditioners that introduce air from outside into the home during the clean up
- dispose of any laundry that may have been contaminated with asbestos as asbestos waste after the clean-up (advice on disposing of asbestos waste is provided in section 10)
- use a low pressure hose on a spray configuration to remove visible dust from pathways after the clean up
- wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean-up (advice on disposing of asbestos waste is provided in section 10)
- any other measures recommended by an occupational hygienist following assessment of the situation.

8. Council's process for changing land use

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously been used as a landfill or for on-site burial of asbestos waste).

State Environmental Planning Policy No. 55 – Remediation of Land states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Managing sites contaminated with asbestos material is addressed in section 6.

9. Council's process for assessing development

This section applies to development applications assessed under the *Environmental Planning and Assessment Act 1979* and complying development applications assessed under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or council's complying codes (see section 9.5.2). This includes alterations and additions to residential development, which may include internal work as well as extensions to the existing main structure, or changes to outbuildings, sheds or garages.

This section also covers renovations that do not require development consent or a complying development certificate. Development consent is not required to maintain an existing structure. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but is categorised as exempt development under the *Environmental Planning and Assessment Act 1979* and does not require development consent. In these instances, council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

9.1 Responsibilities for approving development

Council is the consent authority for the majority of development applications in the LGA. The Joint Regional Planning Panel (JRPP) is also consent authority for certain local or regional development. Council may have representation on the JRPP.

Council or the JRPP may impose conditions of consent and a waste disposal policy to a development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Either council or a private certifier may assess a complying development certificate. Where a private certifier is engaged to assess a complying development certificate, the private certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe removal and disposal of asbestos.

This also applies to the demolition of buildings. Certifiers are able to issue a complying development certificate under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Further information on demolition is provided in section 9.4.

When a private certifier issues a complying development certificate and is appointed as the Principal Certifying Authority for the development it is the certifier's responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2000* (clause 136E). Compliance is covered in section 9.7.

9.2 Providing advice to home owners, renovators and developers

Council is committed to providing information to minimise the risks from asbestos in the LGA. Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may be found around the home.

The key points are:

- Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to section 9.3).
- Where a material cannot be identified or it is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions.
- If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment.
- If asbestos materials cannot be safely contained, they should be removed as outlined in section 9.4.
- For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.

Anyone who is undertaking renovations themselves without a contractor is encouraged to refer to Appendices A and B for more information and contact council where they require further advice or clarification. Anyone engaging an asbestos removal contractor may contact SafeWork NSW with any queries as SafeWork NSW regulates asbestos removal by workers (as explained in section 9.4). Contact details for council and SafeWork NSW are provided in Appendix E.

9.3 Identifying asbestos

Information on common places where asbestos is likely to be found in residential, commercial and industrial premises with materials from prior to 2004 on the premises is provided in Appendix A.

A person may apply to council for a planning certificate (called a section 10.7 certificate) for the relevant land. Council may provide information on a planning certificate including whether council has a policy to restrict the use of land due to risks from asbestos contamination, as outlined in section 6.2.

Council aims to ensure that records are, as far as possible, accurate. In some instances, council may not have up-to-date information about asbestos for a property. Council may be able to provide general advice on the likelihood of asbestos being present on the land based on the age of the buildings or structures on the land. A general guide to the likelihood of asbestos presence based on building age is provided in Appendix A under section 2.2.

The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist (a competent person is defined by the *NSW Work Health and Safety Regulation 2011*). This is highly advisable before undertaking major renovations to buildings constructed, or containing materials from prior to 2004.

Property owners and agents are encouraged to inform any tenants or occupiers of the presence of asbestos and to address any potential asbestos hazards where appropriate.

Property owners who let their properties out are required to identify any asbestos within those properties before any work is carried out (this includes residential properties).

The *Work Health and Safety Regulation 2011* states that the person conducting a business or undertaking in any building constructed before 31 December 2003 must identify if there is any asbestos in the building.

All commercial properties that contain asbestos must have and maintain a current asbestos register and asbestos management plan.

9.4 Removing asbestos, refurbishments and demolitions

9.4.1 Removing asbestos at domestic premises

If development is undertaken by contractors, as is the case with a lot of home renovations, then the work is considered to be at a workplace and is regulated by SafeWork NSW under the *NSW Work Health and Safety Regulation 2011*. This requires that a person conducting a business or undertaking who is to carry out refurbishment or demolition of residential premises must ensure that all asbestos that is likely to be disturbed by the refurbishment or demolition is identified and, so far as reasonably practicable, is removed before the refurbishment or demolition is commenced.

Depending on the nature and quantity of asbestos to be removed, a licence may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix K. SafeWork NSW is responsible for issuing asbestos licences.

Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence. Except in the case of the removal of:

- asbestos containing dust associated with the removal of non-friable asbestos, or
- asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (which is when the asbestos contamination is incidental and can be cleaned up in less than one hour).

The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist.

The removal of asbestos containing dust associated with the removal of more than 10 square metres of non-friable asbestos or asbestos containing material requires a non-friable (Class B) asbestos removal licence or a friable (Class A) asbestos removal licence.

Removal of 10 square metres or less of non-friable asbestos may be undertaken without a licence. However, given the risks involved, council encourages residents to consider engaging a licensed asbestos removal contractor. The cost of asbestos removal by a licensed professional is comparable in price to most licensed tradespeople including electricians, plumbers and tilers.

All asbestos removal should be undertaken in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- the person who commissioned the work
- a person conducting a business or undertaking at the workplace
- the owner and occupier of the residential premises
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the *NSW Work Health and Safety Regulation 2011*).

In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace.

All licensed asbestos removal must be:

- supervised by a supervisor named to SafeWork NSW
- notified to SafeWork NSW at least five days prior to the work commencing.

Requirements for the transport and disposal of asbestos waste are covered in section 10.

9.4.2 Removing asbestos at workplaces

The *NSW Work Health and Safety Regulation 2011* specifies requirements for demolition and refurbishment at a workplace with structures or plants constructed or installed before 31 December 2003. SafeWork NSW is the lead agency for regulating the safe management of asbestos at workplaces.

9.4.3 Obtaining approval for demolition

Demolition work is classified as high risk construction work in the *NSW Work Health and Safety Regulation 2011* and demolition licenses are required for some demolition work. The *Demolition work code of practice 2015* provides practical guidance on how to manage the risks associated with the demolition of buildings and structures. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to council as to whether and what type of approval is required. Where a development application is required council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in section 9.6.

A wide range of development, including residential, industrial and commercial development, can be approved for demolition as complying development under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the *Environmental Planning and Assessment Regulation 2000* provides mandatory conditions for complying development certificate applications.

Demolition of development that would be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is also exempt development and does not require consent. This includes minor structures such as carports, fences, sheds and the like.

9.5 Exempt or complying development

9.5.1 Exempt development

Exempt development does not require any planning or construction approval if it meets the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

This means that there is no ability for council or a private certifier to impose safeguards for the handling of asbestos through conditions of development consent. However, council advises that all asbestos removal work should be carried out in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

9.5.2 Complying development

The *Environmental Planning and Assessment Regulation 2000* (clause 136E) outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

Applications for complying development certificates must include details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be disturbed, repaired or removed in carrying out the development (under Schedule 1 part 2 of the *Environmental Planning and Assessment Regulation 2000*).

Where more than 10 square metres of non-friable asbestos is to be removed, a contract evidencing the engagement of a licensed asbestos removal contractor is to be provided to the principal certifying authority. The contract must specify the landfill site lawfully able to accept asbestos to which the removed asbestos will be delivered.

If the contract indicates that asbestos will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561). In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then SafeWork NSW would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to council as outlined in section 11.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* outlines the requirements for the applicant to notify their neighbours that works may include asbestos removal.

Further requirements to inform other persons of licensed asbestos removal are described in section 467 of the *NSW Work Health and Safety Regulation 2011* as noted in section 9.4.1 of this policy.

9.6 Development applications

If a proposed building does not meet the requirements of exempt or complying development then the alternative planning approval pathway is a development application (DA). A DA can only be approved by a local council, the JRPP or, for very large, State-significant development proposals, the State Government. A development application needs to be prepared and it will be assessed in accordance with the requirements of relevant environmental planning instruments and the development standards established by council. Council may undertake a site inspection as part of the DA assessment.

9.6.1 Pre-development application advice regarding asbestos

Council's pre-DA service enables proponents to discuss asbestos-related issues with council prior to lodging a DA, if the issue is raised. Council may inform applicants of this policy, fact sheets or websites. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos including those with building materials from prior to 2004.

9.6.2 Conditions of consent

- **DEMOLITION OF ASBESTOS ITEMS (DURING WORKS)**

The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- an asbestos clearance certificate prepared by a competent person; and
- a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

REASON: It is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 4.15(1)(a) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

- **ASBESTOS REMOVAL & HANDLING (INCL NOTES) – (GENERAL)**

Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover.

NOTE 1: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover — Demolition Licence and a current WorkCover — Class 2 (Restricted) Asbestos Licence.

NOTE 3: Competent Person (as defined under Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

REASON: To minimize the risk to human and environmental health, Contaminated Land Management Act 1997 No 140 and Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- DEVELOPMENT INVOLVING BONDED ASBESTOS MATERIAL AND FRIABLE ASBESTOS MATERIAL (PRIOR TO COMMENCEMENT)
 - a). work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011,
 - b). the person having the benefit of the complying development certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences,

any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,

if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

In this condition, bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work have the same meanings as in clause 317 of the Occupational Health and Safety Regulation 2001.

Note 1: Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

Note 2: The effect of part (a) of this condition is that the development will be a workplace to which the Occupational Health and Safety Regulation 2001 applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

Note 3: Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Environmental Protection Authority.

Note 4: Demolition undertaken in relation to complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 must be carried out in accordance with Australian Standard AS 2601—2001, Demolition of structures.

REASON: To ensure the development complies with the requirements imposed under Clause 85A(9) of the Environmental Planning and Assessment Act 1979, as amended, by imposing the Conditions of Consent required under Division 2A of Part 7 of the Environmental Planning and Assessment Act Regulation 2000.

9.7 Compliance and enforcement

9.7.1 Responsibilities for compliance and enforcement

The controls rely on information being provided and checked by the principal certifying authority which may be either the local council or a private certifier. A private certifier has powers under the *Environmental Planning and Assessment Act 1979* to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections. Councils will not always be the principal certifying authority. When a council is not nominated as the principal certifying authority for a complying development certificate or development application, the council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between the council and the private certifier will be required.

Council may take action on any development for which council has issued the development consent, even when not appointed as the principal certifying authority to ensure enforcement. Where council receives a complaint about a development for which council is not the principal certifying authority, council should consider whether council is the appropriate authority to resolve the matter. Complaints that warrant action by councils because of their greater enforcement powers include:

- urgent matters, for example, a danger to the public or a significant breach of the development consent or legislation
- matters that are not preconditions to the issue of the occupation/subdivision certificate.

In relation to naturally occurring asbestos, council is to verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW is to coordinate enforcement where non-compliance is suspected.

9.7.2 Compliance strategies

Illegal works include:

- works that are undertaken without a required development consent or complying development certificate
- works that are undertaken that do not comply with the conditions of the development consent or complying development certificate.

Where council becomes aware of illegal work involving asbestos or asbestos containing materials, council will notify SafeWork NSW if the site is a workplace.

The *Environmental Planning and Assessment Act 1979* empowers council to issue orders to direct specific work be undertaken to comply with a development consent.

Council may need to issue an order under the *Local Government Act 1993* (section 124) to direct a person to 'do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.'

Council may also issue a clean-up notice or prevention notice under the *Protection of the Environment Operations Act 1997* as outlined in section 6.1 of this policy.

Council may audit asbestos-related demolition works which council has recently approved by using a legal notice under section 192 of the *Protection of the Environment Operations Act 1997* to require developers to provide information and records regarding disposal of their asbestos waste.

10. Managing asbestos as a waste

It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse, bury or illegally dump asbestos waste. Asbestos must not be placed in general waste skip bins, yet there have been instances where asbestos has been illegally placed in skip bins by third parties. Members of the public need to be aware of this hazard and may need to secure their skip bins to prevent a third party from illegally disposing of asbestos in the skip bin.

Asbestos waste (in any form) must only be disposed of at a landfill site that may lawfully receive asbestos waste.

10.1 Responsibilities for asbestos waste management

Council's responsibilities for asbestos waste management are outlined in section 3.3.

The handling and, where appropriate, temporary storage of asbestos waste at worksites is regulated by SafeWork NSW.

The EPA regulates premises that have or require an environment protection licence in accordance with the *Protection of the Environment Operations Act 1997*. A licence is required where more than 5 tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

10.2 Handling asbestos waste for disposal

The *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in section 4.8 of the Code).

10.3 Transporting asbestos waste

The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under clause 78 of the *Protection of the Environment Operations (Waste) Regulation 2014*:

- (a) any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and
- (b) if the waste consists of bonded asbestos material-it is securely packaged during the transportation, and
- (c) if the waste consists of friable asbestos material-it is kept in a sealed container during transportation, and
- (d) if the waste consists of asbestos-contaminated soils-it is wetted down.

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*. The transport of asbestos waste in NSW must be recorded from the place of generation to its final destination. The waste tracking system is administered by the EPA. Operators that use the EPA's WasteLocate system will be in compliance with these requirements. Information about EPA's WasteLocate system can be found at: www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm

An environment protection licence issued by the EPA is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.

It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under section 143 of the *Protection of the Environment Operations Act 1997*). Penalty notices may be issued for \$7,500 (to individuals) and \$15,000 (to corporations). NSW courts may impose penalties up to \$250,000 (for individuals) and \$1,000,000 (for corporations) found guilty of committing this offence.

10.4 Disposing of asbestos waste at waste facilities

Council currently accepts asbestos waste at the Coolamon Landfill Facility only.

The facility is located at Dycles Lane, Coolamon.

Persons delivering waste to a landfill site must comply with the following requirements:

- a person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste.
- when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust.

Non-compliance with these requirements is an offence under the *Protection of the Environment Operations (Waste) Regulation 2014* and these offences attract strong penalties.

10.4.1 Situations in which asbestos waste may be rejected from waste facilities

Asbestos waste may be rejected from a waste facility if the waste is:

- not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials, or
- taken to a waste facility that does not accept asbestos waste.

Where waste is rejected, the waste facility must inform the transporter of the waste of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*).

Individuals may be fined \$7,500 and corporations may be fined \$15,000 under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Waste) Regulation 2014* for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

10.5 Illegal dumping of asbestos waste

Illegal dumping is the unlawful deposit of waste onto land. That is waste materials dumped, tipped or otherwise deposited onto private or public land where no licence or approval exists to accept such waste. Illegal landfilling, which is waste used as fill material, with or without the consent of the owner or occupier of the land and without the necessary council or EPA approvals, is also considered to be illegal dumping and pollution of land.

Illegal dumping of asbestos waste in public places such as parks, streets or nature strips can attract regulatory action including:

- on the spot fines of up to \$15,000
- prosecution for pollution of land of up to \$1 million for a corporation and \$120,000 for each day the offence continues (under section 142A of the *Protection of the Environment Operations Act 1997*), or
- up to \$1 million, or seven years imprisonment, or both for an individual (under section 119 of the *Protection of the Environment Operations Act 1997*).

The responsibility for cleaning up illegally dumped waste lies with the person or company that deposited the waste. If they cannot be identified the relevant occupier or landowner becomes the responsible party.

Local councils are the appropriate regulatory authority for illegal dumping unless:

- the activity was part of the carrying on of an activity listed in Schedule 1 of the *Protection of the Environment Operations Act 1997*
- the activity was carried out by a public authority or the state, or
- the site is regulated by a different authority such as the Minister for Planning.

A handbook to assist Aboriginal communities to prevent and arrange the clean-up of illegal dumping (published by the EPA) is noted in Appendix B.

10.6 Asbestos remaining on-site

The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long term management to ensure the material does not pose unacceptable risks to future site activities and occupants. For on-site burial of asbestos waste, council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls whether or not consent is required and will require recording of on-site disposal on the zoning certificate (section 10.7 certificate).

11. Complaints and investigations

Complaints and inquiries may be directed to council about incidents in public places and private properties. Complaints and inquiries regarding a workplace should be directed to SafeWork NSW. Complaints and inquiries regarding licensed premises under the *Protection of the Environment Operations Act 1997* should be directed to the EPA.

Council will respond to complaints and inquiries regarding:

- council's requirements in relation to development, land management and waste management
- derelict properties
- general asbestos safety issues
- illegal dumping
- safe removal and disposal of minor quantities of asbestos materials
- unsafe work at a residential property conducted by a homeowner or tenant.

Complaints about council in relation to asbestos may be directed to the NSW Ombudsman.

Part 2 – Management of asbestos risks within council

12. Rights and responsibilities of workers at the council workplace

12.1 Duties of council workers at the council workplace

12.1.1 The General Manager

The General Manager has a duty to exercise due diligence to ensure that council complies with the NSW *Work Health and Safety Act 2011* and the NSW *Work Health and Safety Regulation 2011*. This includes taking reasonable steps to ensure that council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

12.1.2 Workers

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Accordingly workers:

- must comply with this policy and any reasonable instruction or procedure relating to health and safety at the workplace
- must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able
- may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them, or other persons, to a serious health or safety risk, emanating from an immediate or imminent exposure to a hazard
- should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation (refer to Appendix G).

Managers are responsible for ensuring workers who report to them have access to this policy and appropriate information, documentation and training.

12.1.3 Prohibited work activities

Council will not permit the use of the following on asbestos or asbestos containing material:

- high pressured water spray (unless for firefighting or fire protection purposes), or
- compressed air.

Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is controlled in accordance with the NSW *Work Health and Safety Regulation 2011*:

- power tools
- brooms (note brooms are allowed for use on vinyl floor tiles), or
- any other implements that cause the release of airborne asbestos into the atmosphere.

12.2 Responsibilities of council to council workers

12.2.1 Council's general responsibilities

Council has general responsibilities under the NSW *Work Health and Safety Act 2011* and the NSW *Work Health and Safety Regulation 2011*. Accordingly council will:

- not use any asbestos containing materials (unless in accordance with part 8.1 (419) of the NSW *Work Health and Safety Regulation 2011*) and will not cause or permit asbestos waste in any form to be reused or recycled
- ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable

- ensure that the exposure standard for asbestos (defined in Appendix C) is not exceeded in the workplace
- notify SafeWork NSW immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air
- ensure that any contractors engaged to undertake the removal of asbestos for council are appropriately licensed
- consult with workers as required by the *Work Health and Safety Act 2011*.

Council will not import asbestos or asbestos containing material into Australia as prohibited under the *Customs (Prohibited Imports) Regulations 1956*. If plant or other materials are imported from countries where asbestos is not yet prohibited, council shall ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.

12.2.2 Education, training and information for workers

As required by the NSW *Work Health and Safety Act 2011* and NSW *Work Health and Safety Regulation 2011*, council will:

- provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of council business
- ensure workers who council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.

Any workers who are involved in any activity listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of this policy and information and training suitable to their role and the activity.

Workers may be required to sign a statement to the effect that they acknowledge they have received, read and understood a copy of council's Asbestos Policy and any relevant procedures, or alternatively workers may note this in council's electronic record keeping system.

Council may wish to insert: council may also provide information and training to council employees who may need to respond to asbestos issues related to renovations and developments as outlined in section 9.

Topics training may cover are outlined in the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

Education and training will only be provided by appropriately accredited individuals.

Education and training may include both initial induction and ongoing reinforcement on a regular basis. council may wish to provide examples of how education and training will be delivered and reinforced such as tool box meetings, general in-house training or on council's intranet.

A record of asbestos training undertaken by each worker will be kept until five years after the day the worker ceases to work for council.

A list of workers who have received the appropriate training to respond to asbestos hazards is available.

12.2.3 Health monitoring for workers

Council will ensure health monitoring is provided to a worker if they are carrying out licensed asbestos removal work, other ongoing asbestos removal work or asbestos-related work at the workplace for council and are at risk of exposure to asbestos when carrying out the work.

The health monitoring will be consistent with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) and meet the requirements of the NSW *Work Health and Safety Regulation 2011* (part 8.5 Division 1).

Health counselling may be appropriate where a heightened sense of concern exists for individuals possibly exposed to elevated levels of airborne asbestos fibres.

Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee as a result of that exposure, are covered by the NSW *Work Health and Safety Regulation 2011* (clauses 435-444). Council will ensure these employees are kept on the health monitoring program.

13. Identifying and recording asbestos hazards in the council workplace

This section outlines how council will identify and record asbestos hazards in the workplace. This section does not cover naturally occurring asbestos which is addressed in section 5 or illegal dumping which is addressed in section 10.5.

13.1 Identifying asbestos

Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person (as defined by the NSW *Work Health and Safety Regulation 2011*). If a material cannot be identified or accessed, it will be assumed to be asbestos. This does not apply if council has reasonable grounds to believe that asbestos or asbestos containing material is not present.

13.1.1 Material sampling

Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where council arranges sampling of asbestos containing material, this will be undertaken by an appropriately trained and competent council worker or a competent person will be contracted to undertake this task. Analysis of the sample must only be carried out by a National Association of Testing Authorities (NATA) accredited laboratory (refer to Appendix E) or a laboratory approved or operated by the regulator.

13.2 Indicating the presence and location of asbestos

Council will clearly indicate the presence and location of any asbestos or asbestos containing material identified or assumed at the workplace. Where it is reasonably practicable to do so, council will indicate the presence and location of the asbestos or asbestos containing material by a label.

13.3 Asbestos register

Council has an asbestos register which can be found in Councils document management system and is kept at the workplace.

Council's asbestos register will be maintained to ensure the register lists all identified (or assumed) asbestos in the workplace and information in the register is up to date. The asbestos register will be accessible, reviewed, revised and otherwise managed as mandated by the NSW *Work Health and Safety Regulation 2011* (clauses 425 – 428).

Council will ensure that any worker carrying out or intending to carry out work at a council workplace that involves a risk of exposure to airborne asbestos, is given a copy of the asbestos register.

13.4 Suspected asbestos

If a worker suspects there is asbestos in a council workplace, they should inform their manager or supervisor. A competent worker should check the asbestos register for existing asbestos locations and control measures and may need to arrange for an inspection and sampling of the material (refer to section 13.1.1). If it is likely that asbestos or suspected asbestos is present, the asbestos register will be updated and workers will be notified of any newly identified asbestos locations.

Council may need to manage the suspected asbestos as outlined in section 14. If the suspected asbestos has been disturbed and has, or could, become airborne, council may need to respond immediately as outlined in section 15.

14. Managing asbestos-related risks in the council workplace

14.1 Asbestos management plan

Council has an asbestos management plan for asbestos in the council workplace which can be found in Councils Electronic Document Management System and is kept at the workplace the Shire Offices and at relevant building assets.

The asbestos management plan will be accessible, reviewed, revised and otherwise managed as mandated by the NSW Work Health and Safety Regulation 2011 clause 429.

14.2 Asbestos management plan for naturally occurring asbestos

Council is not aware of any naturally occurring asbestos in the workplace. If naturally occurring asbestos is discovered, council will prepare an asbestos management plan in relation to the naturally occurring asbestos in accordance with the NSW Work Health and Safety Regulation 2011 part 8.4 (Management of naturally occurring asbestos).

14.3 Management options for asbestos-related risks in the council workplace

Council's asbestos management plan includes decisions and reasons for decisions about the management of asbestos at the workplace.

Options for managing asbestos-related risks include:

- removal of asbestos or asbestos containing materials (preferred wherever reasonably practicable)
- interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person
- leaving asbestos containing material in situ (deferring action).

Council may undertake an asbestos risk assessment, in consultation with workers and/or their representatives, in order to inform decision-making. Only competent persons will perform risk assessments or any subsequent reviews or revisions of risk assessments.

For all asbestos work or asbestos-related work, safe work practices will be in place and suitable personal protective equipment will be used.

14.4 Sites contaminated with asbestos that are council workplaces

Where asbestos is identified as contaminating a workplace, the site will be included in council's asbestos register and asbestos management plan.

Council may need to ensure that an exposure assessment is undertaken and that appropriate risk management options are determined and implemented.

For asbestos in soil or aggregate, a suitably qualified occupational hygienist must carry out an assessment if the material in the soil and aggregate is unknown or classified as friable.

Council should engage specialists, who may include asbestos removalists, for all cases except in the case of minor, non-friable contaminations.

Further details on managing land contaminated with asbestos may be found in section 6.

14.5 Demolition or refurbishment of council buildings and assets

Council will ensure that before any demolition or refurbishment of a council structure or plant constructed or installed before 31 December 2003 is undertaken, the asbestos register is reviewed and a copy provided to the business undertaking the demolition or refurbishment. Council will ensure that any asbestos that is likely to be disturbed is identified and, so far as is reasonably practicable removed.

14.6 Removal of asbestos in the council workplace

Removal of asbestos or asbestos containing materials in the council workplace will be undertaken in accordance with the:

- NSW *Work Health and Safety Act 2011*
- NSW *Work Health and Safety Regulation 2011*.

Council may also refer to the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the NSW *Work Health and Safety Regulation 2011* including the requirements to:

- notify SafeWork NSW at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, council may request to SafeWork NSW that this five days period be waived
- prepare, supply and keep an asbestos removal control plan
- obtain a copy of the asbestos register for the workplace before carrying out asbestos removal work at the workplace (this does not apply if the asbestos removal work is to be carried out at residential premises, for example cleaning up asbestos that has been illegally dumped at a residential premises)
- inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace
- erect signs and barricades
- limit access to the asbestos removal area
- properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment
- arrange a clearance inspection and clearance certificate.

Where council is informed that asbestos removal work is to be carried out at the workplace, council will inform workers and those in the immediate vicinity of the workplace and limit access to the asbestos removal area as per the NSW *Work Health and Safety Regulation 2011*.

14.6.1 Removal by contractors

Where council commissions the removal of asbestos at the workplace, council will ensure asbestos removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the NSW *Work Health and Safety Regulation 2011* that a licence is not required.

Where council requires the services of asbestos removalists, council will require the licence details of asbestos removalists prior to engaging their services and will verify the licence details with SafeWork NSW's Certification Unit prior to entering a contract or agreement with the licensed asbestos removalists.

Council is required to ensure that the work is carried out by a competent person who has been trained in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing material. Council will therefore require a statement in a written contract or agreement with the licensed asbestos removalist that the licensed asbestos removalist who will undertake the work has been adequately trained and is provided with appropriate health monitoring by their employer.

The licensed asbestos removalist is to provide the following documentation prior to carrying out asbestos removal work:

- Asbestos removal control plan
- Public liability certificate of currency
- Workers compensation certificate of currency
- SafeWork NSW confirmation details to carry out the removal work

Council will provide a copy of the asbestos register to the licensed asbestos removalist.

Where council becomes aware of any breaches by licensed asbestos removalists, council will report this to SafeWork NSW.

14.6.3 Clearance inspections and certificates

Where council commissions any licensed asbestos removal work, council will ensure that once the licensed asbestos removal work has been completed, a clearance inspection is carried out and a clearance certificate is issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case) before the asbestos removal area is re-occupied.

The friable asbestos clearance certificate will require visual inspection as well as air monitoring of the asbestos removal site. Air monitoring is mandatory for all friable asbestos removal. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor.

The friable asbestos clearance certificate is to state that there was no visible asbestos residue in the area or vicinity of the area where the work was carried out and that the airborne asbestos fibre level was less than 0.01 asbestos fibres/ml.

15. Accidental disturbance of asbestos by workers

In situations where asbestos is accidentally disturbed by council work and has, or could, become airborne, council will act to minimise exposure of workers and the wider public to airborne asbestos.

16. Council's role in the disposal of asbestos waste

16.1 Responding to illegal dumping

Where council commissions the removal of illegally dumped asbestos material or suspected asbestos material, council will ensure this is undertaken in accordance with section 14.6.2.

Where council becomes aware of illegally dumped asbestos material outside of council's jurisdiction, council will promptly notify the relevant authority.

16.2 Transporting and disposing of asbestos waste

Council will transport and dispose of waste in accordance with the legislation and as outlined in section 10.

16.3 Operating council's waste facilities licensed to accept asbestos waste

Waste management facilities must be managed in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* including clause 80 which specifies that:

- (1) A person disposing of asbestos waste off the site at which it is generated must do so at a landfill site that can lawfully receive the waste.
- (2) When a person delivers asbestos waste to a landfill site, the person must inform the occupier of the landfill site that the waste contains asbestos.
- (3) When a person unloads or disposes of asbestos waste at a landfill site, the person must prevent:
 - (a) any dust being generated from the waste, and
 - (b) any dust in the waste from being stirred up.
- (4) The occupier of a landfill site must ensure that asbestos waste disposed of at the site is covered with virgin excavated natural material or (if expressly authorised by an environment protection licence held by the occupier) other material:
 - (a) initially (at the time of disposal), to a depth of at least 0.15 metre, and
 - (b) at the end of each day's operation, to a depth of at least 0.5 metre, and

- (c) finally, to a depth of at least 1 metre (in the case of bonded asbestos material or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.

Council has developed a charging policy for receiving asbestos waste, which reflects the actual cost of managing the asbestos waste, plus any applicable levies.

When council is receiving construction, renovation and demolition waste, council should visually screen and may also inspect incoming loads to minimise asbestos contamination risk as this waste may be high risk for asbestos materials. Council has developed procedures to avoid asbestos contamination in material intended for resource recovery.

Council may issue a receipt for asbestos waste received at a licensed landfill facility. The receipt provided may note the time, date and location of disposal, weight of asbestos containing material disposed, method of disposal (note on handling) and a receipt number. This information must be recorded by the facility, regardless of whether a receipt is issued.

16.3.1 Asbestos waste incorrectly presented to council's waste facilities

This section applies to situations where asbestos waste is taken to a council waste facility and the waste is:

- not correctly packaged for delivery and disposal (as per sections 9.2 and 9.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials
- taken to a waste facility that does not accept asbestos waste.

In these situations, council may record relevant details such as the:

- contact details of the transporter
- origin of the asbestos or asbestos containing material
- amount and type of asbestos or asbestos containing material
- reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste
- development consent details (if applicable).

Where asbestos waste is not correctly packaged for delivery and disposal, or is not disclosed by the transporter as being asbestos or asbestos containing materials, council may:

- reject the asbestos waste from the facility
- suggest the transporter re-package the load correctly at the facility
- provide a bay for wetting and/or wrapping the asbestos and protective equipment for the transporter eg the option to purchase an asbestos waste handling kit (for non-commercial operators with less than 10 square metres of non-friable asbestos)
- provide the transporter with educational material such as SafeWork NSW fact sheets on correct methods for packaging, delivery and disposal of asbestos
- question the transporter about the source of asbestos waste
- issue a clean-up notice or prevention notice under the *Protection of the Environment Operations Act 1997*
- issue a compliance cost notice under the *Protection of the Environment Operations Act 1997*
- issue a penalty infringement notice for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).

Where asbestos waste is taken to a waste facility that does not accept asbestos waste, council may reject the waste. Where waste is rejected, council should complete a rejected loads register (a template is available from SafeWork NSW). Council will also inform the transporter of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*). If council suspects that there is a risk of illegal dumping of the rejected waste, council will inform council's rangers or

council's compliance officers. Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and at a later date the transporter will need to demonstrate to council that the waste has been appropriately disposed.

Where asbestos waste is illegally dumped at an unstaffed waste station, management options for council include to:

- undertake surveillance via video cameras to issue fines or deter dumping
- provide targeted education to neighbouring landholders to ensure that they do not allow access to the waste station.

16.4 Recycling facilities

Council should screen and inspect incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

To prevent contamination of recycled products and to manage situations where contamination has occurred, council should adhere to the guide: *Management of asbestos in recycled construction and demolition waste*.

16.5 Re-excavation of landfill sites

The re-excavation of a council landfill site where significant quantities of asbestos waste are deposited is not encouraged and should only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*).

17. Advice to tenants and prospective buyers of council owned property

Council may provide advisory notes to tenants and prospective buyers of council owned property that is likely to contain asbestos.

Council may request that tenants in council property:

- advise council of any hazards relating to asbestos
- minimise damage to asbestos containing material
- co-operate with council in facilitating any risk management work arranged by council
- act on advice from council to minimise risks from asbestos.

18. Implementing council's asbestos policy

18.1 Communicating the policy

This is a publicly available policy. The policy is to be made available via:

- Councils Cowabbie Street, Coolamon Office
- Council's website accessed at council@coolamon.nsw.gov.au
- Council's electronic document management system

All employees shall receive information about the policy at induction from Councils Employee and Public Relations Officer.

Any workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public) who are involved in any activity or activities listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of this policy and relevant supporting documents. This includes any workers involved in commencing, arranging, undertaking, regulating, inspecting or supervising a potentially hazardous activity or activities. Managers are

responsible for ensuring workers who report to them have access to the policy and appropriate information, documentation and training in asbestos awareness (as per the *NSW Work Health and Safety Regulation 2011*) prior to planning the activity or activities. Further information about training is noted in section 12.2.2 of this policy.

Council shall incorporate a statement regarding compliance with this policy in all relevant contracts and agreements with workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public).

In the case of any substantive revisions to the policy, the revisions will be approved by the General Manager and the General Manager will notify all persons who may have cause to undertake, arrange or supervise any activities listed in Appendix A under section 3 on behalf of, or for, council.

18.3 Non-compliance with the policy

Failure by workers to adhere to the policy and failure by managers to adequately inform relevant workers of this policy shall be considered non-compliance with this policy.

Workers should approach their supervisor or manager if they are experiencing difficulties in understanding or implementing the policy or if they are concerned that other workers are not complying with the policy.

19. Variations to this policy

Council reserves the right to review, vary or revoke this policy. The General Manager may allow variations to the policy for minor issues in individual cases.

Appendices

Appendix A – General information and guidance

1. What is asbestos?

Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials. If asbestos is disturbed it can release dangerous fine particles of dust containing asbestos fibres. Breathing in dust containing elevated levels of asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

There are two major groups of asbestos:

- the serpentine group contains chrysotile, commonly known as white asbestos
- the amphibole group contains amosite (brown asbestos) and crocidolite (blue asbestos) as well as some other less common types (such as tremolite, actinolite and anthophyllite).

Further information about the different types of asbestos can be found in: Environmental Health Standing Committee (enHealth), *Asbestos: A guide for householders and the general public*, Australian Health Protection Principal Committee, Canberra, 2013 (available at: www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

In Australia, in the past asbestos was mined and widely used in the manufacture of a variety of materials. Asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited in Australia since 31 December 2003.

Asbestos legacy materials still exist in many homes, buildings and other assets. It is estimated that 1 in 3 Australian homes contains building materials with asbestos. Where the material containing asbestos is in a non-friable form (or bonded), undisturbed, and painted or otherwise sealed, it may remain safely in place. However, where the asbestos containing material is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos unsafely can create a health hazard.

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with SafeWork NSW (phone 13 10 50) to confirm the contractor has the appropriate class of licence for the asbestos removal job.

2. Where is asbestos found?

Asbestos can be found where it occurs naturally and in a variety of materials (from prior to 2004) in residential, commercial and industrial premises and on public and private land.

2.1 Naturally occurring asbestos

Naturally occurring asbestos refers to the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. [The map provided in Appendix L](#) gives an indication of areas in NSW known to have naturally occurring asbestos.

Work processes that have the potential to inadvertently release naturally occurring asbestos into the air include:

- agriculture
- forestry
- landscaping
- mining

- other excavation or construction activities
- pipe works and telecommunications works
- road construction and road works.

Further information can be found in this policy under section 5 and in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW, which provides a photograph of naturally occurring asbestos. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

2.2 Residential premises

As a general rule, a house built:

- Before the mid 1980s – is highly likely to contain asbestos containing products.
- Between the mid 1980s and 1990 – is likely to contain asbestos containing products.
- After 1990 – is unlikely to contain asbestos containing products. However, some houses built in the 1990s and early 2000s may have still used asbestos cement materials until the total ban on any activity involving asbestos products became effective from December 2003.

Pipelines installed prior to 1992, particularly black surface coated and grey surface pipes, may contain asbestos.

It is important to note, the most accurate way to find out whether a material contains asbestos is by engaging a licensed asbestos removalist or occupational hygienist to inspect and arrange testing where necessary.

Fibre cement sheeting, commonly known as 'fibro', 'asbestos sheeting' or 'AC sheeting' (asbestos containing sheeting) is the most commonly found legacy asbestos material in residential premises. Other asbestos containing materials were used in 'fibro' houses but also found in brick and timber housing stock from that period. Asbestos materials were sold under a range of commercial names. Some asbestos containing materials found in New South Wales domestic settings are listed in Appendix J.

Common places where asbestos is likely to be found in and around homes include:

Outside

- backyard garden sheds, carports, garages and dog kennels
- electrical meter boards
- imitation brick cladding
- lining under eaves
- wall and roof materials (flat, patterned or corrugated asbestos sheeting).

Inside

- insulation materials in heaters and stoves
- interior walls and sheeting
- sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors)
- vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splashback.

Asbestos can also be found in:

- angle mouldings (internal and external)
- board around windows and fireplaces
- brake pads and clutch pads to vehicles
- buried and dumped waste materials
- carpet underlay

- ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity and may have moved to wall cavities, cornices and sub-floor areas)
- cement flooring
- external toilets
- fencing
- guttering, downpipes and vent pipes
- inside appliances eg irons, whitegoods
- gable ends
- outbuildings
- ridge capping
- swimming pools – reinforcing marble swimming pools
- ventilators – internal and external.

Other places asbestos can be found are listed in Appendix J.

2.3 Commercial and industrial premises

In commercial and industrial premises, asbestos may be found in the abovementioned places and also:

- asbestos rope or fabric in expansion joints (for example exhaust flues) and insulation
- bituminous waterproof membrane on flat roofs
- brake disc pads and brake linings
- cloth, tapes, ropes and gaskets for packing
- electrical switchboards and duct heater units
- fillers and filters
- fire doors
- lagging on pipes such as heater flues
- lift motor rooms
- pipes, casing for water and electrical/ telecommunication services
- rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications
- structural beams of buildings
- yarns and textiles eg fire blankets.

Other places asbestos can be found are listed in Appendix J.

2.4 Sites contaminated with asbestos

Contamination of soils from asbestos or asbestos containing materials can present a risk in urban and rural environments if the asbestos can give rise to elevated levels of airborne fibres that people can breathe. Whilst buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air. Activities such as those listed in section 3 of this Appendix have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.

2.4.1 Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- industrial land, eg, asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots
- waste disposal or dumping sites, including sites of illegal dumping eg, building waste
- sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes
- buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004)
- land with fill or foundation material of unknown composition
- sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, eg, asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

2.4.2 Significantly contaminated land

For sites that are significantly contaminated, the EPA and SafeWork NSW are the lead regulatory authorities. The *Contaminated Land Management Act 1997* applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measureable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: www.epa.nsw.gov.au/clm/publiclist.htm

If land is contaminated but not determined to be 'significant enough to warrant regulation' then the *Contaminated Land Management Act 1997* does not apply. In such cases the provisions within the planning legislation and/or the *Protection of the Environment Operations Act 1997* may be the appropriate mechanism for management of such contamination.

Guidance on assessing land can be found in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

3. Potentially hazardous activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk.

Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

Members of the public could inadvertently disturb asbestos through activities including:

- renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials
- sealing, painting, brushing and cleaning asbestos cement products
- demolitions of homes or other structures (dismantling or destruction)
- relocating a house, building or structure
- using compressed air on asbestos containing materials

- water blasting asbestos containing materials
- cleaning gutters on asbestos cement roofs
- handling asbestos cement conduits or boxes
- maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards
- maintenance or servicing of materials from vehicles, plant or equipment
- checking, removing or replacing ceiling insulation which contains asbestos.

Council could inadvertently disturb asbestos through activities such as:

- abovementioned activities
- asset and building maintenance
- certifying
- inspections of sites and premises
- transport and disposal of illegally dumped materials
- collection, transport and disposal of incorrectly disposed of materials.

Naturally occurring asbestos and contaminated sites could be inadvertently disturbed during:

- road building
- site and construction work
- other excavation activities
- vehicle movements.

Natural processes can create a risk of exposure to asbestos including:

- extensive fire or storm damage to asbestos cement roofs or building materials
- extensive weathering and etching of unsealed asbestos cement roofs.

In addition, work that intentionally disturbs asbestos, such as sampling or removal, should be conducted by a competent person and in accordance with the relevant codes of practice and legislation.

4. Health hazards

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body. The World Health Organisation has stated that concentrations of asbestos in drinking water from asbestos cement pipes do not present a hazard to human health.

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

Asbestosis is the irreversible scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some cases, death.

Lung cancer can be caused by asbestos. Lung cancer is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure, and most cases occur over 30 years after first exposure. Accordingly, the rates of malignant mesothelioma (an incurable cancer) are expected to rise from the year 2012 to 2020 and are expected to peak in this time.

If asbestos fibres are in a stable material, for example bonded in asbestos-cement sheeting (such as fibro), and these materials are in good condition they pose little health risk. However, where fibro or other non-friable asbestos sheeting is broken, damaged or mishandled, fibres can become loose and

airborne posing a risk to health. Disturbing or removing asbestos containing materials unsafely can create a hazard.

The occupational standard for asbestos is 0.1fibre/ml of air and the environmental standard is 0.01fibre/ml in air.

When someone has potentially been exposed to asbestos, or receives or expects they may receive a diagnosis of an asbestos-related disease, they may experience psychological distress, including anxiety and may be in need of support. Their family and those around them may also be vulnerable to psychological distress.

Appendix B – Further information

Aboriginal communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA) www.epa.nsw.gov.au/illegaldumping/resources.htm

Asbestos contractors

Choosing an asbestos consultant fact sheet (catalogue no. WC04547) (SafeWork NSW) www.safework.nsw.gov.au/formspublications/publications/Pages/Choosinganasbestosconsultant.aspx

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or by contacting the Asbestos Removal Contractors Association NSW (ARCA) www.arcansw.asn.au or by emailing: email@arcansw.asn.au. An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW's Certification Unit on **13 10 50**.

Asbestos waste

Advice about safely disposing of household asbestos waste can be found at: www.epa.nsw.gov.au/managewaste/house-asbestos.htm

Asbestos waste disposal facility search function on the Asbestos Safety and Eradication Agency website: www.asbestossafety.gov.au/search-disposal-facilities

Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 (EPA) www.epa.nsw.gov.au/illegaldumping/resources.htm

Illegally Dumped Asbestos Clean Up Program (IDACUP): Council may become involved in clean up activities of illegally dumped asbestos waste. Where the responsible party is unknown, unavailable, unwilling (despite a legal obligation to do so) or unable to pay for clean up within the timeframe required to avoid or at least minimise harm to the environment or public health, Council may apply for funding under the IDACUP. Information about the IDACUP is available at www.environment.nsw.gov.au/grants/IDACUP.htm

Regional Illegal Dumping (RID) Squads: are regionally based teams that specialise in dealing with illegal dumping. The squads are funded by the EPA and the member local councils who opt to work together and pool resources to tackle illegal dumping.

RIDonline is a statewide illegal dumping database and reporting tool to assist councils and the EPA develop a comprehensive picture of the extent of illegal dumping in NSW. Members of the community can assist by reporting illegal dumping online through the RIDonline App, available for the public to download in February 2016.

For more information on illegal dumping and safely disposing of asbestos waste visit the EPA website: www.epa.nsw.gov.au

Management of asbestos in recycled construction and demolition waste, 2010 (SafeWork NSW) www.safework.nsw.gov.au/data/assets/pdf_file/0017/18323/asbestos_recycled_construction_demolition_waste_2772.pdf

Contaminated land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2015 (EPA). www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf

Managing land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning and Environment and EPA) www.epa.nsw.gov.au/resources/clm/gu_contam.pdf

Emergency management

Guidance Material: Asbestos and Fire-damaged Buildings, 2015 (EPA)
www.epa.nsw.gov.au/resources/waste/asbestos/150044-asbestos-fire-damaged-buildings.pdf

NSW Asbestos Emergency Plan: The NSW Asbestos Emergency sub plan details the specific arrangements for the coordinated funding and management of asbestos debris during and following a larger scale emergency, being an event that requires a significant and coordinated response, where the presence of asbestos containing material in the community poses a significant risk to public health and safety. www.emergency.nsw.gov.au/publications/plans/sub-plans/asbestos.html

Environmental risk assessment

Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia)

Available via email by contacting the enHealth Secretariat: enHealth.Secretariat@health.gov.au

Health

Asbestos and health risks fact sheet, 2007 (NSW Health)
www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx

Further advice concerning the health risks of asbestos can be obtained from your local public health unit.

Renovation and development

Asbestos: A guide for householders and the general public, Environmental Health Standing Committee (enHealth), Australian Health Protection Principal Committee, Canberra, 2013 (available at: www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

Asbestos Awareness website (Asbestos Education Committee)
www.asbestosawareness.com.au

Choosing and working with a principal certifying authority: A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board)
www.bpb.nsw.gov.au/sites/default/files/public/Finalbuildingapproch.pdf

Practical guidance

Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW
www.safework.nsw.gov.au/_data/assets/pdf_file/0015/15216/how-to-manage-control-asbestos-workplace-code-of-practice-3560.pdf

Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW
www.safework.nsw.gov.au/_data/assets/pdf_file/0016/15217/how-to-safely-remove-asbestos-code-of-practice-3561.pdf

Tenants

Tenants rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW)
www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW)
www.housing.nsw.gov.au/NR/rdonlyres/F4E1131F-2764-4CB1-BC07-98EB6C594085/0/Asbestos.pdf

Appendix C – Definitions

The terms used in the policy are defined as below, consistent with the definitions in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*
- *Protection of the Environment Operations Act 1997*
- *Waste classification guidelines part 1 classifying waste 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011*.

accredited certifier in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* in relation to those matters.

airborne asbestos means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

- a. actinolite asbestos
- b. grunerite (or amosite) asbestos (brown)
- c. anthophyllite asbestos
- d. chrysotile asbestos (white)
- e. crocidolite asbestos (blue)
- f. tremolite asbestos
- g. a mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f).

asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos.

asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

asbestos-related work means work involving asbestos that is permitted under the *Work Health and Safety Regulation 2011*, other than asbestos removal work.

asbestos removal licence means a Class A asbestos removal licence or a Class B asbestos removal licence.

asbestos removal work means:

- a. work involving the removal of asbestos or asbestos containing material, or
- b. Class A asbestos removal work or Class B asbestos removal work.

asbestos removalist means a person conducting a business or undertaking who carries out asbestos removal work.

asbestos waste means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.

certifying authority means a person who is authorised by or under section 85A of the *Environmental Planning and Assessment Act 1979* to issue complying development certificates, or is authorised by or

under section 109D of the *Environmental Planning and Assessment Act 1979* to issue part 4A certificates.

Class A asbestos removal licence means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.

Class A asbestos removal work means the removal of friable asbestos which must be licensed under clause 485 of the *Work Health and Safety Regulation 2011*. This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

Class B asbestos removal licence means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.

Class B asbestos removal work means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487, but does not include Class A asbestos removal work.

competent person means: a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

- a. a certification in relation to the specified VET course for asbestos assessor work, or
- b. a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

complying development is a fast track, 10 day approval process where a building meets all of the predetermined standards established in either a state or local council planning document. A complying development certificate can be issued by either a local council or an accredited certifier.

complying development certificate

contaminant means any substance that may be harmful to health or safety.

contamination of land means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment

control measure, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

demolition work means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include:

- a. the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work, or
- b. the removal of power, light or telecommunication poles.

development means:

- a. the use of land
- b. the subdivision of land
- c. the erection of a building
- d. the carrying out of a work
- e. the demolition of a building or work
- f. any other act, matter or thing referred to in section 26 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument.

development application means an application for consent under part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development but does not include an application for a complying development certificate.

emergency service organisation includes any of the following:

- a. the Ambulance Service of NSW

- b. Fire and Rescue NSW
- c. the NSW Rural Fire Service
- d. the NSW Police Force
- e. the State Emergency Service
- f. the NSW Volunteer Rescue Association Inc
- g. the NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*
- h. an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

exempt development means minor development that does not require any planning or construction approval because it is exempt from planning approval.

exposure standard for asbestos is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.

friable asbestos means material that:

- a. is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- b. contains asbestos.

health means physical and psychological health.

health monitoring, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

independent, in relation to clearance inspections and air monitoring means:

- a. not involved in the removal of the asbestos
- b. not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.

in situ asbestos means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

licence holder means: in the case of an asbestos assessor licence – the person who is licensed:

- a. to carry out air monitoring during Class A asbestos removal work
- b. to carry out clearance inspections of Class A asbestos removal work
- c. to issue clearance certificates in relation to Class A asbestos removal work, or
 - in the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or
 - in the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.

licensed asbestos assessor means a person who holds an asbestos assessor licence.

licensed asbestos removalist means a person conducting a business or undertaking who is licensed under the *Work Health and Safety Regulation 2011* to carry out Class A asbestos removal work or Class B asbestos removal work.

licensed asbestos removal work means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.

NATA means the National Association of Testing Authorities, Australia.

NATA-accredited laboratory means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.

naturally occurring asbestos means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

Note. Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

occupational hygienist means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).

occupier includes a tenant or other lawful occupant of premises, not being the owner.

officer means an officer as defined in the *NSW Work Health and Safety Act 2011*.

orphan waste means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.

person conducting a business or undertaking a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.

personal protective equipment means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.

respirable asbestos fibre means an asbestos fibre that:

- a. is less than three micrometres wide
- b. more than five micrometres long
- c. has a length to width ratio of more than 3:1.

specified VET course means:

- a. in relation to Class A asbestos removal work – the following VET courses:
 - remove non-friable asbestos
 - remove friable asbestos, or
- b. in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- c. in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
- d. in relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

structure means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- a. buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- b. any component of a structure
- c. part of a structure
- d. volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

waste includes:

- any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- any discarded, rejected, unwanted, surplus or abandoned substance, or
- any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or

- any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- any substance prescribed by the regulations made under the *Protection of the Environment Operations Act 1997* to be waste.

waste facility means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).

worker a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- a. an employee, or
- b. a contractor or subcontractor, or
- c. an employee of a contractor or subcontractor, or
- d. an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- e. an outworker, or
- f. an apprentice or trainee, or
- g. a student gaining work experience, or
- h. a volunteer, or
- i. a person of a prescribed class.

workplace a workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.

Appendix D – Acronyms

ACD	Asbestos Containing Dust (an acronym used in the legislation)
ACM	Asbestos Containing Material (an acronym used in the legislation)
ARA	Appropriate Regulatory Authority (an acronym used in the legislation)
DA	Development Application
EPA	Environment Protection Authority
JRPP	Joint Regional Planning Panel
LGA	Local Government Area
NATA	National Association of Testing Authorities
NSW	New South Wales
SEPP	State Environmental Planning Policy
VET	Vocational Education and Training

Appendix E – Relevant contacts

Asbestos Diseases Foundation Australia Inc

Phone: (02) 9637 8759
Helpline: 1800 006 196
Email: info@adfa.org.au
Website: www.adfa.org.au

Asbestos Diseases Research Institute

Phone: (02) 9767 9800
Email: info@adri.org.au
Website: www.adri.org.au

Australian Institute of Occupational Hygienists Inc.

Phone: (03) 9338 1635
Email: admin@aioh.org.au
Website: www.aioh.org.au

Dust Diseases Authority

Phone: (02) 8223 6600
Toll Free: 1800 550 027
Email: DDAenquiries@icare.nsw.gov.au
Website: www.icare.nsw.gov.au

Environment Protection Authority (EPA)

Phone: (02) 9995 5000
Environment line: 13 15 55
Email: info@epa.nsw.gov.au
Website: www.epa.nsw.gov.au/epa

Licensed Asbestos Contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website: www.yellowpages.com.au or contact:

Asbestos Removal Contractors Association NSW

PO Box Q1882
Queen Victoria Building
NSW 1230
Email: email@arcansw.asn.au
Website: www.arcansw.asn.au

Verification of an asbestos removal contractor's licence can be checked by contacting SafeWork NSW's Certification Unit Phone: **13 10 50**

Civil Contractors Federation (CCF)

Phone: (02) 9009 4000
Email: ccfnsw@ccfnsw.com
Website: www.ccfnsw.com/

Local Government NSW

Phone: (02) 9242 4000
Email: lgnsw@lgnsw.org.au
Website: www.lgnsw.org.au

NSW Ombudsman

Phone: (02) 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Website: www.ombo.nsw.gov.au

Training providers (non-exhaustive)

TAFE NSW

Phone: 131 601

Website: www.tafensw.edu.au

Housing Industry Association (HIA)

Phone: (02) 9978 3333

Website: www.hia.com.au/

Local Government Training Institute

Phone: (02) 4922 2333

Website: www.lgti.com.au

Comet Training

Phone: (02) 9649 5000

Website: www.comet-training.com.au/site

Master Builders Association (MBA)

Phone: (02) 8586 3521

Website: www.masterbuilders.com.au

SafeWork NSW

SafeWork NSW Information Centre Phone: 13 10 50

SafeWork NSW – Asbestos/Demolition Hotline Phone: (02) 8260 5885

Website: www.safework.nsw.gov.au

Appendix F – Waste management facilities that accept asbestos wastes

Waste management facilities that can accept asbestos waste may be operated by council, the State Government or private enterprise. The fees charged by the facility operators for waste received are determined by the facility.

Not all waste management centres accept asbestos waste from the public. Management of asbestos waste requires special precautions such as a separate disposal location away from other general waste and controls to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

Waste management facilities in other areas that accept asbestos wastes

A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at: www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm

Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

Always contact the landfill before taking asbestos waste to a landfill to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill. EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.

Appendix G – Asbestos-related legislation, policies and standards

- *Contaminated Land Management Act 1997*
- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Demolition work code of practice 2015*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011*
- *Workers' Compensation (Dust Diseases) Act 1942.*

Appendix H – Agencies roles and responsibilities

NSW organisations

Department of Planning and Environment (DPE)

DPE's primary role in the management of asbestos relates to administration of State Environmental Planning Policies, and the *Environmental Planning and Assessment Act 1979* (and associated Regulation).

Whilst DPE does not have an operational role in the management of asbestos, it has a regulatory function and provides policy support relating to asbestos and development. In assessing proposals for development under the *Environmental Planning and Assessment Act 1979*, consent authorities are required to consider the suitability of the subject land for the proposed development. This includes consideration of the presence of asbestos and its environmental impact.

Where asbestos represents contamination of the land (ie it is present in excess of naturally occurring levels), *State Environmental Planning Policy No. 55 – Remediation of Land* imposes obligations on developers and consent authorities in relation to remediation of the land and the assessment and monitoring of its effectiveness.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* enables exempt and complying development across the state. While this includes demolition and the removal of asbestos, the *Environmental Planning and Assessment Regulation 2000* specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Dust Diseases Authority (DDA)

The Dust Diseases Authority provides a system of no fault compensation to people who have developed a dust disease from occupational exposure to dust as a worker in New South Wales and to their dependants. The DDA's statutory function is to administer the *Workers' Compensation (Dust Diseases) Act 1942*. Services include:

- payment of compensation benefits to eligible workers and dependants
- co-ordination and payment of medical and related health care expenses of affected
- medical examination of workers exposed to dust in the workplace
- information and education.

Environment Protection Authority (EPA)

EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. Clauses 77 through to 81 of the *Protection of the Environment Operations (Waste) Regulation 2014* set out the special requirements relating to the transportation and disposal of asbestos waste.

EPA is the appropriate regulatory authority for activities that require an environment protection licence or are carried out by public authorities such as local councils, the Roads and Maritime Services and Sydney Water. Local councils are the appropriate regulatory authority for activities that are not regulated by the EPA, which typically include building demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

EPA is responsible for assisting councils in fulfilling their regulatory responsibilities. EPA has developed resources to assist Local Government to regulate asbestos waste incidents and prevent illegal dumping. Website links to these resources are provided in Appendix B.

The EPA maintains the regulatory framework for the remediation of contaminated land (the *Contaminated Land Management Act 1997*) and actively regulates land that is declared to be 'significantly contaminated' under the *Contaminated Land Management Act 1997*.

Heads of Asbestos Coordination Authorities (HACA)

The HACA is chaired by SafeWork NSW with senior officials from:

- Department of Industry
- Department of Planning and Environment
- Dust Diseases Authority
- Environment Protection Authority
- Local Government NSW
- Ministry of Health
- Office of Emergency Management
- Office of Local Government.

The HACA group will improve the management, monitoring and response to asbestos issues in NSW by developing coordinated prevention programs. These programs include a comprehensive public awareness campaign to promote the safe handling of asbestos and help prevent the risk of exposure to asbestos-related diseases in the NSW community. Further information about the HACA can be found on the SafeWork NSW website: www.safework.nsw.gov.au.

Local Government NSW (LGNSW)

Local Government NSW (LGNSW) is the peak body for councils in NSW. LGNSW represents all NSW general-purpose councils, the special-purpose county councils and the NSW Aboriginal Land Council.

LGNSW is a credible, professional organisation facilitating the development of an effective community-based system of Local Government in NSW. LGNSW represents the views of councils to NSW and Australian Governments; provides industrial relations and specialist services to councils; and promotes NSW councils to the community.

In 2012, LGNSW commenced a project funded by SafeWork NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: www.lgnsw.org.au

NSW Department of Industry

The NSW Department of Industry, Skills and Regional Development (known as the NSW Department of Industry) leads the state government's contribution to making NSW:

- a fertile place to invest and to produce goods and services, and thereby
- create jobs and opportunities for our citizens

The NSW Department of Industry also has responsibilities for:

- skill formation and development to match industry demand
- partnering with stakeholders in stewardship and sustainable use of the state's natural resources; and
- supporting economic growth in the regions.

Within the Division of Resources & Energy in the Department, the Geological Survey of NSW teams of field geologists, geophysicists, mineral geoscientists and palaeontologists and geospatial specialists produce a range of maps. Geological mapping records the distribution of rock types and location of structures at or near the Earth's surface. The maps have applications to land use assessment, engineering construction, environmental management and natural hazard risk assessment.

The Geological Survey of NSW prepared the state-wide mapping of naturally occurring asbestos (NOA) in NSW for the Heads of Asbestos Coordination Authorities.

NSW Ministry of Health

The NSW Ministry of Health does not have express statutory responsibilities for managing asbestos-related risks and incidents in NSW. The Ministry provides an expert advisory service to other governmental agencies on public health issues. This service may include technical information or assistance to prepare public health information bulletins.

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog body. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

Office of Fair Trading and the Building Professionals Board (BPB)

NSW Fair Trading safeguards the rights of all consumers and advises business and traders on fair and ethical practice. NSW Fair Trading provides services directly to individuals and businesses to create a fair, safe and equitable marketplace.

NSW Fair Trading is establishing a Loose-Fill Asbestos Implementation Taskforce responsible for overseeing and implementing the NSW Government Voluntary Purchase and Demolition Program for properties containing loose-fill asbestos insulation. The Loose-Fill Asbestos Implementation Taskforce will be in place until work is completed on the purchase and demolition of all properties that choose to participate in the Program.

The Building Professionals Board (BPB) is now part of Fair Trading and oversees building and subdivision certification. The BPB's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: www.bpb.nsw.gov.au

Office of Local Government

The Office of Local Government is responsible for local government across NSW. The Office's organisational purpose is to 'Strengthen Local Government' and its organisational outcome is 'Fit for the future councils leading strong communities'.

The Office has a policy, legislative, investigative and program focus in matters ranging from Local Government finance, infrastructure, governance, performance, collaboration and community engagement. The Office strives to work collaboratively with the Local Government sector and is the key adviser to the NSW Government on Local Government matters.

SafeWork NSW

SafeWork NSW is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. SafeWork NSW works with the employers, workers and community of NSW to achieve safer and more productive workplaces, and effective recovery, return to work and security for injured workers.

SafeWork NSW administers work health and safety, injury management, return to work and workers compensation laws, and manage the workers compensation system. SafeWork NSW's activities include: health and safety, injuries and claims, licensing for some types of plant operators, registration of some types of plant and factories, training and assessment, medical and healthcare, law and policy.

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at: www.SafeWorkNSW.nsw.gov.au/newlegislation2012/health-and-safety/topics/asbestos/Pages/default.aspx

National organisations

Asbestos Safety and Eradication Agency

The Asbestos Safety and Eradication Agency was established in 2013 to provide a national focus on asbestos issues which go beyond workplace safety to encompass environmental and public health issues. The agency's objective is to eliminate asbestos-related disease in Australia.

The agency has broad functions under its legislation, including:

- reporting on the implementation of the National Strategic Plan on Asbestos Awareness and Management (NSP); reviewing and amending the NSP as required and promoting the NSP
- providing advice to the Minister about asbestos safety
- liaising with all levels of government, agencies or bodies about the implementation of the NSP; as well as asbestos safety in general; and
- commissioning, monitoring and promoting research about asbestos safety.

The agency administers the National Asbestos Exposure Register which was created to record the details of members of the community who may have been exposed to asbestos. Registration forms are online at <https://www.asbestossafety.gov.au/national-asbestos-exposure-register>.

The agency also maintains a national database for asbestos disposal facilities, which members of the public can search to identify their nearest facility that accepts asbestos waste, available online at <https://www.asbestossafety.gov.au/search-disposal-facilities>

Councils interested in finding out more about the agency, updating information listed on the disposal database, or receiving information, flyers or brochures for distribution within the LGA should contact the agency at enquiries@asbestossafety.gov.au.

National Association of Testing Authorities (NATA)

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT

Phone: (02) 9736 8222

National Toll Free: 1800 621 666

Website: www.nata.asn.au

Environmental Health Committee (enHealth)

The Environmental Health Committee (enHealth) is a subcommittee of the Australian Health Protection Committee (AHPC). enHealth provides health policy advice, implementation of the National Environmental Health Strategy 2007-2012, consultation with key players, and the development and coordination of research, information and practical resources on environmental health matters at a national level.

Website: www.health.gov.au/internet/main/publishing.nsf/content/ohp-enviro-enhealth-committee.htm

Safe Work Australia

Safe Work Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of improving work health and safety and workers' compensation arrangements across Australia.

Phone: (02) 6121 5317

Email: info@swa.gov.au

Website: www.safeworkaustralia.gov.au

Appendix I – Scenarios illustrating which agencies lead a response in NSW

The tables show which agencies are responsible for regulating the following scenarios in NSW:

- emergency management
- naturally occurring asbestos
- residential settings
- site contamination
- waste
- workplaces.

Emergency management

Scenario	Lead organisation	Other regulators
Emergency response	Emergency services	Fire and Rescue (Hazmat) SafeWork NSW
Handover to Local council, owner of property or NSW Police – crime scene following a minor incident	Local council NSW Police	
Handover to State Emergency Recovery Controller	State Emergency Recovery Controller	Recovery Committee Local council EPA SafeWork NSW
Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local council EPA SafeWork NSW
Remediation not requiring a licensed removalist	Local council	Principal Certifying Authority SafeWork NSW (workers)
Remediation requiring licensed removal work	SafeWork NSW	Local council Principal Certifying Authority
Clearance Certificate issued by an Asbestos Assessor	SafeWork NSW	Principal Certifying Authority

Naturally occurring asbestos

Scenario	Lead organisation	Other regulators
Naturally occurring but will be disturbed due to a work process including remediation work	SafeWork NSW	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring asbestos part of a mineral extraction process	NSW Department of Industry	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities) SafeWork NSW (workers)
Soil contaminated with asbestos waste and going to be disturbed by a work practice	SafeWork NSW	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites)
Soil contaminated with asbestos waste but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites) SafeWork NSW (workers on site)
Potential for exposure on public land	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local council SafeWork NSW (workers on site)
Soil contaminated with asbestos waste but at a mine site	NSW Department of Industry EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local council

Residential settings

Scenario	Lead organisation	Other regulators
Safe Management of asbestos including: <ul style="list-style-type: none"> • identification • in situ management • removal requirements • disposal requirements. 	Local council Private Certifiers	SafeWork EPA NSW
Site contaminated due to past uses	Local council	SafeWork EPA NSW
Licensed removal work required	SafeWork NSW	Local council Private Certifiers
Removal does not require a licensed removalist	Local council Private Certifiers	SafeWork NSW (workers)
Transport or waste disposal issues	Local council	EPA
Derelict property with fibro debris	Local council or Multi-agency	Multi-agency

Site contamination

Scenario	Lead organisation	Other regulators
Asbestos illegally dumped	Local council	EPA SafeWork NSW
Site contamination at commercial premises	See Workplaces	
Site contamination at residential premises	See Residential settings	

Waste

Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and Local council (non-worksites)	
Waste transported by vehicle	EPA	SafeWork NSW
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid council development consent	Local council (consent required to dispose onsite) (section 149 property certificate and development assessment process)
Waste going to landfill site	EPA (advice)	Local council (if managing licensed landfill)
Waste to be transported interstate	EPA	
Waste for export	Department of Immigration and Border Protection	SafeWork Department of Employment NSW

Workplaces

Scenario	Lead organisation	Other regulators
Asbestos installed/supplied after 2003 (illegally)	SafeWork NSW	
Risks to the health of workers	SafeWork NSW	
Asbestos management and asbestos going to be removed	SafeWork NSW NSW Department of Industry (mine sites)	
Risks to the health of the public from worksites	SafeWork NSW (Risks to workers) Local council (Risks to the wider public) Department of Planning and Infrastructure (part 3A approvals) EPA (<i>Protection of the Environment Operations Act 1997</i> licensed sites)	
Waste stored temporarily on-site at worksites	SafeWork NSW	
Transport or waste disposal issues	EPA	SafeWork NSW Local council
Asbestos contaminated clothing going to a laundry	SafeWork NSW	EPA Local council
Contaminated land not declared under the <i>Contaminated Land Management Act 1997</i>	Local council	EPA
'Significantly contaminated' land declared under the <i>Contaminated Land Management Act 1997</i>	EPA	Local council

Appendix J – Asbestos containing materials

Some asbestos containing materials found in New South Wales domestic settings (non-exhaustive list)

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbletone decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	During the 1960s and 1970s, pure loose-fill asbestos was sold as ceiling insulation for residential and commercial premises. A Canberra based company known as 'Mr Fluffy' installed insulation in at least 1,000 homes in the ACT and is also understood to have installed insulation into homes in NSW.
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

Sources:

NSW Government, 2011, *Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government*.

NSW Taskforce Report: *Loose-Fill Asbestos Insulation in NSW Homes* (2015) www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

Asbestos containing materials that may be found in various settings (non-exhaustive list)

A

Air conditioning duct, in the exterior or interior acoustic and thermal insulation

Arc shields in lift motor rooms or large electrical cabinets

Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats

Asbestos ceiling tiles

Asbestos cement conduit

Asbestos cement electrical fuse boards

Asbestos cement external roofs and walls

Asbestos cement in the use of form work for pouring concrete

Asbestos cement internal flues and downpipes

Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers

Asbestos cement pieces for packing spaces between floor joists and piers

Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc

Asbestos cement render, plaster, mortar and coursework

Asbestos cement sheet

Asbestos cement sheet behind ceramic tiles

Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards

Asbestos cement sheet internal walls and ceilings

Asbestos cement sheet underlay for vinyl

Asbestos cement storm drain pipes

Asbestos cement water pipes (usually underground)

Asbestos containing laminates, (such as Formica) used where heat resistance is required

Asbestos containing pegboard

Asbestos felts

Asbestos marine board, eg marinate

Asbestos mattresses used for covering hot equipment in power stations

Asbestos paper used variously for insulation, filtering and production of fire resistant laminates

Asbestos roof tiles

Asbestos textiles

Asbestos textile gussets in air conditioning ducting systems

Asbestos yarn

Autoclave/steriliser insulation

B

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork)

Bituminous adhesives and sealants

Boiler gaskets

Boiler insulation, slabs and wet mix

Brake disc pads

Brake linings

C

Cable penetration insulation bags (typically Telecom)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas)

Cement render

Chrysotile wicks in kerosene heaters

Clutch faces

Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings

Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D

Door seals on ovens

E

Electric heat banks – block insulation

Electric hot water services (normally no asbestos, but some millboard could be present)

Electric light fittings, high wattage, insulation around fitting (and bituminised)

Electrical switchboards see Pitch-based

Exhausts on vehicles

F

Filler in acetylene gas cylinders

Filters: beverage wine filtration

Fire blankets

Fire curtains

Fire door insulation

Fire-rated wall rendering containing asbestos with mortar

Fire-resistant plaster board, typically on ships

Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry

Flexible hoses

Floor vinyl sheets

Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

G

Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)

Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

H

Hairdryers: insulation around heating elements

Header (manifold) insulation

I

Insulation blocks

Insulation in ceilings, which may have spread to wall cavities, cornices and sub-floor areas

Insulation in electric reheat units for air conditioner systems

L

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

Lift shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations

Limpet asbestos spray insulation

Locomotives: steam, lagging on boilers, steam lines, steam dome and gaskets

M

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes

Mortar

P

Packing materials for gauges, valves, etc can be square packing, rope or loose fibre

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings

Pipe insulation including moulded sections, water-mix type, rope braid and sheet

Plaster and plaster cornice adhesives

Pipe insulation: moulded sections, water-mix type, rope braid and sheet

Pitch-based (zelemite, asbestos, lebah) electrical switchboard

R

Refractory linings

Refractory tiles

Rubber articles: extent of usage unknown

S

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts

Sealant or mastik on windows

Sealants and mastik in air conditioning ducting joints

Spackle or plasterboard wall jointing compounds

Sprayed insulation: acoustic wall and ceiling

Sprayed insulation: beams and ceiling slabs

Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels

Stoves: old domestic type, wall insulation

T

Tape and rope: lagging and jointing

Tapered ends of pipe lagging, where lagging is not necessarily asbestos

Tilux sheeting in place of ceramic tiles in bathrooms

Trailing cable under lift cabins

Trains: country – guards vans – millboard between heater and wall

Trains – Harris cars – sprayed asbestos between steel shell and laminex

V

Valve and pump insulation

W

Welding rods

Woven asbestos cable sheath

Sources:

Environmental health notes number 2 guidelines for local government on asbestos, 2005 (Victorian Department of Human Services).

www.health.vic.gov.au/environment/downloads/hs523_notes2_web.pdf

NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015)

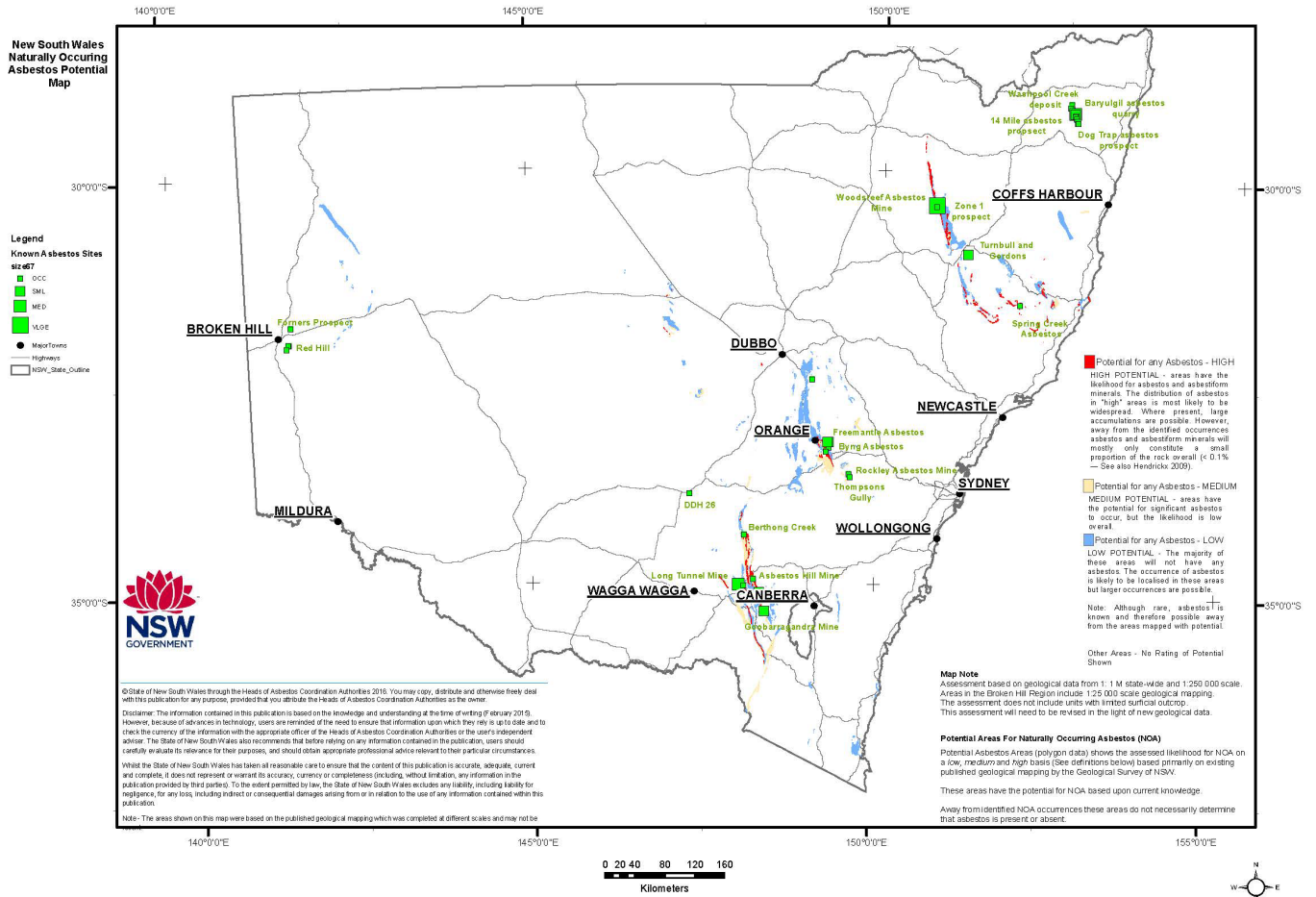
www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

Appendix K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	<p>Can remove any amount or quantity of asbestos or asbestos containing material, including:</p> <ul style="list-style-type: none"> • any amount of friable asbestos or asbestos containing material • any amount of asbestos containing dust • • any amount of non-friable asbestos or asbestos containing material.
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> • any amount of non-friable asbestos or asbestos containing material Note: A Class B licence is required for removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m² of non-friable asbestos or asbestos containing material. • asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> • up to 10 m² of non-friable asbestos or asbestos containing material • asbestos containing dust that is: <ul style="list-style-type: none"> ○ associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material ○ not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on 13 10 50.

Appendix L – Map



AWNINGS POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	1		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

INTRODUCTION

The Coolamon Shire Council Local Government area has many shops and commercial buildings that have awnings which project over public footways.

It is not compulsory for shops and commercial buildings to have awnings. However, they provide many benefits to the public, including protection from heat and rain, shading the premises and providing opportunities for advertising.

Some awnings are supported by steel tension rods connected to the building's fascia. These rods can fail over time for various reasons including corrosion, adverse wind and weather conditions, poor maintenance, illegal use and loading, build-up of debris inside the structure, failure at the façade or awning connection, impact by a motor vehicle, demolition of an adjoining building or awning and other reasons. The failure of a tension rod can result in an awnings collapse which can cause property damage, personal injury or death.

Many modern awnings are constructed with cantilevered beams which are integral to the structure of the building. Cantilevered awnings are much less likely to suffer catastrophic collapse. However, the legal obligations of the owner are identical to those of awnings with tension rods.

OBJECTIVES

The objectives of this policy are to:

- raise awareness of the need for owners to regularly monitor the safety of their awnings;
- implement an awnings awareness program framework for owners of awnings within the Coolamon Shire Local Government Area;
- promote an increased level of protection of public health and safety by reducing the risk of harm, injury or death which may result from the failure of an awning overhanging the Council's footways.

SCOPE/ROLES & RESPONSIBILITIES

The policy applies to all land within the Coolamon Local Government Area.

The responsibility of this policy lies with the Coolamon Shire Council, specifically the Executive Manager of Planning and Environmental Services, in partnership with owners of those buildings that have an awning attached or located on land.

POLICY

Legal Context

Awnings are regulated under the following –

- Roads Act 1993 (Roads Act)
- Environmental Planning and Assessment Act 1979 (EPA Act)
- Local Government Act 1993 (LGA Act)
- NSW Planning Circular entitled “Safety of Awnings Over Public Lands”, dated 8 March 2013

Approval Requirements

Approvals required for an awning may include a:

- consent for the purposes of complying with s 138 of the Roads Act,
- development consent under the EPA Act for the erection or future continued use of an awning where required by the applicable planning controls, and
- building certificate under the EPA Act for existing awnings for which there is no record of a development consent for the erection of the awning.

An application for a new awning is to comply with:

- Australian Standard 1170.0 – Structural Design Actions – General Principles,
- Australian Standard 1170.1 – Structural Design Actions – permanent, Imposed and other Actions,
- Australian Standard 1170.2 – Structural Design Actions – Wind Actions.

An application is also to comply with this Policy.

General

The owner of an awning is encouraged to obtain and provide to Council a structural engineering report from a suitable engineering expert demonstrating that the awning is structurally sound and safe:

- Upon adoption of this policy;
- on a recurrent five (5) year basis; and
- for all awnings more than 10 years old.

Council may require an owner to obtain structural certification from a suitably qualified engineering expert following a severe storm event, flood, fire or accident which damages the awning and in the opinion of the Council is likely to be unsafe.

Awnings owners are encouraged to comply with Practice Note 18 'Inspection and Assessment of Existing Tied Awnings' issued in July 2008 by the Association of Consulting Structural Engineers of NSW.

Council recommends that the gutters and downpipes of awnings be cleaned of all leaf debris on a regular basis. The most appropriate time for removal of such debris is between May to August each year. During May to August of each year, awning owners will not be required to obtain a hoarding permit for the explicit activity of cleaning the gutters/downpipes of awnings. Awning owners should reference the Safe Work Australia publication entitled "Managing the Risk of Falls at Workplaces" prior to undertaking any work at height in association with the cleaning of awnings.

The owner of an awning is to bear the cost of any inspection of the awning for the purposes of this policy.

Council will make a notation on section 149(5) planning certificates for those properties that contain an awning, noting that:

- Awnings owners are encouraged to comply with Practice Note 18 'Inspection and Assessment of Existing Tied Awnings', issued in July 2008 by the Association of Consulting Structural Engineers of NSW; and
- all owners must comply with the provisions of this policy.

Implementation

The Council -

- intends to establish a 'base-date' record (Register) of all awnings over public roads;
- will identify the location and ownership of all existing awnings by searching the available records and undertaking street and other inspections where necessary or desirable; and
- will send a letter to all awning owners on an annual basis advising owners of their responsibility to maintain their awnings and have inspected those awnings for structural suitability on a regular basis.

Specific Provisions

Public liability insurance

The owner of an awning which overhangs a public footway/road reserve or space is required to ensure that they hold appropriate insurance to the value of \$20 million in respect of an awning noting the Council's interest as party on the certificate of currency.

Access to premises

The Council may enter premises supporting an awning in order to inspect and make an assessment of the structural adequacy and safety of the awning.

The Council has the power to enter premises for this purpose under s 191 and 192 of the Local Government Act.

The Council may authorise persons other than Council officers for this purpose.

Ongoing and routine maintenance

The ongoing and routine maintenance of awnings is the responsibility of the owner. Routine maintenance includes, but is not limited to, inspection of awning structures, painting, and replacement of light fittings. Prior to undertaking maintenance works, owners should contact Council to ensure that such works do not require development or other approvals and to ensure that such works are in keeping with applicable council requirements.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council.

Appendix 1 – Annual Awnings Awareness Letter

Contact: Insert Contact Officer

Ref: Annual Awnings Awareness Reminder

Date

Address Line 1

Address Line 2

Address Line 3

Dear Sir/Madam

Re: Safety of Awnings over Public Land

I am writing to you to bring your attention the potential safety issues related to awnings over public lands. This advice is consistent with the provisions of a NSW Department of Planning circular issued to councils expressing concern over the safety of these structures.

Awnings are owned by the building owner to which the awning is connected. They remain the responsibility of the building owner despite overhanging a public footway.

Coolamon Shire Council seeks to ensure that sufficient measures are in place and necessary steps taken to ensure that users of the footways within the Coolamon Local Government Area are protected from injury that may result from the structural failure of awnings. Awning failures generally occur as a result of there being no regular inspection and maintenance regime.

It is the owner's responsibility to ensure that appropriate action is taken to avoid the risk associated with potential collapse or failure of awnings. Accordingly, all building owners with awnings attached to their building, or overhanging a public place are encouraged to take appropriate action. This may include seeking legal advice on the potential liability for any failure or collapse of their awning. You are further reminded that as an owner of an awning which overhangs a public footway/road reserve or space that you must ensure that you hold appropriate insurance to the value of \$20 million in respect of an awning noting the Council's interest as party on the certificate of currency.

To assist with reducing the risk and incidence of awning collapse, Council recommends that the gutters of awnings be cleaned of all leaf debris on a regular basis. The most appropriate time for removal of such debris is between May to August each year. During May to August of each year, awning owners will not be required to obtain a hoarding permit for the explicit activity of cleaning the gutters of awnings. Awning owners should reference the Safe Work Australia publication entitled "Managing the Risk of Falls at Workplaces" prior to undertaking any work at height in association with the cleaning of awnings. Please see the following link for further information –

[Insert Link to WEBPAGE AND POLICY DOCUMENT](#)

Awning owners can obtain further safety advice by contacting WorkCover direct, on 13 10 50.

Council would also strongly encourage owners of awnings, particularly those more than 10 years old, to have those awnings inspected by a professional engineer for structural adequacy. I would also request, that the results of any such inspection and any action taken as a result of such an inspection be communicated to Council.

If you have any further inquiries in relation to this matter please contact (insert name) on (02) 6930 1800, during normal business hours.

Yours sincerely

**Executive Manager
Planning and Environmental Services**

BURNING REFUSE IN TOWN AREAS POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 4		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 Years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

POLICY STATEMENT

Subject to the Protection of the Environment (Clean Air) Regulation 2010 – Part 3 Control of Burning.

The use of incinerators for Domestic Waste is not permitted within any area provided with a Domestic Waste Service. Where a service is not provided, Council permit the use of incinerators for domestic purposes, however, during Bush Fire Danger periods the permission of the relevant Bush Fire Brigade Captain or Board of Fire Commissioner's Officer be obtained before any such burning is carried out.

ASSOCIATIONS & RELATIONSHIPS

Legislation	Protection of the Environment (Clean Air) Regulation 2010
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REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council.

Version 4 Readopted: Council Meeting held 17 March 2022 (Minute No. 43/03/2022)
Version 4 Adopted: Council Meeting held 21 September 2017 (Minute No 175/09/2017)
Version 3 Adopted: Council Meeting held 19 March 2009 (Minute No.64/03/2009)
Version 2 Adopted: Council Meeting held 13 December 2007 (Minute No. 398/12/2007)
Version 1 Adopted Council Meeting held 19 August 2004 (Minute No. 277/8/2004)

KEEPING OF DOGS IN COUNCIL CARAVAN PARKS POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 4		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 Years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

OBJECTIVE

Guidelines for the keeping of dogs in Council Caravan Parks.

GENERAL

Dogs shall be permitted at Caravan Parks provided:

- they are restrained at all times.
- they do not disturb the amenity.
- all waste is disposed appropriately.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council.

Version 4 Adopted: Council Meeting held 17 March 2022 (Minute No. 43/03/2022)

Version 3 Adopted: Council Meeting held 20 October 2016 (Minute No. 233/10/2016)

Version 2 Re-Adopted: Council Meeting held 21 May 2009 (Minute No.141/05/2009)

Version 2 Adopted: Council Meeting held 19 June 2008 (Minute No.162/6/2008)

Version 1 Adopted Council Meeting held 19 August 2004 (Minute No. 277/8/2004)



KEEPING OF HORSES WITHIN THE COOLAMON SHIRE POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 5		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 Years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

OBJECTIVE

To provide for the safety of horses on land zoned RU5 – Village and RU4 – Primary Production Small Lots, whilst maintaining existing landholder rights to enjoy their property as they have done so for numerous years and the neighbour rights to enjoy their land in accordance with the amenity of urban living.

GENERAL REQUIREMENTS

Certain areas within each town will be exclusive of horses. These will be indicated on the planning maps.

The reason for this exclusion is that these areas are high profile parks with high use from children, visitors etc. The use of these parks by horses creates unsightly pollution from manure and can create uneven surfaces from animal use.

Exceptions to these areas may be made upon application to Council when conducting certain events that are run for public displays and special events etc.

KEEPING OF HORSES

Notwithstanding these exclusion zones, properties that house or keep horses must at all times be kept to a satisfactory standard.

- All areas where horses are to be kept are to be maintained free of manure. All manure is to be collected daily and stored in bins with sealable lids until disposed of at the waste landfill depot.
- All the areas where horses are kept must be kept free from odor, flies and vermin.
- All areas where horses are kept must not be overgrazed to create a barren paddock. A good vegetation cover must be kept to ensure that the area does not create dust and run-off problems.

*Note: The above dot point was added to policy on 21 May 2009. **Adopted: Council Meeting held 21 May 2009 (Minute No.150/05/2009)***

- The construction of all new stables must be approved by Council. Any proposed stable must be advertised to surrounding properties for comment prior to assessment. The only exception to this requirements will be if a proposed stable complies with the requirements of the State

Environmental Planning Policy (Exempt & Complying Development Codes) 2008, with specific reference made to Part 2 (Exempt Development) Division 1 (General Exempt Development Code) Subdivision 3A (Animal Shelters) Clauses 3 & 4.

- No horse will be permitted to be kept on the following premises:
 - Shop
 - Commercial premises, office, factory
 - Service Stations, workshop
 - Schools, public halls
 - Premises used for the manufacture, preparation or storage of food for sale
 - Church, places of worship
 - or the like

KEEPING OF HORSES WITHIN LAND ZONES RU5 - Village

1. All horses shall be stabled and these stables shall be located in the rear yard of the subject property and comply with all other requirements of this code
2. No horses are to be kept on RU5 zoned land less than 2,000 square metres.
Note: Existing stables that have been erected and operated satisfactorily are exempt from this clause.
3. A maximum of one horse can be kept on land with a total area up to 3,000 square metres
Note: Existing stables that have been erected and operated satisfactorily are exempt from this clause.
4. No more than two horses can be kept on any property within the residential zoning no matter the land area.
5. The floors of stables must be constructed of a suitable dust free and impervious surface. They must be properly graded to drain. This drain must be directed to ensure no adverse effect on the subject land or any neighbouring property.
6. The horse yards and stable must be so enclosed as to prevent the escape of any horses.
7. If horses are allowed out of the stables for any period at all, they must be kept a minimum of 3 metres from any side or rear boundary.
8. The stables that horses shall be kept in must be a minimum of 20 metres from any:
 - Dwelling (not associated with the ownership of the horse)
 - Shop
 - Commercial premises, office, factory
 - Service Stations, workshop
 - Schools, public halls
 - Premises used for the manufacture, preparation or storage of food for sale
 - Church, places of worship
 - or the like
9. In regard to items 7 & 8 the owners of property are required to provide adequate screening and landscaping to enhance the visual amenity of the area.
10. Having regard to the disparate development within the RU5 zones of the Coolamon Shire, that Council reserves the right to determine each application for approval for the keeping of a horse by undertaking a merit assessment, even in the event that the application meets the terms of the policy.

KEEPING OF HORSES WITHIN LAND ZONED RU4 – PRIMARY PRODUCTION SMALL LOTS

1. A maximum of one horse per hectare may be kept in this zoning
2. The area shall not be overgrazed to create a barren paddock. This becomes an issue in late summer and creates dust problems to neighbouring properties. Rotation of paddocks must be practiced or alternatively the horse should be stabled.

3. The floors of stables must be constructed of a suitable dust free and impervious surface. They must be properly graded to drain. This drain must be directed to ensure no adverse effect on the subject land or any neighbouring property.
4. The horse yards and stables must be so enclosed as to prevent the escape of any horses.
5. The exception to the above requirements will be that a maximum of one horse per acre may be kept in this zoning subject to stables being constructed in accordance with this code and the horses should be predominantly stabled and allowed to graze only on an intermittent basis as conditions allow. The property requirements as outlined in point (2) will be maintained.
6. A stable may be classified as being exempt development if it complies with the development standards as specified within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008, specifically relating to Part 2 (Exempt Development) Division 1 (General Exempt Development Code) Subdivision 3A (Animal Shelters) Clauses 3 and 4.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required, the policy will be reviewed at least once during a term of Council.

Version 5 Re-adopted: Council Meeting held 17 March 2022 (Minute No. 43/03/2022)

Version 5 Re-Adopted: Council Meeting held 19 October 2017 (Minute No. 201/10/2017)

Version 5 Adopted: Council Meeting held 16 May 2013 (Minute No. 125/05/2013)

Version 4 Adopted: Council Meeting held 21 May 2009 (Minute No.141/05/2009)

Version 3 Adopted: Council Meeting held 15 May 2008 (Minute No. 129/05/2008)

Version 2 Adopted: Council Meeting held 20 February 2008 (Minute No. 22/02/2008)

Version 1 Adopted: Council Meeting held 16 December 2004 (Minute No. 449/12/2004)



KEEPING OF PIGS IN AREAS ZONED RU5 – VILLAGE POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 4		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

GENERAL

That all pigs be kept out of all areas Zoned RU5 - Village within the Shire.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required, the policy will be reviewed at least once during a term of Council.

Version 4 Re-adopted: Council Meeting held 17 March 2022 (Minute No. 43/03/2022)
Version 4 Re-Adopted: Council Meeting held 19 October 2017 (Minute No. 201/10/2017)
Version 4 Adopted: Council Meeting held 16 May 2013 (Minute No. 117/05/2013)
Version 3 Adopted: Council Meeting held 19 March 2009 (Minute No.64/03/2009)
Version 2 Adopted: Council Meeting held 13 December 2007 (Minute No. 398/12/2007)
Version 1 Adopted: Council Meeting held 19 August 2004 (Minute No. 277/8/2004)

MOBILE GARBAGE BIN ISSUE & REPLACEMENT POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 4		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

OBJECTIVE

To provide uniform guidelines for the issue and replacement of Mobile Garbage Bins.

GENERAL

1. Dwellings and businesses located within Council's designated scavenging areas shall be allocated 1 x 140 litre garbage bin and 1 x 240 litre recycling bin at no charge.
2. Provision of Organic bins for the townships of Coolamon and Ganmain where 140 litre and 240 litre mobile garbage bins have been supplied by Council, the bins are to remain with the premises. Where either one or both bins are removed, the new owner/s will be responsible for the cost of replacement.
3. As Council provides the initial bin free of charge, any requests for Mobile Garbage Bin replacement shall be charged at a fee as set out in Council's Annual Operational Plan.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required, the policy will be reviewed at least once during a term of Council.

Version 4 Re-adopted: Council Meeting held 17 March 2022 (Minute No. 43/03/2022)
Version 4 Adopted: Council Meeting held 20 October 2016 (Minute No. 233/10/2016)
Version 3 Adopted: Council Meeting held 14 February 2012 (Minute No. 022/02/2012)
Version 2 Re-Adopted: Council Meeting held 23 April 2009 (Minute No.104/04/2009)
Version 2 Adopted: Council Meeting held 20 February 2008 (Minute No. 22/02/2008)
Version 1 Adopted Council Meeting held 19 August 2004 (Minute No. 277/8/2004)



ON-SITE SEWAGE MANAGEMENT SYSTEM CLASSIFICATION AND INSPECTION POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 6		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

OBJECTIVE

To protect Public Health & Safety.

ELIGIBILITY

To apply to all of the Coolamon Shire Local Government Area.

LOCAL GOVERNMENT (GENERAL) REGULATIONS 2021

- 1) That Council classifies all on-site sewage management systems and undertakes the necessary inspections in accordance with the following table:

Land Classification Coolamon LEP, 2011	Risk Category	Approval Period
RU1 - Primary Production	Low	5 Year
RU4 – Rural Small Holdings	Medium	3 Year
RU5 - Village	High	1 Year
RE1 – Public Recreation	High	1 Year
SP2 – Infrastructure	High	1 Year

- 2) That Council engages a suitably qualified contractor to undertake the required inspections of the on-site sewage management systems located in the high-risk areas.
- 3) That Council charges an inspection fee as set out in the Management Plan on all properties where an inspection is undertaken on an on-site sewage management system.
- 4) That a suitable check list be developed and distributed to all property owners located in a RU1 and RU4 zone (high and medium risk areas) to enable self certification.

Note:

For the purpose of this table the general rating of low, medium and high is based on density and therefore potential impact to public health.

Other factors that can determine the risk level may include proximity to watercourse, flood liable land, soil quality etc. Some properties regardless of their zoning can be included into other risk categories that reflect public health concerns.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required, the policy will be reviewed at least once during a term of Council

<i>Version 6 Adopted:</i>	<i>Council Meeting held 17 March 2022 (Minute No. 43/03/2022)</i>
<i>Version 5 Adopted:</i>	<i>Council Meeting held 17 November 2016 (Minute No. 256/11/2016)</i>
<i>Version 4 Adopted:</i>	<i>Council Meeting held 20 June 2013 (Minute No.154/06/2013)</i>
<i>Version 3 Adopted:</i>	<i>Council Meeting held 16 May 2013 (Minute No 117/05/2013)</i>
<i>Version 2 Re-Adopted:</i>	<i>Council Meeting held 21 May 2009 (Minute No.141/05/2009)</i>
<i>Version 2 Adopted:</i>	<i>Council Meeting held 15 May 2008 (Minute No. 129/05/2008)</i>
<i>Version 1 Adopted</i>	<i>Council Meeting held 19 August 2004 (Minute No. 277/8/2004)</i>



REJECTION OR WITHDRAWAL OF DEVELOPMENT APPLICATIONS POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 3		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

OBJECTIVE

To provide relief to applicants who withdraw Development Applications.

GENERAL

Upon application, a maximum of half the Development Application fee and half of the Construction Certificate fee be returned to the Applicant should they withdraw their Development Application.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required, the policy will be reviewed at least once during a term of Council.

Version 3 Re-adopted: Council Meeting held 17 March 2022 (Minute No. 43/03/2022)

Version 3 Re-Adopted: Council Meeting held 17 November 2016 (Minute No. 256/11/2016)

Version 3 Adopted: Council Meeting held 16 May 2013 (Minute No. 117/05/2013)

Version 2 Re-Adopted: Council Meeting held 21 May 2009 (Minute No.141/05/2009)

Version 2 Adopted: Council Meeting held 15 May 2008 (Minute No. 129/05/2008)

Version 1 Adopted: Council Meeting held 19 August 2004 (Minute No. 277/8/2004)



RELOCATABLE DWELLINGS & MANUFACTURED HOMES POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 5		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 Years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

OBJECTIVES

- To protect the visual amenities of the towns and villages within the Coolamon Shire Council.
- To satisfy Council's obligation of meeting the principles of Ecologically Sustainable Development in accordance with the Local Government Act 1993 and the Environmental Planning & Assessment Act 1979.

GENERAL

- 1) All relocatable dwellings and manufactured homes that are proposed to be located within the Designated Areas (see below) shall be provided with a brick fender wall with an appropriately designed footing around the perimeter of the dwelling.
- 2) All relocatable dwellings and manufactured homes that are proposed to be located within the Designated Areas are required to be approved by Council. Applications relating to relocatable dwellings and manufactured homes located outside of the Designated Areas can be assessed under delegated authority by the General Manager, provided no objections are received during the notification process.
- 3) The proposed building shall conform to the amenity of the area when required works have been completed.

RELOCATABLE DWELLINGS

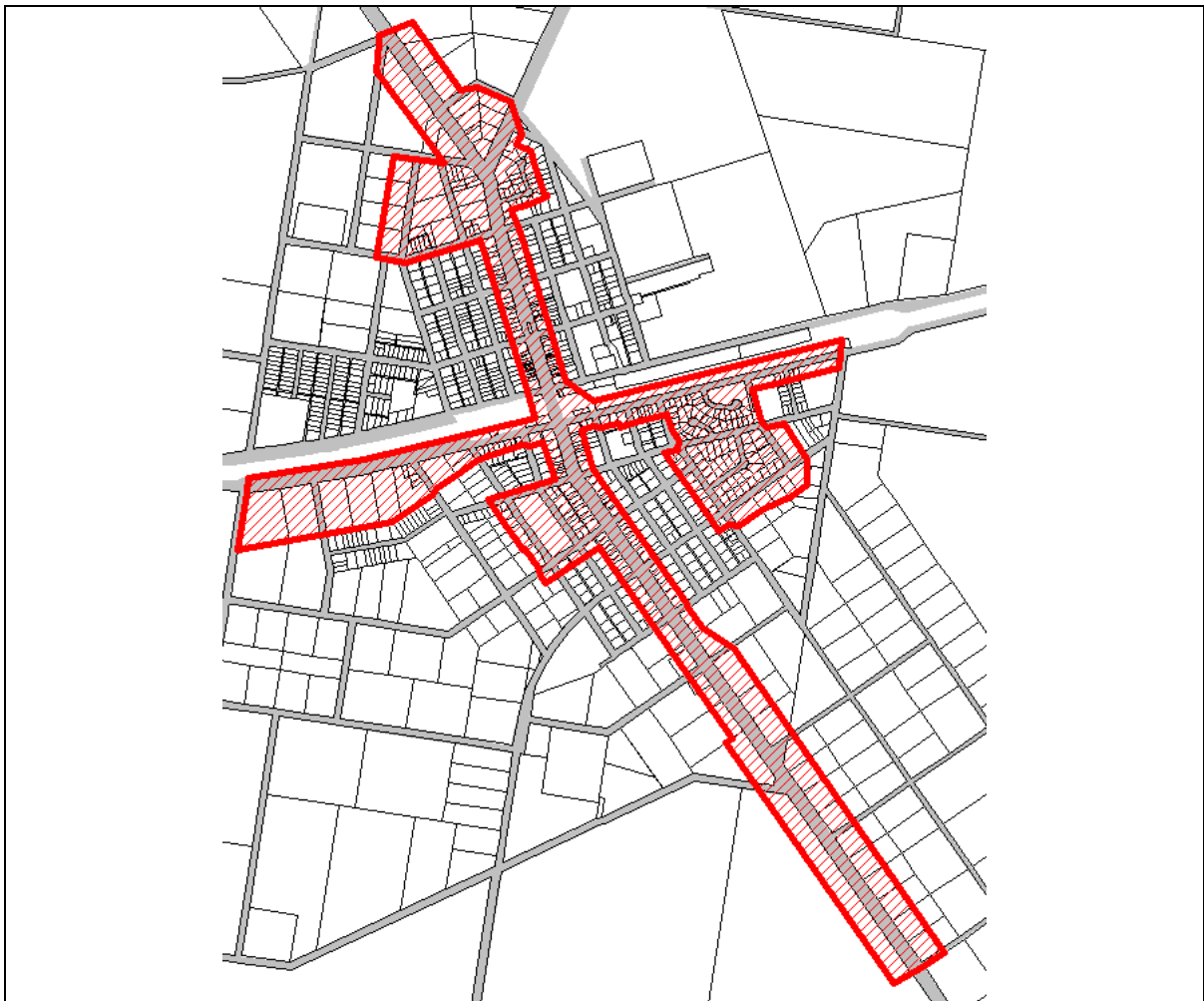
- 4) A payment of a bond of \$10,000 shall be submitted with the Construction Certificate. The bond will be returned upon the finalisation of the building to Council's satisfaction.
- 5) A time limit of nine months to finalise the building be applied to the Development Application. Should the application not be finished within nine months then a review of building works shall be carried out.

- 6) An Engineer's certification shall be provided that the building proposed to be moved meets the Australian Standard and is structurally adequate.
- 7) A report from an appropriately qualified professional shall be provided that indicates the proposed relocatable dwelling is free from pest infestation and/or damage.
- 8) All external materials must be completed to a satisfactory standard.

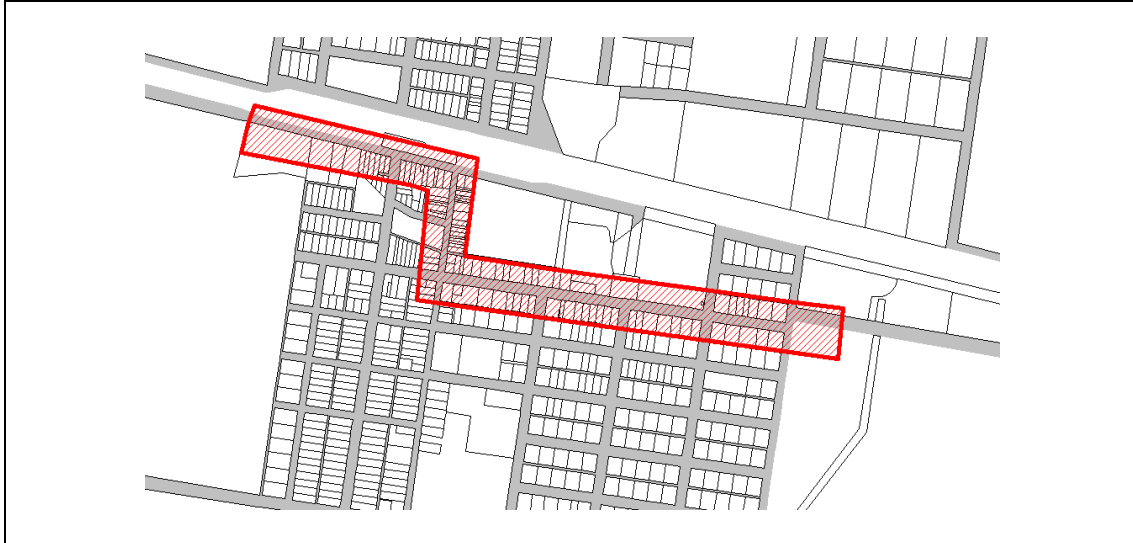
DESIGNATED AREAS

The following maps indicate the 'Designated Areas' referred to throughout this policy.

COOLAMON



GANMAIN



REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required, the policy will be reviewed at least once during the term of Council.

Version 5 Adopted:	Council Meeting held 17 March 2022 (Minute No. 43/03/2022)
Version 4 Adopted:	Council Meeting held 17 November 2016 (Minute No.256/11/2016)
Version 3 Adopted:	Council Meeting held 21 November 2013 (Minute No.282/11/2013)
Version 2 Re- Adopted:	Council Meeting held 21 May 2009 (Minute No.141/05/2009)
Version 2 Adopted:	Council Meeting held 15 May 2008 (Minute No. 129/05/2008)
Version 1 Adopted:	Council Meeting held 19 August 2004 (Minute No. 277/8/2004)



SEWAGE TREATMENT PLANT DISPOSAL OF EFFLUENT POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 4		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

OBJECTIVE

To protect and extend the life of assets belonging to the Coolamon Shire Council whilst providing appropriate services to Residents.

GENERAL

Council prohibits the disposal of Septic Tank effluent external to the Coolamon Shire by private companies and/or individuals at the Coolamon, Ganmain and Ardlethan Sewerage Treatment Works, however the disposal of local effluent or effluent emanating from sources from within the Coolamon Shire Council be subject to approval by the Executive Manager, Development and Environmental Services.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required, the policy will be reviewed at least once during a term of Council

Version 4 Adopted: **Council Meeting held 17 March 2022 (Minute No. 43/03/2022)**
Version 3 Adopted: **Council Meeting held 17 November 2016 (Minute No. 256/11/2016)**
Version 2 Re-Adopted: **Council Meeting held 21 May 2009 (Minute No.141/05/2009)**
Version 2 Adopted: **Council Meeting held 15 May 2008 (Minute No. 129/05/2008)**
Version 1 Adopted: **Council Meeting held 19 August 2004 (Minute No. 277/8/2004)**

SWIMMING POOL SAFETY POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 2		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

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PART 1: INTRODUCTION

Coolamon Shire Council is concerned about the dangers presented to young children, particularly those under the age of five years, by domestic swimming pools. Statistics from the Royal Lifesaving Society indicate that 70% of child drownings occur in swimming pools, 80% of which occur when the child has direct access to the pool after leaving the bounds of the associated dwelling.

Coolamon Shire Council requires that all new swimming pools are separated from buildings on site by a barrier complying with AS 1926.1-2012 as required by the *Swimming Pool Act 1992* and *Swimming Pools (Amendment) Act 2012*. It is apparent that many owners are unaware of the requirements, choose not to comply with the requirements, or are oblivious to the potential for tragedy or legal ramifications resulting from non compliance.

There is no substitute for constant adult supervision of children in and around swimming pools to prevent drowning and other accidents. Swimming pool owners should be familiar with first aid and resuscitation techniques.

In 2012, a comprehensive review of the Swimming Pools Act 1992 was finalised. This review identified a number of amendments designed to enhance the safety of children under the age of five years around private swimming pools in NSW.

The Swimming Pools Amendment Act 2012 commenced on 29 October 2012 and makes a number of amendments to the Swimming Pools Act 1992: This policy captures the impact of these legislative amendments for pool owners and ensures that council meets all of its required legislative requirements.

Policy Objectives

- To save and protect lives by preventing drowning in backyard pools.
- To inform pool owners of their responsibilities and obligations under the *Swimming Pool Act 1992* and *Swimming Pools (Amendment) Act 2012*

Scope of Policy

This Policy applies to swimming pools (both outdoor and indoor) that are situated, or proposed to be constructed or installed, on premises on which a residential building, a moveable dwelling or tourist and visitor accommodation is located, but does not apply to swimming pools that are situated, or proposed to be constructed or installed, on any premises occupied by the Crown or by a public authority.

Definitions

For the purpose of this Policy the following definitions apply:

Act	<i>Swimming Pool Act 1992 and Swimming Pools (Amendment) Act 2012</i>
Existing Pool	A swimming pool whose construction had commenced prior to August 1, 1990.
New Pool	A swimming pool whose construction or installation had commenced after August 1, 1990.
Swimming Pool	A permanent or temporary excavation, structure or vessel that is: <ul style="list-style-type: none">• Capable of being filled to a depth of 300mm or more; and• Solely or principally used or that is designed, manufactured or adopted to be used for the purpose of swimming, wading, paddling or any other human aquatic activity and includes a spa pool or tub but does not include a spa bath situated within a private bath room.

Legislative Context

This policy has been created to promote compliance with:

- *Swimming Pool Act 1992*
- *Swimming Pools (Amendment) Act 2012*
- *Swimming Pools Regulation 1990, 1992, 1998 and 2008*
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- Australian Standard 1926 -1986
- Australian Standard 1926.1 - 2007
- Australian Standard 2783 – 1992
- Australian Standard/NZS 1838 – 1994
- Australian Standard/NZS 1839-1994
- Australian Standard 1926.1-2012
- Local Government Act 1993
- Environmental Planning and Assessment Act 1979

Responsibilities

Coolamon Shire Council is responsible for:

- promoting awareness within the Local Government Area of the requirements applying to swimming pools as provided for under the Swimming Pool Act and Regulations;
- establishing and implementing a program for the inspection of swimming pools within the area.

Review procedures

This policy is to be reviewed every four (4) years or within 12 months of the re-election of a new Council.

PART 2: INSTALLATION OF NEW POOLS

2.1 Approval

2.1 General

- a. Prior to constructing or installing a pool, an applicant must obtain either:
 - A development consent and associated construction certificate; or
 - A complying development certificate.
- b. A complying development certificate can be issued where the proposed pool complies with the criteria listed within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- c. A BASIX Certificate must be provided with any application for the installation of any swimming pool where the capacity is 40,000 litres or more. The details provided on this BASIX Certificate are to be reflected on the plans. These details are to be carried out for the pool. For example: BASIX Certificate reflects that the pool is to have a pool cover; this is then checked prior to Council issuing a Final Occupation Certificate on the pool.
- d. Applications for swimming pools must generally be accompanied by:
 - A site plan showing measurements of where the location of the pool is in relation to all other buildings and all boundaries on the property;
 - A plan clearly showing the location and height of the required swimming pool safety barrier and gate, with height complying with AS 1926.1- 2012
 - Location of proposed swimming pool pump;
 - A section through the pool indicating the height of any coping or decking in relation to the ground level or dividing fences to ascertain any privacy issues that may exist;
 - All plans are to be legible and to a suitable scale eg 1:100;

2.2 Structural

- a. A pool construction site or pre-fabricated pool shall comply with the relevant Australian Standard; including:
 - AS 2783 – 1992 – use of concrete for swimming pools;
 - AS/NZS 1838 – 1994 Swimming Pools – pre-moulded fibre-reinforced plastics – design and fabrication; and
 - AS/NZS 1839-1994 Swimming Pools – pre-moulded fibre-reinforced plastics – installations.
- b. Where a pool is constructed of reinforced concrete it shall be finished with a suitable surface and shall be designed by a practising structural engineer.

PART 3 – EXISTING SWIMMING POOL FENCING REQUIREMENTS

A child proof barrier surrounding the pool must separate the pool from any private or public place but is not required to separate the pool from the house on the property. Windows and doors from the house accessing the pool area must be treated in accordance with the provisions of the *Swimming Pool Act 1992* and *Swimming Pools (Amendment) Act 2012*, the regulations under the Act and AS 1926.1 – 2012.

PART 4 – PRIVATE SWIMMING POOL REQUIREMENTS

4.1 Water Quality

- a. The pool must be provided with filtration equipment that will maintain the water in a clean and hygienic condition and compliant with the installation requirements of AS 1926.3-2003 „Water recirculation systems.”
- b. Water Quality for spa pools shall be in accordance with AS 2610.2-1993 Spa Pools – water quality.
- c. Water quality for swimming pools must be in accordance with AS 3633 – 1989 Private swimming pools – water quality.

4.2 Backwash/ Used Water Disposal

All backwash, used water or waste pool water must be discharged to the sewer or where sewer is not available, these waste waters must be disposed of on-site in accordance with the relevant provisions of Australian Standard 3500, provided they do not enter a water course or an adjoining property.

Note: A Section 68 Activity Approval is required for all sewerage works in accordance with the Local Government Act 1993.

4.3 Position of New Pools

- a. A pool is to be located a minimum of 1 metre from its vertical water line to a side and/or rear boundary (this must be a clear space).
- b. A minimum 1.5 metre clear space must be provided from the vertical water line to at least one internal side boundary

4.4 Exemptions

- a. An application may be made by the owner of the land under Section 22 of the *Swimming Pool Act 1992* and *Swimming Pools (Amendment) Act 2012* for an exemption from complying with the requirements of the Act if:
 - It is impractical or unreasonable for the swimming pool to comply with those requirements; or
 - An alternative provision, no less effective than those requirements, exists for restricting access to the pool.
- b. Any such application must be in writing and accompanied by the prescribed fee (refer to section 13 of the Regulations).

Note:

1. Exemption sought to allow access to the pool to be gained via a doorway *will not* generally be considered.
2. The automatic exemptions for new pools on very small, large and water front properties ceased on 1 July 2010.

PART 5 – POOL DECKS AND PRIVACY SCREENS

5.1 Required Approvals

Prior to constructing any deck or privacy screen (other than those deemed “exempt”) an applicant shall ensure that a Development Approval and a Construction Certificate approval or a Complying Development Certificate approval is obtained. Approval for such may be obtained with the application for the pool installation.

5.2 Design Requirements

Privacy screening should generally be designed with the following features:

- It may be trellis, fence or panel. Dividing fences may be used with agreement of the adjoining neighbour;
- It should be behind the building line; and
- It must be structurally adequate.

Note: No part of any privacy screen shall be constructed within the 900mm climbable free zone of any child resistant barrier.

PART 6 – GENERAL INFORMATION

6.1 Aboveground Pools

- a. For aboveground pools, including inflatable pools, the walls may be considered an effective barrier provided they comply with clauses 2.3.1, 2.3.3, 2.3.4 and 2.3.5 of AS 1926.1-2012.
- b. A barrier must be provided around ladders at the access point of an above ground pool. The ladders must not compromise non-climbable zones as specified in AS 1926.1-2012.

6.2 Spa Pools

Spa pools may either be surrounded by a child resistant barrier, or covered or secured by a child-safe structure (such as a lockable door, lid, grille or mesh) that is fastened to the spa by a child resistant device/lock at all times when the spa is not in use.

6.3 Indoor Swimming Pools

The access doorways to indoor pools must be kept securely closed at all times, and are to be fitted with approved closers and latching devices, as outlined in the *Swimming Pools Act 1992*, the Regulations under the Act, and AS 1926.1-2012.

PART 7 – GENERAL SAFETY, HEALTH AND AMENITY REQUIREMENTS

7.1 Safety Requirements

- a. A child resistant barrier (fence), complying with the requirements of the *Swimming Pool Act 1992, Swimming Pools (Amendment) Act 2012* and AS 1926.1-2012 must be installed and maintained whilst the pool remains on site.
- b. During construction, and prior to the erection of the child resistant barrier, the pool must be surrounded by a temporary fence to the dimensions provided in AS 1926.1-2012.
- c. All gates to the child resistant barrier (fence) shall be adequately maintained. The gate must latch from any open position without the need for manual assistance. The gates must be kept closed at all times. The self closing mechanism must be located a minimum of 1.5 m (above ground level) AGL. The self closing mechanism must be located a minimum of 1.5 m (above ground level) AGL. However where the release to either the latching device or the latch is located at a height less than 1.5 m AGL, the latch and its release shall be so shielded that no opening greater than 10 mm occurs within an area bounded by either an effective radius of 450 mm from the operating parts of the latch; and the top of the fence, if this intersects the area described above.
- d. Adequate means of egress from the pool must be provided (ladder/steps).
- e. A resuscitation sign depicting resuscitation methods must be displayed and maintained in a prominent position adjacent to the pool. Such posters can be obtained from the Royal Life Saving Society or pool installation companies.
- f. Any pool chemicals shall be stored and handled in accordance with manufacturer's instructions.

Note: Should any inconsistency occur between this guideline and AS 1926.1, the Australian Standard shall prevail.

7.2 Noise Control

- a. Any potential noise generating equipment must be located or treated so as to not cause a noise nuisance to neighbours.

PART 8 – FENCING OF NEW SWIMMING POOLS

8.1 Fencing must comply with AS 1926.1-2012

- a. Fencing and gates must be designed and installed so that at any point along their length the fence will present an effective barrier to young children. This also applies to above ground pools and inflatable pools;
- b. Gates incorporated in a child proof barrier must be fitted with a device to return the gate to a closed position and operate a latch without use of manual force from any position. The gate will only open outwards (away from the pool);
- c. Each child resistant barrier (fence) must be approved by Council's Building Surveyor or a Private Certifier prior to the use of the pool;
- d. Boundary fences may be used as effective child resistant barriers provided they comply with AS 1926.1-2012. In essence the boundary fence must be a minimum 1800mm high with a non-climbable zone on the inside at a distance of 900 mm from the top of the fence;
- e. Windows may open to a pool area provided:
 - The bottom of the lowest opening panel of the window must, when measured in a closed position, be a minimum of 1.2m above finished floor level; or
 - The window is fitted with a permanently fitted security screen preventing access from the window; or
 - The window is installed so that it is only able to be opened to a maximum of 100mm.
- f. The rails to any fence intersecting with the child resistant barrier must be shielded from the bottom of that fence to a height of 1200mm, for a distance of 1200mm on the outside of the pool area and 300mm inside the pool area, to maintain the non-climbable zone.

PART 9 – ADDITIONAL INFORMATION

State Environmental Planning Policy (Infrastructure) 2007

45 Determination of development applications—other development

- (1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:
 - (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
 - (b) development carried out:
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
 - (ii) immediately adjacent to an electricity substation, or
 - (iii) within 5m of an exposed overhead electricity power line,
 - (c) installation of a swimming pool any part of which is:
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
 - (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.
- (2) Before determining a development application (or an application for modification of consent) for development to which this clause applies, the consent authority must:
 - (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
 - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.

PART 10 – SWIMMING POOL STATE –WIDE REGISTRATION REQUIREMENTS

All Swimming Pool Owners in NSW are required to -

1. Register their swimming pools on the state-wide on-line register from 29 April 2013 and before 29 October 2013 at www.swimmingpoolregister.nsw.gov.au
2. Swimming Pool owners will be required to self-assess, and state in the register that, to the best of their knowledge, their swimming pool complies with the applicable standard when registering their pool. A copy of a self assessment applicable to the timeframe the pool was built can be downloaded at the time of registering the owners pool and the self assessment is also undertaken at this time.
3. Failure to register pools by 29 October 2013 may result in potential penalty notices for owners for the amount of \$ 220.
4. Swimming pool owners will be required to provide a valid swimming pool compliance certificate before being able to sell or lease a property with a pool.

PART 11 – SWIMMING POOL AUDIT INSPECTION PROGRAM

Council will undertake Swimming Pool Compliance inspections on all tourist and visitor accommodation as well as premises with more than 2 dwellings which commenced on 29 April 2014, on a three year rolling basis.

Council also undertakes Swimming Pool Compliance inspections where pool owners require a Swimming Pool Compliance Certificate before the sale or lease of their property.

Council will issue a compliance certificate after an inspection which finds a pool barrier compliant with the requirements of the legislation. Compliance certificates are valid for three years.

All swimming pools subject to the provisions of this policy will be inspected to ensure compliance with the provisions of:

- This policy;
- *Swimming Pool Act 1992, Swimming Pools (Amendment) Act 2012;*
- *Swimming Pools Regulation 1990, 1992, 1998 and 2008;* and
- AS 1926.1-2012.

An inspection fee will apply and will be charged and the rate adopted in Council's schedule of Fees and Charges.

As a result of audit inspections, properties identified as having pool safety issues (fencing etc) are –

- Firstly issued a 14 day outstanding works letter.
- Following this a reinspection occurs and if compliance is not achieved the owner is then served with notices to ensure that they comply with the applicable swimming pool legislation.
- Potential fines and or court action can also occur.

TELECOMMUNICATIONS TOWER USE/RENTAL POLICY

Date Adopted	17 March 2022		
Council Minute	43/02/2022		
Version	Version 3		
Policy Responsibility	Development & Environmental Services		
Review Timeframe	Every 4 Years		
Last Review Date	February 2022	Next Scheduled Review	February 2026

OBJECTIVE

To outline the conditions of occupancy to Council's staff for the Coolamon Mobile Phone Tower when negotiating arrangements for occupancy on the Tower with prospective tenants.

ELIGIBILITY

This Policy will apply to all occupiers utilising the Coolamon Mobile Phone Tower.

GENERAL CONDITIONS / FEES

The fees payable by commercial operators and community benefit organisations are set in Council's Annual Operational Plan with the following exceptions:

- **Goldenfields Water County Council**
Goldenfields Water County Council shall have access to the site at a nil lease fee but will be subject to the other conditions of use. This nil lease fee has been adopted as Goldenfields Water County Council transferred the Mobile Phone Tower site at nil cost to Council.
- **Community Benefit Organisations**
The fees set for Community Benefit Organisations shall be subject to determination by the General Manager.

INSURANCES

All lessees shall have public liability insurance to a minimum of \$10 million with the policies including loss due to radiation and electrical interference with Council's interests duly noted.

INTERFERENCE

All lessees shall ensure their signal does not interfere with the transmission of any other users or occupiers. If transmission is causing any interference to other users, it will be the offending tenant's responsibility to rectify this problem at their own expense. If unable to rectify the transmission interference the tenant shall remove their equipment expeditiously.

All lessees are required to provide an interference report, prepared by a suitably qualified professional that confirms that the proposed works and activities will not result in any adverse interference impact to existing users on the tower.

STRUCTURAL ADEQUACY

All lessees who propose to undertake any works on the tower (replacement of existing or installation of any new infrastructure) shall undertake the following actions prior to any works being commenced:

- Provide a detailed scope of proposed works and activities proposed for Councils review and approval.
- Provide structural certification from a suitably qualified Structural Engineer that confirms that the proposed works will not increase the structural stress levels on the tower or the towers foundations and that such stress levels after any proposed works will remain at 80%. If proposed works increase stress levels, the carrier will be required to pay for works that ensure stress levels remain at 80% and provide certification to this effect.
- Any proposed works shall not result in the addition of infrastructure at any RL that is not currently approved under or identified on current lease – if this is the case a new lease will need to be negotiated.

VACATING OF SITE

All lessees on vacation shall ensure the site is left in the same or similar condition as to when original occupancy was taken up.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council.

Version 3 Adopted: Council Meeting held 17 March 2022 (Minute No. 43/03/2022)

Version 2 Adopted: Council Meeting held 20 October 2016 (Minute No. 233/10/2016)

Version 1 Adopted: Council Meeting held 23 April 2009 (Minute No.104/04/2009)



CHILD SAFE POLICY

Date Adopted	17 March 2022		
Council Minute	43/03/2022		
Version	Version 1		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Every 4 years		
Last Review Date	March 2022	Next Scheduled Review	March 2026

INTRODUCTION

Coolamon Shire council is committed to providing and maintaining a child safe environment that supports the wellbeing of all children and young people.

This policy and the Child Safe Procedures outline the commitment and responsibilities all Coolamon Shire Council employees, contracted services, councilors, volunteers and students on work placement will implement to prevent abuse and promote the safety, welfare and wellbeing of children and young people with whom the Council provides as service.

CHILDREN'S PARTICIPATION

Coolamon Shire Council supports children's participation in the services and activities we offer. This includes providing resources for children and young people to provide education about their rights, safe environments, strategies for staying safe and seeking help when required.

Council employees will be provide with relevant training and information to ensure they are skilled to encourage children's participation, engage positively with children and understand the benefits of a child-rights approach.

Services Council provide including early childhood services, community library services and community events will provide a range of ways for children to contribute, gain confidence to seek help and be provide with choices throughout their engagement. This includes:

- Responding to children's interests when planning learning and participation programs
- Providing a range of programs to support all ages (early childhood, community story times, school holiday programs and youth events)
- Providing children, young people and their families information regarding how to access support services and opportunities to share feedback on their engagement
- Fostering an environment that responds to the views of young people and promotes children's participation as valuable.

RECRUITMENT

Coolamon Shire Council will ensure the recruitment process includes procedures that are in accordance with the *Child Protection Working with Children Act (2012)*, the *Child Protection (Working with Children) Regulation 2013* and the *Children and Young Persons Care and Protection Act 1998*.

These procedures include:

- Relevant screening processes including Working with Children Checks and Police Checks
- Emphasising children’s safety throughout recruitment including advertising, screening and reference checks
- Induction will include clear explanation of the employee’s child safety responsibilities, mandatory reporting obligations and procedures. Employees are provided with relevant documents to supporting induction including
 - This policy
 - Child Protection policy
 - Privacy Management Plan
 - Code of Conduct
- Council carries out disciplinary process for any breaches of the Code of Conduct and supporting policies as per the relevant clause of the *Local Government (State) Award*.

COMPLAINTS MANAGEMENT & REPORTING

For procedures in relation to managing complaints or allegations of harm towards a child or young person, reference is to be made to Council’s Complaints Handling Policy.

TRAINING, SUPPORT & SUPERVISION OF WORKERS

Council employees will be provided training in relation to their role and level of engagement with children. This will begin with provision of relevant policies and procedures at induction, and continue through the provision of in-house training sessions, staff meetings and formal training that an employee may undertake as required by their role (mandatory and discretionary).

ASSOCIATIONS & RELATIONSHIPS

Legislation	<i>Child Protection (Working with Children) Act 2012</i> <i>Child Protection (Working with Children) Regulations 2013</i> <i>Children and Young Persons (Care and Protection) Act 1998</i> <i>Children’s Guardian Act 2019</i> <i>Civil Liability (Amendment (Organisation Child Abuse Liability) Act 2018</i> <i>Crimes Act 1900</i> <i>Local Government Act 1993</i> <i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)</i> <i>NSW Child Safe Standards</i> <i>NSW Children (Education and Care Services National Law Application) Act 2010</i>
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	<i>Privacy and Personal Information protection Act 1998</i> <i>State Records Act 1998</i> <i>United Nations Convention on the Rights of the Child (1990)</i>
Policies	Code of Conduct Child Protection Policy Staff Recruitment and Selection Policy Complaints Handling Policy Records Management Policy Privacy Management Plan
Procedures/Protocols, Statements, Documents	Council Employee Handbooks Coolamon Shire Induction CECC/Ardlethan Preschool – Educator Handbook CECC/Ardlethan Preschool Policies

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council.

Version 1 Adopted: Council Meeting held 17 March 2022 (Minute No. 43/03/2022)