

**Meeting commenced at 3.00pm.**

**BUSINESS:**

- 1) Apologies
- 2)
  - a. Confirmation of Minutes of the Meeting held 17<sup>th</sup> September, 2020.
  - b. Matters arising out of Minutes. (Not elsewhere reported)
- 3) Correspondence
  - a. Agenda A (Information Only)
  - b. Agenda B
- 4) General Manager's Report
  - 4.1 General Manager's Report
  - 4.2 Executive Manager, Corporate & Community Services' Report
  - 4.3 Executive Manager, Engineering & Technical Services' Report
  - 4.4 Executive Manager, Development & Environmental Services' Report
- 5) Reports: Delegates/Mayor/Councillors

**PRESENT:** Clr John Seymour, Clr David McCann, Clr Jeremy Crocker, Clr Kathy Maslin, Clr Colin McKinnon, Clr Alan White, Clr Bruce Hutcheon, Clr Kerrilee Logan and Clr Steven Jones.

**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.

**APOLOGIES:** Nil

**1) APOLOGIES**

There were no apologies.

**2a) CONFIRMATION OF MINUTES OF THE MEETING HELD 17<sup>TH</sup> SEPTEMBER, 2020.**

**RESOLVED** on the motion of Clr Hutcheon and seconded by Clr Crocker that the Minutes of the Meeting held 17<sup>th</sup> September, 2020 as circulated be confirmed and adopted. [207/10/2020](#)

**2b) MATTERS ARISING OUT OF THE MINUTES**

There were no matters arising out of the Minutes.

**3) CORRESPONDENCE**

**AGENDA A (FOR INFORMATION ONLY)**

**1a) ACTIVITY REPORTS**

- 1) Operating Statistics of the Coolamon Shire Library for September 2020.  
[Attachment No. 1.1](#)
- 2) Community Development Officer's Report for September 2020.  
[Attachment No. 1.2](#)
- 3) Tourism and Business Development Officer's Report for September 2020.  
[Attachment No. 1.3](#)
- 4) Road Safety Officer's Activity Report for September 2020.  
[Attachment No. 1.4](#)

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.

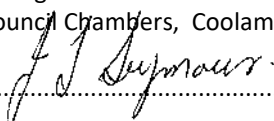
- 1) Minutes of the Kindra Bike and Walking Trail Management Committee Meeting held 30<sup>th</sup> September, 2020. [Attachment No. 2.1](#)

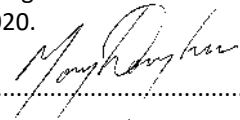
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

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- 2) Minutes of the Advance Ardlethan Committee Meeting held 5<sup>th</sup> October, 2020. Attachment No. 2.1
- 3) Minutes of the Advance Marrar Committee Meeting held 29<sup>th</sup> July, 2020. Attachment No. 2.3
- 4) Minutes of the Advance Ganmain Committee Meeting held 7<sup>th</sup> October, 2020. Attachment No. 2.4
- 5) A copy of Programme for the Local Government NSW Annual Conference to be held on Monday, 23<sup>rd</sup> November, 2020. Attachment No. 2.5

**RESOLVED on the motion of Clr Maslin and seconded by Clr McCann that the Correspondence listed in Agenda A be received and adopted.** 208/10/2020

  
..... MAYOR

  
..... GENERAL MANAGER.

## 4) GENERAL MANAGER REPORTS

### 4.1) GENERAL MANAGER REPORTS

#### GM1) PECUNIARY INTEREST (P.02-01, SC296)

In accordance with Clause 4.21 of Council's Model Code of Conduct 2019, Councillors and designated persons are required to complete a Disclosure of Interest Return.

Clause 4.25 of the same Model Code of Conduct requires that the Disclosure of Interest Returns must be tabled at the first meeting of Council after the last day the return is required to be lodged.

- In accordance with this clause, the October Council is the appropriate date and accordingly, all Disclosure of Interest Returns have been tabled at this meeting.

#### Recommendation

For Council information.

#### GM2) HONOURED CITIZEN AWARDS (A.14-04, SC45)

The previous resolution of Council identified five members of the Coolamon Shire Community that have been recommended for an Honoured Citizen Award. This award has been reserved for those long standing members of the community who have contributed exceptional service through:

- extended length of service and residency in the Shire
- commitment to the community or a purpose
- outstanding service
- a commitment above and beyond normal
- having a significant positive impact on their communities

The following people were deemed worthy to receive such an award:

- **Bill Thompson OAM** – A prominent advocate for regional areas that has held numerous positions and been involved in committees to the benefit of many local communities in the Shire.

- **Colin Patterson** – Has provided a long commitment to the Coolamon Community through various roles supporting such issues as the Hospital, Allawah Lodge, Ambulance and associated fundraising.
- **Jeanette Campbell OAM** - A lifelong resident of Coolamon who has been involved in many organisations that support heritage, environment and youth issues.
- **John Doherty** – A lifelong and passionate Matong resident through his involvement with various Clubs and volunteering roles.
- **Jim Slater** – The unofficial Historian of the Ardlethan and Beckom District, in addition to long held positions on the Church and Men’s Shed.

➔ These individuals are to be congratulated on the contribution they have made to their communities. A full list of achievements for each of the nominated people has been attached. Attachment No. 3

Council will undertake a formal Ceremony at the Council Meeting to present these Honoured Citizen Awards.

The presentation will be at 3.30pm, however, due to COVID restrictions, this Ceremony will be limited to nominated family members due to number requirements.

Recommendation

For Council information.

**RESOLVED on the motion of Clr McCann and seconded by Clr McKinnon that General Manager’s Reports GM1 and GM2 be received and noted.** 209/10/2020

**GM3) NATIONAL BUDGET IMPLICATIONS (P.06-01, SC310)**

➔ Council has received information relating to the latest Federal Budget and the outcomes as they relate to Coolamon Shire Council. A copy of the Media Release has been attached. Attachment No. 4

In reality the most visible outcome will be an additional extension to the Local Roads and Community Infrastructure Programme (LRCIP). Council received the following via a personal message from Michael McCormack:

*“Pleased to deliver the news that Coolamon Shire will receive a further \$629,075 from an extension to the Local Roads and Community Infrastructure program out of the 2020 Budget, which brings the total amount of funding through this program to more than \$1.4 million.*

*On top of this, another round of the popular Building Better Regions Fund has been budgeted. This fifth round will inject a further \$200 million into regional economies. I urge you to look to submitting an application when it opens later this year.*

*There is also an additional \$2 billion for the State Governments to administer road safety projects which will support upgrades including the installation of wire rope safety barriers and rumble strips. I encourage you to identify any priority projects in your LGA and liaise with the NSW State Government to receive a share in this funding initiative.*

*These measures are but only a few which will create local jobs in local economies and help to build our way out of the economic slump caused by the COVID-19 pandemic”.*

As part of the process of determining the projects associated with the previous LRCIP, Council resolved to undertake a Workshop to develop a 10 year Strategic Plan that would identify additional work that will be required to improve our community infrastructure. It is suggested Council undertake this in the near future.

Recommendation

- 1) That Council conduct a Workshop that considers a 10 Year Strategic Plan.
- 2) That this Strategic Plan inform the projects to be determined under the extended LRCIP funding.

**RESOLVED on the motion of Clr McCann and seconded by Clr White:** 210/10/2020

- 1) That Council conduct a Workshop that considers a 10 Year Strategic Plan, and**
- 2) That this Strategic Plan inform the projects to be determined under the extended LRCIP funding.**

**GM4) COVID-19 EVENT RESTRICTIONS - DITCH THE DUST AT NYE (E.07-01,  
SC491)**

At the September Council meeting, Council endorsed a staged process for NYE preparations. Since this meeting, Council staff have been investigating what COVID-19 safe measures would need to put in place to allow the event to go ahead safely. A range of COVID-19 measures would be required to ensure safety of participants

Some of these may include:

- Registration and sanitation spots throughout the street for contact tracing if required.
- COVID safe marshals throughout the street ensure people are social distancing.
- No kids zone activities, or only activities that can be cleaned after each use.
- Each food vendor would require a COVID-19 plan.
- Event goers would not be able to roam or walk around the street, they would be required to find a spot and stay unless getting food or using toilets.
- Large groups may have to register and be allocated a spot for the event.

With these measures in place it would dramatically change the atmosphere of the event. There is also a risk that the cancellation of neighbouring Council's NYE events could result in an influx of visitation to Coolamon NYE Festival, and put the event at risk of exceeding event attendee allowance.

Council staff would like to suggest a 'NYE at Home' event. It would be proposed to continue with fireworks (from a different location) with take home kids NYE packs. 'NYE at Home' would encourage residents to celebrate New Year's from home with their friends and family. Fireworks would be launched from one spot where a large majority of Coolamon residents would be able to see from their homes. This will also guarantee event/brand continuity.

It is acknowledged that this option does not cater for residents of the Shire outside of Coolamon. 'Ditch the Dust' funding was made available to Ganmain and Ardlethan through Gourmet Ganmain and the Ardlethan Art Show. We could develop New Year's packs for the kids that are Shire wide.

Fireworks from last year were due to be used in April at Ditch the Dust. As this event was cancelled fireworks have remained saved. Concerns have been raised from Sinister Fireworks regarding the quality and firing potential of this product as it's now been left a lot longer than expected. It has been recommended that it may also be too small to be seen from a distance as it was designed for closer

viewing. To ensure a large amount of residents can see fireworks, it has been recommended to increase display quality and format to allow for this.

Recommendation

- 1) That Council endorse the cancellation of the NYE Street Festival from Cowabbie Street.
- 2) That Council host a 'NYE at Home' event instead with a fireworks display.

**RESOLVED on the motion of Clr Jones and seconded by Clr McCann:** 211/10/2020

- 1) **That Council endorse the cancellation of the NYE Street Festival from Cowabbie Street, and**
- 2) **That Council host a 'NYE at Home' event instead with a fireworks display.**

**GM5) ASSET MANAGEMENT PLAN (A.11-01, SC33)**

As part of the responsible management of Council's Assets, an Asset Management Plan is required to be developed and endorsed by Council.

This plan sits under an Asset Management Policy and identifies a strategy for establishing a framework to ensure Council's infrastructure assets are operated, maintained, renewed and upgraded to achieve the levels of service required by Council in the most appropriate and sustainable way.

Whilst Council has long maintained such information and managed it within each department, a combined document has been developed that incorporates all of the policies and procedures associated with managing each of the asset classes of Council.

- ➔ This Asset Management Policy, Strategy and Plan has been attached for your information. Attachment No. 12

Recommendation

That Council notes the report and adopts the:

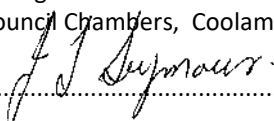
- Asset Management Policy
- Asset Management Strategy
- Asset Management Plan - including individual asset procedures.

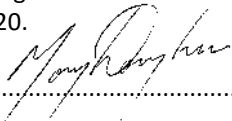


as attached.

**RESOLVED on the motion of Clr Maslin and seconded by Clr Crocker that Council notes the report and adopts the:** 212/10/2020

- **Asset Management Policy**
- **Asset Management Strategy**
- **Asset Management Plan - including individual asset procedures.**

  
..... MAYOR

  
.....GENERAL MANAGER.

## 4.2) EXECUTIVE MANAGER, CORPORATE & COMMUNITY SERVICES' REPORTS

### CS1) FINANCE REPORT AS AT 30<sup>TH</sup> SEPTEMBER, 2020 (F.02-01)

#### Recommendation

That the report be received.

**RESOLVED** on the motion of Clr Crocker and seconded by Clr White that the report be received. 213/10/2020

DATE INVESTED	INSTITUTION	RATING	INVESTMENT TYPE	AMOUNT INVESTED	TERMS (days)	RATE	MATURITY DATE
17/04/2020	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	182	1.85%	16/10/2020
21/09/2020	Juda Bank	Unrated	Term Deposit	\$ 250,000	91	0.85%	21/10/2020
5/08/2020	NAB	A1/A+	Term Deposit	\$ 1,000,000	91	0.79%	4/11/2020
27/05/2020	AMP	A2/BBB+	Term Deposit	\$ 500,000	180	1.65%	23/11/2020
27/05/2020	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	182	1.65%	25/11/2020
4/06/2020	NAB	A1/A+	Term Deposit	\$ 1,000,000	181	0.88%	2/12/2020
14/06/2020	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	92	1.35%	14/12/2020
21/09/2020	NAB	A1/A+	Term Deposit	\$ 1,000,000	91	0.60%	21/12/2020
17/07/2020	AMP	A2/BBB+	Term Deposit	\$ 500,000	182	0.90%	15/01/2021
24/04/2020	Macquarie Bank	A1/A+	Term Deposit	\$ 1,000,000	273	1.65%	22/01/2021
29/07/2020	AMP	A2/BBB-	Term Deposit	\$ 1,000,000	180	0.80%	25/01/2021
13/08/2020	AMP	A2/BBB+	Term Deposit	\$ 2,000,000	182	0.80%	11/02/2021
2/05/2020	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	304	1.70%	2/03/2021
2/09/2020	Macquarie Bank	A1/A+	Term Deposit	\$ 1,000,000	182	0.70%	3/03/2021
10/05/2020	Beyond Bank	A2/BBB	Term Deposit	\$ 2,000,000	304	1.70%	10/03/2021
19/05/2020	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	304	1.70%	19/03/2021
29/05/2020	Beyond Bank	A2/BBB	Term Deposit	\$ 2,000,000	304	1.70%	29/03/2021
1/06/2020	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	304	1.70%	1/04/2021
23/04/2020	Macquarie Bank	A1/A+	Term Deposit	\$ 1,000,000	365	1.70%	23/04/2021
23/05/2020	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	1.40%	23/05/2021
9/09/2020	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	1.10%	9/09/2021
<b>TOTAL INVESTED</b>				<b>\$ 22,250,000</b>			

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 2005 and Council's Investment Policy.

(Samantha Jennings, Finance Manager)

#### UNAUDITED RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS (as at 30 June 2020)

<b>External Restrictions - included in liabilities</b>	
Specific purpose unexpended grants	1,056,768.83
Allawah Lodge Bonds & Payments	4,148,285.63
Allawah Village Loan Licences	3,502,501.96
Home Care Packages	484,493.73
	<u>9,192,050.15</u>
<b>External Restrictions - other</b>	
Developer contributions - general	63,834.53
Specific purpose grants (recognised as revenue)	993,495.23
Sewerage Services	1,624,359.98
Domestic Waste Management	889,467.80
Stormwater Management	64,569.62
Other - Community Transport	230,864.00
	<u>3,866,591.16</u>
<b>Internal Restrictions</b>	
Plant & vehicle replacement	1,000,000.00
Employees Leave Entitlements	1,420,000.00
Deferred Works	127,574.10
Ardlethan Preschool (non-grant)	19,542.72
Asset management/replacement	3,500,000.00
Financial Assistance Grant Advance	1,950,938.00
Swimming Pools	35,000.00
Rehabilitation of Gravel Pits	148,000.00
Coolamon Early Childhood Centre	343,432.11
Allawah Lodge	920,231.02
Allawah Village	540,952.33
	<u>10,005,670.28</u>
<b>TOTAL RESTRICTIONS</b>	<u><u>23,064,311.59</u></u>
<b>UNRESTRICTED</b>	350,511.89
<b>TOTAL CASH, CASH EQUIVALENTS &amp; INVESTMENTS</b>	<u><u>23,414,823.48</u></u>

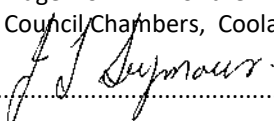
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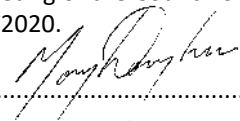
COOLAMON SHIRE COUNCIL  
INCOME STATEMENT

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

	SEPTEMBER 2020	AUGUST 2020	JULY 2020	2020/2021 BUDGET	2019/2020 ACTUAL UNAUDITED
<b>Income from continuing operations</b>					
<b>Revenue:</b>					
Rates & annual charges	3,808,295.85	3,810,157.38	3,740,406.86	3,932,000.00	3,742,001.11
User charges & fees	1,291,710.41	853,825.83	502,070.85	4,231,000.00	4,335,819.02
Interest and investment revenue	(9,462.74)	(22,334.72)	(41,238.53)	317,000.00	378,187.16
Other revenues	169,016.32	117,133.02	55,854.23	591,000.00	908,847.28
Grants & contributions provided for operating purposes	1,359,165.08	1,278,245.07	194,886.69	6,476,000.00	6,899,636.98
Grants & contributions provided for capital purposes	264,195.73	255,791.73	4,200.00	2,153,000.00	5,937,046.59
Internals	0.00	0.00	0.00		0.00
<b>Other income:</b>					
Net gain from the disposal of assets	521,431.47	3,883.95	0.00	362,000.00	197,249.54
<b>Total revenues from continuing operations</b>	<b>7,404,352.12</b>	<b>6,296,702.26</b>	<b>4,456,180.10</b>	<b>18,062,000.00</b>	<b>22,398,787.68</b>
<b>Expenses from continuing operations</b>					
Employee benefits and on-costs	1,647,105.27	1,114,424.99	490,853.94	6,480,000.00	6,308,405.41
Borrowing costs	1,772.27	0.00	0.00	7,000.00	53,271.67
Materials & contracts	816,389.57	516,954.16	194,210.00	2,943,000.00	3,791,299.72
Depreciation, amortisation & impairment	1,040,284.73	104,235.13	53,292.28	4,123,000.00	3,883,354.37
Other expenses	781,567.06	601,670.15	470,120.59	1,638,000.00	1,637,937.76
Net loss from the disposal of assets					
<b>Total expenses from continuing operations</b>	<b>4,287,118.90</b>	<b>2,337,284.43</b>	<b>1,208,476.81</b>	<b>15,191,000.00</b>	<b>15,674,268.93</b>
<b>Operating result from continuing operations</b>	<b>3,117,233.22</b>	<b>3,959,417.83</b>	<b>3,247,703.29</b>	<b>2,871,000.00</b>	<b>6,724,518.75</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>2,853,037.49</b>	<b>3,703,626.10</b>	<b>3,243,503.29</b>	<b>718,000.00</b>	<b>787,472.16</b>

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 15<sup>th</sup> October, 2020.

  
..... MAYOR

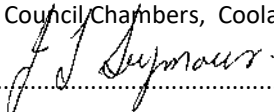
  
..... GENERAL MANAGER.

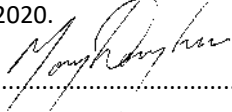
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

COOLAMON SHIRE COUNCIL  
INCOME STATEMENT BY FUND

September 2019			
CONSOLIDATED			
	GENERAL FUND	SEWERAGE FUND	TOTAL
<b>Income from continuing operations</b>			
<i>Revenue:</i>			
Rates & annual charges	3,219,835.15	588,460.70	3,808,295.85
User charges & fees	1,144,344.41	147,366.00	1,291,710.41
Interest and investment revenue	(9,462.74)	0.00	-9,462.74
Other revenues	168,455.67	560.65	169,016.32
Grants & contributions provided for operating purposes	1,357,065.08	2,100.00	1,359,165.08
Grants & contributions provided for capital purposes	6,143.73	258,052.00	264,195.73
Internals	76,185.00	(76,185.00)	0.00
<i>Other income:</i>			
Net gain from the disposal of assets	521,431.47	0.00	521,431.47
<b>Total revenues from continuing operations</b>	<b>6,483,997.77</b>	<b>920,354.35</b>	<b>7,404,352.12</b>
<b>Expenses from continuing operations</b>			
Employee benefits and on-costs	1,602,108.14	44,997.13	1,647,105.27
Borrowing costs	1,772.27		1,772.27
Materials & contracts	779,596.50	36,793.07	816,389.57
Depreciation & amortisation	986,308.74	53,975.99	1,040,284.73
Other expenses	765,270.17	16,296.89	781,567.06
<b>Total expenses from continuing operations</b>	<b>4,135,055.82</b>	<b>152,063.08</b>	<b>4,287,118.90</b>
<b>Operating result from continuing operations</b>	<b>2,348,941.95</b>	<b>768,291.27</b>	<b>3,117,233.22</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>2,342,798.22</b>	<b>510,239.27</b>	<b>2,853,037.49</b>

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 15<sup>th</sup> October, 2020.

  
..... MAYOR

  
..... GENERAL MANAGER.

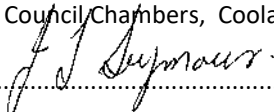
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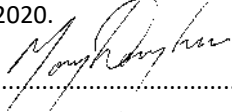
COOLAMON SHIRE COUNCIL  
BALANCE SHEET

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

	SEPTEMBER 2019	AUGUST 2019	JULY 2019	2020/2021 BUDGET (ADJ FOR OPENING BAL'S)	2019/2020 ACTUAL UNAUDITED
<b>ASSETS</b>					
<b>Current assets</b>					
Cash and cash equivalents	621,090.24	2,831,642.37	1,389,944.84	1,549,307.45	1,414,822.48
Investments	23,250,001.00	22,000,001.00	22,000,001.00	22,000,001.00	22,000,001.00
Receivables	1,862,528.11	1,695,102.79	2,996,216.27	742,456.10	742,329.33
Inventories	248,631.18	243,350.92	247,084.78	635,001.46	260,331.23
Other					
<b>Total current assets</b>	<b>25,982,250.53</b>	<b>26,770,097.08</b>	<b>26,633,246.89</b>	<b>24,926,766.01</b>	<b>24,417,484.04</b>
<b>Non-current assets</b>					
Investments					
Receivables	0.00	0.00	0.00	302,000.00	0.00
Inventories	454,168.42	454,168.42	454,168.42	453,770.87	454,168.42
Infrastructure, property, plant & equipment	231,247,308.51	230,495,810.31	229,935,051.33	235,581,037.03	229,734,149.67
Accumulated Dep'n - Infrastructure, PP&E	(49,568,432.44)	(48,659,885.06)	(48,620,043.12)	(52,689,494.86)	(48,566,750.84)
Accumulated Imp't - Infrastructure, PP&E	0.00	0.00	0.00	0.00	0.00
Other	(2,246.06)	(2,315.93)	(1,843.75)	(2,033.19)	-2,033.19
<b>Total non-current assets</b>	<b>182,130,798.43</b>	<b>182,287,777.74</b>	<b>181,767,332.88</b>	<b>183,645,279.85</b>	<b>181,619,534.06</b>
<b>Total assets</b>	<b>208,113,048.96</b>	<b>209,057,874.82</b>	<b>208,400,579.77</b>	<b>208,572,045.86</b>	<b>206,037,018.10</b>
<b>LIABILITIES</b>					
<b>Current liabilities</b>					
Payables	8,824,152.27	8,929,109.86	8,985,906.96	9,421,288.97	9,881,599.49
Overdraft				0.00	
Interest bearing liabilities	0.00	0.00	0.00	0.00	0.00
Provisions	1,895,918.34	1,893,602.00	1,891,224.39	2,010,660.12	1,892,543.72
<b>Total current liabilities</b>	<b>10,720,070.61</b>	<b>10,822,711.86</b>	<b>10,877,131.35</b>	<b>11,431,949.09</b>	<b>11,774,143.21</b>
<b>Non-current liabilities</b>					
Payables	2,866.83	2,866.83	2,866.83	2,497.99	2,866.83
Interest bearing liabilities	0.00	0.00	0.00	0.00	0.00
Provisions	560,674.64	560,674.64	560,674.64	568,212.53	560,674.64
<b>Total non-current liabilities</b>	<b>563,541.47</b>	<b>563,541.47</b>	<b>563,541.47</b>	<b>570,710.52</b>	<b>563,541.47</b>
<b>TOTAL LIABILITIES</b>	<b>11,283,612.08</b>	<b>11,386,253.33</b>	<b>11,440,672.82</b>	<b>12,002,659.61</b>	<b>12,337,684.68</b>
<b>Net assets</b>	<b>196,829,436.88</b>	<b>197,671,621.49</b>	<b>196,959,906.95</b>	<b>196,569,386.25</b>	<b>193,699,333.42</b>
<b>EQUITY</b>					
Retained earnings	100,374,559.43	101,216,744.04	100,505,029.50	100,114,971.77	97,244,455.97
Reserves	96,454,877.45	96,454,877.45	96,454,877.45	96,454,414.48	96,454,877.45
Internal Assets/Liabilities	0.00	0.00	0.00		0.00
Trust Transfer					
<b>Total equity</b>	<b>196,829,436.88</b>	<b>197,671,621.49</b>	<b>196,959,906.95</b>	<b>196,569,386.25</b>	<b>193,699,333.42</b>

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 15<sup>th</sup> October, 2020.

..... MAYOR

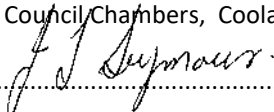
..... GENERAL MANAGER.

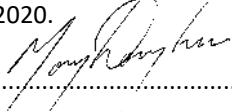
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

COOLAMON SHIRE COUNCIL  
BALANCE SHEET BY FUND

	September 2019		COOLAMON SHIRE TOTAL
	CONSOLIDATED GENERAL FUND	SEWERAGE FUND	
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	(980,634.30)	1,601,724.54	621,090.24
Investments	23,250,001.00		23,250,001.00
Receivables	1,406,334.53	456,193.58	1,862,528.11
Inventories	248,631.18		248,631.18
Other			0.00
<b>Total current assets</b>	<b>23,924,332.41</b>	<b>2,057,918.12</b>	<b>25,982,250.53</b>
<b>Non-current assets</b>			
Investments			0.00
Receivables	0.00		0.00
Inventories	454,168.42		454,168.42
Infrastructure, property, plant & equipment	211,277,615.45	19,969,693.06	231,247,308.51
Accumulated Depreciation	(42,512,672.52)	(7,055,759.92)	(49,568,432.44)
Accumulated Impairment	0.00		0.00
Other	(2,246.06)		(2,246.06)
<b>Total non-current assets</b>	<b>169,216,865.29</b>	<b>12,913,933.14</b>	<b>182,130,798.43</b>
<b>Total assets</b>	<b>193,141,197.70</b>	<b>14,971,851.26</b>	<b>208,113,048.96</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables	8,824,152.27	0.00	8,824,152.27
Interfunding			0.00
Interest bearing liabilities	0.00		0.00
Provisions	1,895,918.34		1,895,918.34
<b>Total current liabilities</b>	<b>10,720,070.61</b>	<b>0.00</b>	<b>10,720,070.61</b>
<b>Non-current liabilities</b>			
Payables	2,866.83		2,866.83
Interest bearing liabilities	0.00		0.00
Provisions	560,674.64		560,674.64
<b>Total non-current liabilities</b>	<b>563,541.47</b>	<b>0.00</b>	<b>563,541.47</b>
<b>TOTAL LIABILITIES</b>	<b>11,283,612.08</b>	<b>0.00</b>	<b>11,283,612.08</b>
<b>Net assets</b>	<b>181,857,585.62</b>	<b>14,971,851.26</b>	<b>196,829,436.88</b>
<b>EQUITY</b>			
Retained earnings	91,109,351.07	9,265,208.36	100,374,559.43
Reserves	90,748,234.55	5,706,642.90	96,454,877.45
Internal Assets & Liabilities			0.00
Trust Transfer			0.00
<b>Total equity</b>	<b>181,857,585.62</b>	<b>14,971,851.26</b>	<b>196,829,436.88</b>

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 15<sup>th</sup> October, 2020.

..... MAYOR

.....GENERAL MANAGER.

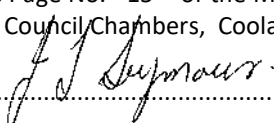
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

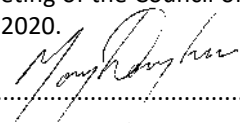
COOLAMON SHIRE COUNCIL  
INTERNAL & EXTERNAL RESTRICTIONS

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

	SEPTEMBER 2019	AUGUST 2019	JULY 2019	2020/2021 BUDGET (ADJ FOR OPENING BALS)	2019/2020 ACTUAL UNAUDITED
<i>EXTERNALLY RESTRICTED</i>					
Contract Liabilities	1,029,072.34	1,054,990.09	1,078,582.94	1,056,768.83	1,056,768.83
Allawah Lodge Accommodation Payments	3,959,756.27	4,147,460.08	4,147,460.08	4,148,285.63	4,148,285.63
Allawah Village Loan-Licence	3,502,501.96	3,502,501.96	3,502,501.96	3,592,264.96	3,502,501.96
Home Care Packages	508,148.19	494,319.80	484,493.73	484,493.73	484,493.73
Developer Contributions	63,834.53	63,834.53	63,834.53	69,593.53	63,834.53
Grant Revenues	69,262.20	160,191.17	971,532.25	117,195.23	993,495.23
Sewerage Fund	1,601,724.54	1,709,631.49	1,614,586.90	1,641,562.31	1,624,359.98
Waste Management	924,394.64	1,009,089.69	857,578.43	946,192.36	889,467.80
Stormwater Management Reserve	102,266.12	105,264.54	105,284.99	48,344.62	64,569.62
Other - Community Transport	226,951.12	246,676.88	252,415.52	230,864.00	230,864.00
	11,987,911.91	12,493,960.23	13,078,271.33	12,335,505.20	13,058,641.31
<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	1,420,000.00	1,420,000.00	1,260,000.00	1,499,000.00	1,470,000.00
Deferred Works Reserve	101,911.54	101,911.54	130,790.00	28,284.10	127,574.10
Ardlethan Preschool	10,677.35	28,891.23	26,416.96	19,542.72	19,542.72
Asset Management	3,500,000.00	3,500,000.00	3,500,000.00	3,500,000.00	3,500,000.00
Financial Assistance Grant	0.00	0.00	0.00	1,950,938.00	1,950,938.00
Swimming Pools Reserve	35,000.00	35,000.00	35,000.00	55,000.00	35,000.00
Gravel Pits Rehabilitation Reserve	148,000.00	148,000.00	148,000.00	168,000.00	148,000.00
CECC Asset Mgt Reserve	284,615.02	389,929.57	338,404.25	358,115.39	343,432.11
Allawah Lodge Asset Mgt Reserve	1,201,082.01	1,522,494.11	847,374.35	440,739.37	920,231.02
Allawah Village Asset Mgt Reserve	445,357.55	472,463.69	499,656.36	581,660.03	540,952.33
	8,146,643.47	8,618,690.14	7,785,641.92	9,601,279.60	10,005,670.28
Unrestricted	3,736,535.86	3,718,993.00	2,526,032.59	1,612,879.57	350,511.89
<b>TOTAL CONSOLIDATED CASH</b>	<b>23,871,091.24</b>	<b>24,831,643.37</b>	<b>23,389,945.84</b>	<b>23,549,664.37</b>	<b>23,414,823.48</b>

This is Page No. 15 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 15<sup>th</sup> October, 2020.

  
..... MAYOR

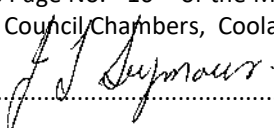
  
.....GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

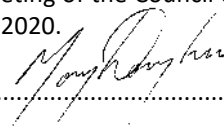
RATE COLLECTIONS

	ARREARS BFWD	LEVIES INC. INTEREST	TOTAL	COLLECTIONS TO DATE	% TO TOTAL	ADJUSTMENTS INC. PENS CONCESSIONS	ADI TOTAL	% TO TOTAL	COLLECTABLE BALANCE
30/09/2003	280,098.47	2,032,447.59	2,312,546.06	786,475.07	34.01%	101,616.96	2,210,929.10	35.57%	1,424,454.03
30/09/2004	181,374.69	2,088,310.77	2,269,685.46	792,620.41	34.92%	106,486.81	2,163,198.65	36.64%	1,370,578.24
30/09/2005	163,566.58	2,161,602.60	2,325,169.18	819,294.52	35.23%	106,739.28	2,218,429.90	36.93%	1,399,175.38
30/09/2006	185,519.90	2,238,327.83	2,423,847.73	813,812.57	33.58%	106,455.19	2,317,392.54	35.12%	1,503,579.97
30/09/2007	236,912.33	2,411,740.88	2,648,653.21	927,417.05	35.01%	117,989.76	2,530,663.45	36.65%	1,603,246.40
30/09/2008	277,343.62	2,494,944.30	2,772,287.92	918,838.29	33.14%	119,260.57	2,653,027.35	34.63%	1,734,189.06
30/09/2009	239,371.45	2,586,732.54	2,826,103.99	945,123.22	33.44%	121,683.64	2,704,420.35	34.95%	1,759,297.13
30/09/2010	292,105.99	2,707,202.01	2,999,308.00	1,004,718.49	33.50%	124,667.90	2,874,640.10	34.95%	1,869,921.61
30/09/2011	239,162.46	2,855,777.06	3,094,939.52	1,078,136.90	34.84%	124,382.82	2,970,556.70	36.29%	1,892,419.80
30/09/2012	207,935.41	2,990,079.08	3,198,014.49	1,141,925.07	35.71%	126,749.85	3,071,264.64	37.18%	1,929,339.57
30/09/2013	230,923.44	3,133,024.16	3,363,947.60	1,137,346.26	33.81%	124,350.25	3,239,597.35	35.11%	2,102,251.09
30/09/2014	263,562.88	3,288,463.25	3,552,026.13	1,206,137.92	33.96%	121,049.23	3,430,976.90	35.15%	2,224,338.98
30/09/2015	335,520.44	3,396,545.39	3,732,065.83	1,334,922.00	35.77%	122,736.97	3,609,328.86	36.99%	2,274,406.86
30/09/2016	300,944.76	3,489,119.81	3,790,064.57	1,340,646.97	35.37%	124,736.75	3,665,327.82	36.58%	2,324,680.85
30/09/2017	303,728.87	3,557,918.45	3,861,647.32	1,379,589.62	35.73%	116,266.64	3,745,380.68	36.83%	2,365,791.06
30/09/2018	319,410.16	3,664,590.37	3,984,000.53	1,417,736.71	35.59%	114,981.86	3,869,018.67	36.64%	2,451,281.96
30/09/2019	368,193.86	3,780,749.28	4,148,943.14	1,442,955.19	34.78%	115,061.06	4,033,882.08	35.77%	2,590,926.89
<b>2020/2021</b>									
31/07/2020	342,642.82	4,017,095.68	4,359,738.50	303,348.63	6.96%	117,176.29	4,242,562.21	7.15%	3,939,213.58
31/08/2020	342,642.82	4,023,933.68	4,366,576.50	1,341,376.91	30.72%	120,795.04	4,245,781.46	31.59%	2,904,404.55
30/09/2020	342,642.82	4,023,102.76	4,365,745.58	1,606,987.32	36.81%	122,054.41	4,243,691.17	37.87%	2,636,703.85

This is Page No. 16 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 15<sup>th</sup> October, 2020.



MAYOR



GENERAL MANAGER.



**CS2) POLICY REGISTER REVIEW (P.12-01, G.06-02)**

Under the provisions of the Government Information (Public Access) Act 2009 (GIPA Act), Council must review its Agency Information Guide at intervals of not more than 12 months.

- Attached please find a draft Agency Information Guide for Council's perusal.  
Attachment No. 5

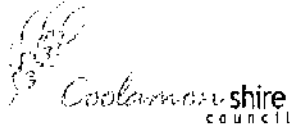
Recommendation

That the Agency Information Guide 2020 be adopted by Council.

**RESOLVED on the motion of Clr White and seconded by Clr Jones that the Agency Information Guide 2020 be adopted by Council.** 214/10/2020

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

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COOLAMON SHIRE COUNCIL  
AGENCY INFORMATION  
GUIDE 2020

Date Adopted	15 October 2020		
Council Minute	214/10/2020		
Version	2020 Version		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Annually		
Last Review Date	September 2020	Next Scheduled Review Date	September 2021

#### INTRODUCTION

The Coolamon Shire Council Agency Information Guide has been prepared in accordance with Section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act).

By describing Council's functions, responsibilities and organizational structure, the Guide aims to promote a better understanding of Council's work in the community. It also describes the various types of information held by Council, how that information can be accessed and how members of the public can participate in Council's decision making processes.

#### THE STRUCTURE & FUNCTION OF THE COOLAMON SHIRE COUNCIL

The Coolamon Shire was proclaimed in 1906. The Shire covers an area of 2,433 square kilometres and is located in the Riverina bounded by the neighbouring Shires of Narrandera, Bland, Temora, Junee and the City of Wagga Wagga.

The Coolamon Shire Council is incorporated under the *Local Government Act 1993*. Section 8 of the *Local Government Act* sets out Council's Charter. Section 222 of the *Local Government Act* provides that representatives called 'Councillors' comprise the governing body of Council. The Coolamon Shire Council has nine Councillors who are elected by the residents and ratepayers of the Shire every four years. These Councillors elect a Mayor and Deputy Mayor for the two year terms.

Section 232 of the *Local Government Act* provides that the role of a Councillor is to:

- Be an active and contributing member of the governing body;
- Make considered and well informed decisions as a member of the governing body;
- Participate in the development of the integrated planning and reporting framework;
- Represent the collective interests of residents, ratepayers and the local community;
- Facilitate communication between the local community and the governing body;
- Uphold and represent accurately the policies and decisions of the governing body;
- Make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

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A Councillor is accountable to the local community for the performance of the Council.

Section 226 of the *Local Government Act* provides that the role of the Mayor is to:

- Be the leader of the council and a leader in the local community;
- Advance community cohesion and promote civic awareness;
- Be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities;
- Exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council;
- Preside at meetings of the council;
- Ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act;
- Ensure the timely development and adoption of the strategic plans, programs and policies of the council;
- Promote the effective and consistent implementation of the strategic plans, programs and policies of the council;
- Promote partnerships between the council and key stakeholders;
- Advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council;
- In conjunction with the general manager, ensure adequate opportunities and mechanisms for engagement between the council and the local community;
- Carry out the civic and ceremonial functions of the mayoral office;
- Represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level;
- In consultation with the councillors, lead performance appraisals of the general manager;
- Exercise any other functions of the council that the council determines.

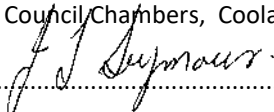
The General Manager is responsible for the efficient operation of Council as an organisation and for ensuring the implementation of the decisions of Council.

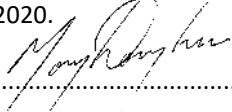
Section 335 provides that the General Manager has the following functions:

- To conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council;
- To implement, without undue delay, lawful decisions of the council;
- To advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council;
- To advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council;
- To prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report;
- To ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions;

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This is Page No. 19 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 15<sup>th</sup> October, 2020.

  
..... MAYOR

  
..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

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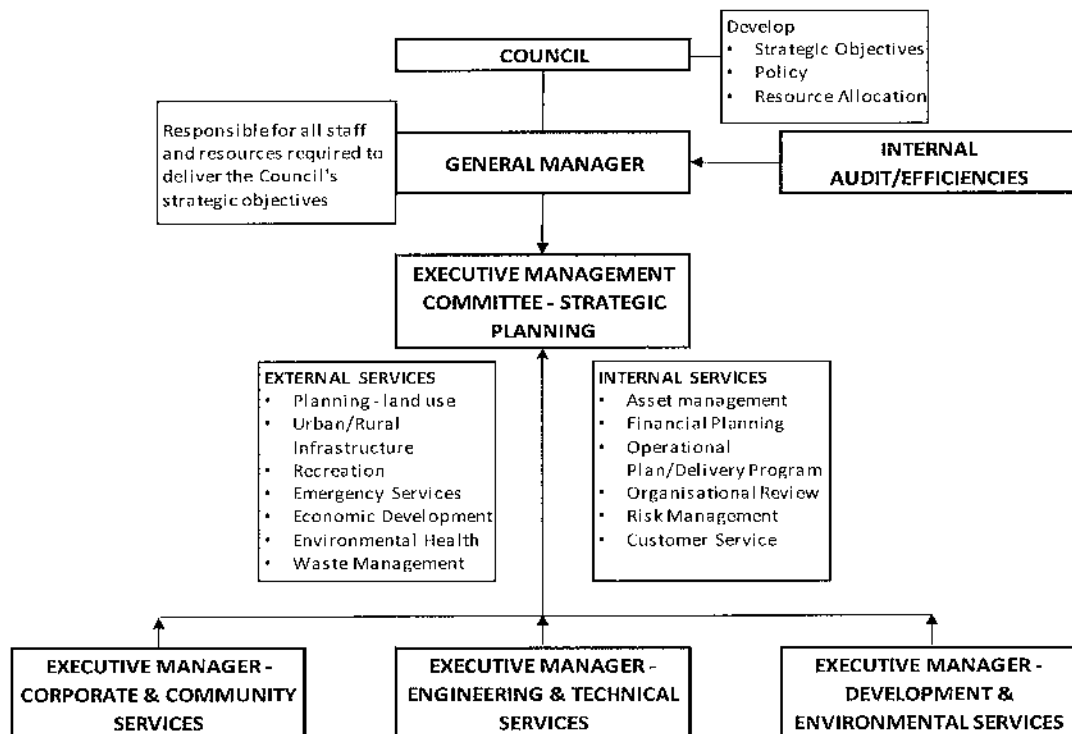
- To exercise any of the functions of the council that are delegated by the council to the general manager;
- To appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council;
- To direct and dismiss staff;
- To implement the council's workforce management strategy;
- Any other functions that are conferred or imposed on the general manager by or under this or any other Act.

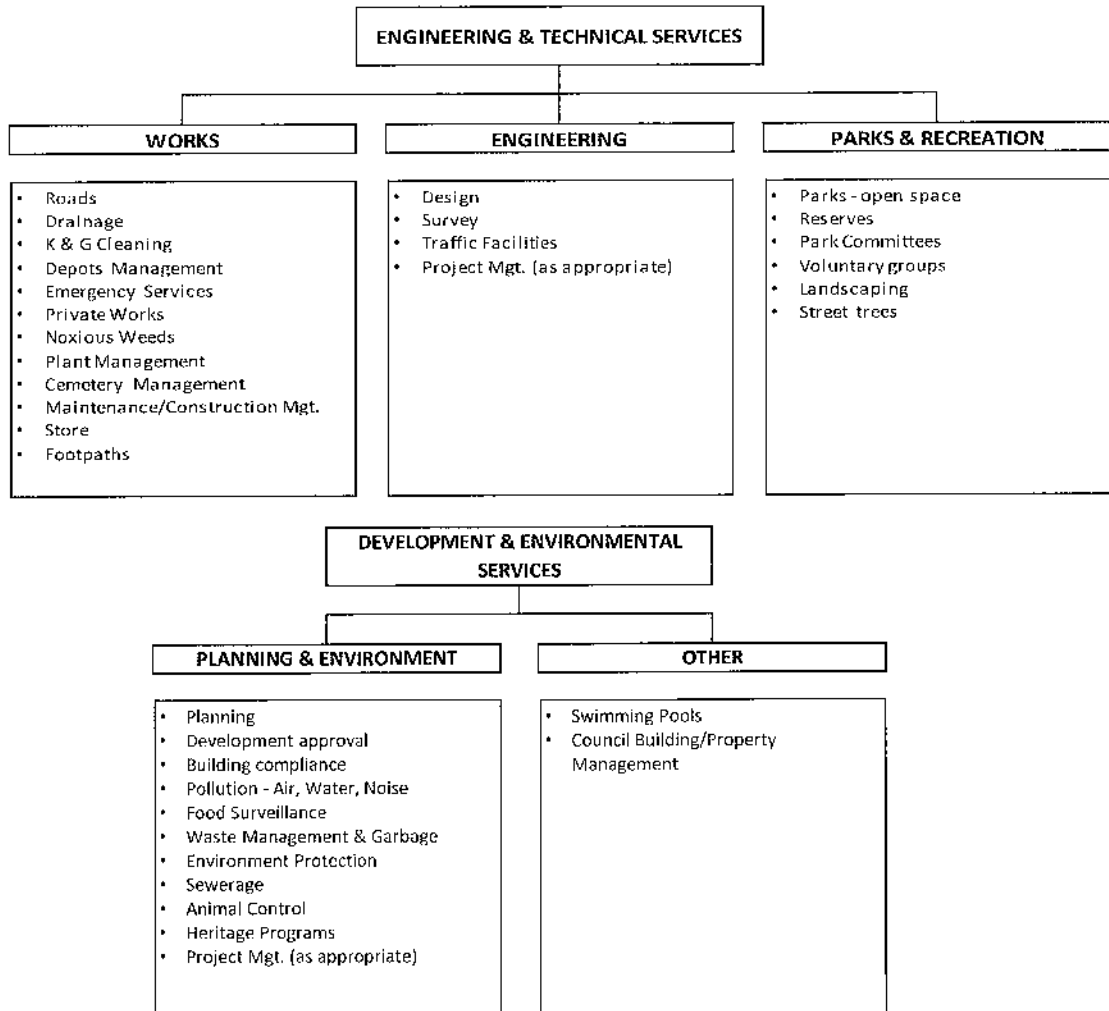
To assist the General Manager in the exercise of these functions, there are 3 departments of Council. These departments are Corporate & Community Services, Development & Environmental Services and Engineering & Technical Services. Each of these departments is headed by an Executive Manager.

Within these departments, Council employs staff such as Engineers, Building Surveyors, Finance Officers, Rangers, Child-care and Aged-care workers who carry out the day-to-day operations of the Council and implement Council policies and other decisions as directed by the General Manager.

**ORGANISATIONAL STRUCTURE**

Council reviews and adopts it's organisational structure as part of the annual review of the Delivery Program and development of the annual Operational Plan. Council adopted the structure on 18 June 2020.





*J. J. Seymour*  
 ..... MAYOR

*Matthew Douglas*  
 ..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

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**AFFECT OF COUNCIL FUNCTIONS ON MEMBERS OF THE PUBLIC**

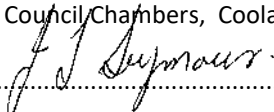
The Coolamon Shire Council is a governing body, therefore every decision it makes affects members of the public. Council is a planning body for the future that manages infrastructural and community services of past, current and future residents.

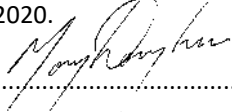
The functions imposed on Council by the *Local Government Act* are as follows:

- Service Functions - affect the public as Council provides services and facilities to the public. These include the provision of human services such as child care services and local libraries, halls and community centres, sport and recreation facilities and programs, infrastructure and the removal of garbage.
- Regulatory Functions - place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and do not endanger the lives or safety of members of the public. Members of the public must be aware of, and comply with, such regulations.
- Ancillary Functions - affect only some members of the public. These functions include, for example, the resumption of land or Council's power to enter onto a person's land. In these circumstances, only the owner of the property would be affected.
- Revenue Functions - affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.
- Administrative Functions - do not necessarily affect members of the public directly but do have an indirect impact on the community through the efficiency and effectiveness of the services provided by Council.
- Enforcement Functions - only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges, unregistered animals, and parking offences.
- Community Planning & Development functions - affect areas such as cultural development, social planning and community profile

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This is Page No. 22 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 15<sup>th</sup> October, 2020.

  
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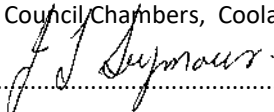
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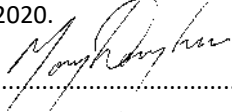
In addition, various other Acts and associated Regulations confer or imposed functions on Council including (but not limited to):

- *Aged Care Act 1997*
- *Children and Young Persons (Care & Protection) Act 1998*
- *Companion Animals Act 1998*
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning & Assessment Amendment Act 1997*
- *Food Act 2003*
- *Government Information (Public Access) Act 2009*
- *Heritage Act 1977*
- *Impounding Act 1993*
- *Independent Commission Against Corruption Act 1998*
- *Biosecurity Act 2015*
- *Biodiversity Conservation Act 2016*
- *Work Health & Safety Act 2011*
- *Privacy & Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *Protection of the Environment Operations Act 1997*
- *Public Health Act 2010*
- *Roads Act 1993*
- *State Emergency & Rescue Management Act 1989*
- *Swimming Pools Act 1992*
- *Transport Administration Act 1988*
- *Waste Minimisation Act*
- *Water Management Act 2010*
- *Workers Compensation Act 1987*
- *Library Act 1939*
- *Noxious Weeds Act 1993*
- *Public Interest Disclosures Act 1994*
- *Recreation Vehicles Act 1983*
- *State Emergency Service Act 1989*
- *State Records Act 1998*
- *Unclaimed Money Act 1995*

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This is Page No. 23 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 15<sup>th</sup> October, 2020.

  
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#### **PUBLIC PARTICIPATION IN LOCAL GOVERNMENT**

There are a number of ways in which the public may participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

##### **Representation**

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their Local Council to make decisions on their behalf. In New South Wales, Local Government elections are held every four years. The next general elections are to be held in September, 2021 after being delayed due to the COVID-19 pandemic.

At each election, voters elect 9 Councillors for a four year term. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non residential roll. Voting is compulsory.

Councillors are the elected representatives of the residents and ratepayers of a local government area and make decisions on behalf of their constituents. Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

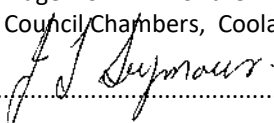
##### **Personal Participation**

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council.

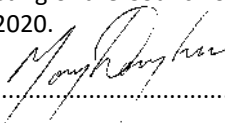
Council meetings are open to the public and are usually held in the Council Chambers on the third Thursday of each month. Business papers are available from Council before meetings and the minutes can be access on Council's website.

Public exhibitions are a key way for the community to participate in local government. Members of the community can submit feedback on proposed policies, plans, projects or development that Council is considering. Members of the public can, either personally or in writing, address any matter that falls within Council jurisdiction.

Information provided to Council in correspondence, submissions or requests, including personal information such as names and addresses, may be made publicly available in accordance with the GIPA Act.



..... MAYOR



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There are several Committees to which Council has delegated a function of Council to under Section 355 of the *Local Government Act* that allow direct community input into the decision making process. In performing their role on the Committees, members of the public exercise some of the functions of Council. These committees include

- Advance Ardlethan Committee
- Advance Ganmain Committee
- Advance Marrar Committee
- Advance Matong Committee
- Beckom Hall & Community Committee
- Ardlethan Showground Management Committee
- Community Drug Action Team
- Coolamon Shire Community Benefit Fund Committee
- Coolamon Shire Photographic Competition
- Coolamon Showground Management Committee
- Friends of the Up-to-Date Cultural Precinct Committee
- Local Heritage Fund Committee
- Kindra Bike & Walking Trail-Management Committee
- Rannock Community Centre – Reserve 89397 Committee

**INFORMATION HELD BY THE COOLAMON SHIRE COUNCIL**

Council holds information in various formats in respect to the wide range of functions undertaken by it as well as information that is pertinent to different issues relating to the Coolamon Shire Local Government area.

The GIPA Act provides the public with a general right of access to information held by Council as long as it does not infringe privacy or other laws or there aren't public interest considerations against disclosure.

The following information is prescribed Open Access information in accordance with the GIPA Act and is available on Council's website:

- This information guide
- Documents (if any) tabled in Parliament on behalf of Council (will be available on Council's website if and when any information is tabled in parliament on behalf of Council)
- Council's Policy documents
- Council's Disclosure Log of Access Applications
- Council's Register of Government Contracts
- A record of open access information that is not made available to the public on the basis of an overriding public interest against disclosure.

Council holds a range of information in various formats that relate to a number of different issues concerning the Coolamon Shire Local Government Area. This information may be available on Council's website, via an Informal Access to Information request or a Formal Access to Information application. All requests for access to information held by Council will be determined in accordance with the requirements of the GIPA Act.

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In addition, pursuant to Schedule 1 of the *Government Information (Public Access) Regulation 2018*, all of Council's 'Open Access' information is required to be available via Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website). Where this is the case, the information will be available for inspection at Council offices. Any current (and the immediately preceding version of) documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges, in accordance with Council's Fees and Charges.

Open Access information includes:

**Information about Council**

- 1) Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
  - a) the model code prescribed under section 440 (1) of the *Local Government Act* and the code of conduct adopted under section 440 (3) of the *Local Government Act*,
  - b) code of meeting practice,
  - c) annual report,
  - d) annual financial reports,
  - e) auditor's report,
  - f) management plan,
  - g) Equal Employment Opportunity management plan,
  - h) policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors,
  - i) annual reports of bodies exercising functions delegated by Council,
  - j) any codes referred to in the *Local Government Act*.
- 2) Information contained in the following records (whenever created) is prescribed as open access information:
  - a) returns of the interests of Councillors, designated persons and delegates,
  - b) agendas and business papers for any meeting of Council or any committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public),
  - c) minutes of any meeting of Council or any committee of Council, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting,
  - d) reports by the Chief Executive of the Office of Local Government presented at a meeting of Council in accordance with section 433 of the *Local Government Act*.
- 3) Information contained in the current version of the following records is prescribed as open access information:
  - a) land register,
  - b) register of investments,
  - c) register of delegations,
  - d) register of graffiti removal work kept in accordance with section 13 of the *Graffiti Control Act 2008*,
  - e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the *Local Government Act*,
  - f) the register of voting on planning matters kept in accordance with section 375A of the *Local Government Act*.

**Plans and Policies**

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- (a) local policies adopted by Council concerning approvals and orders,
- (b) plans of management for community land,
- (c) environmental planning instruments, development control plans and contributions plans made under the *Environmental Planning and Assessment Act 1979* applying to land within the Coolamon Shire Local Government area.

**Information about development applications**

(1) Information contained in the following records (whenever created) is prescribed as open access information:

- (a) development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:
  - i. home warranty insurance documents,
  - ii. construction certificates,
  - iii. occupation certificates,
  - iv. structural certification documents,
  - v. town planner reports,
  - vi. submissions received on development applications,
  - vii. heritage consultant reports,
  - viii. tree inspection consultant reports,
  - ix. acoustics consultant reports,
  - x. land contamination consultant reports,
- (b) records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal),
- (c) a record that describes the general nature of the documents that Council decides are excluded from the operation of this clause by subclause (2).

(2) However, this clause does not apply to so much of the information referred to in subclause (1) (a) as consists of:

- (a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
- (b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret, or
- (c) development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.

(3) Council must keep the record referred to in subclause (1) (c).

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**Approvals, orders and other documents**

Information contained in the following records (whenever created) is prescribed as open access information:

- (a) applications for approvals under Part 1 of Chapter 7 of the *Local Government Act* and any associated documents received in relation to such an application,
- (b) applications for approvals under any other Act and any associated documents received in relation to such an application,
- (c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals,
- (d) orders given under Part 2 of Chapter 7 of the *Local Government Act*, and any reasons given under section 136 of the *Local Government Act*,
- (e) orders given under the authority of any other Act,
- (f) records of building certificates under the *Environmental Planning and Assessment Act 1979*,
- (g) plans of land proposed to be compulsorily acquired by Council
- (h) compulsory acquisition notices,
- (i) leases and licences for use of public land classified as community land,
- (j) performance improvement orders issued to a council under Part 6 of Chapter 13 of the *Local Government Act*.

**HOW TO ACCESS INFORMATION HELD BY COUNCIL**

Under the GIPA Act there is an underlying rationale to encourage greater accessibility to government information for members of the public. A large amount of the information Council holds is made available on the Council's website. Information that is not published on Council's website may be requested via informal release or via a formal access application in line with sections 7 to 9 of the GIPA Act. There are four ways to obtain access to information held by Council:

**Mandatory Proactive Release (open access)**

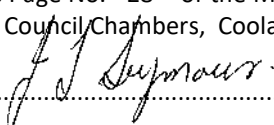
- Under legislation Council must release certain information unless there is an overriding public interest against doing so.
- Council's website is the central reference point where members of the public can search for this information.
- This type of information includes Council policies, meeting agendas and minutes, media releases, annual reports, register of government contracts and disclosures log of access applications.

**Authorised Proactive Release**

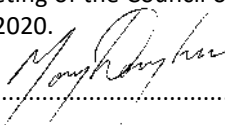
- Council proactively releases information with a commitment to providing as much information as possible for free on Council's website, or in another appropriate manner and by the amount specified in Council's Fees and Charges.

**Informal Access Applications**

- Information that is not available by mandatory or authorised proactive release may be provided through informal release, subject to any reasonable conditions that Council may wish to impose, including deleting matter that would otherwise result in there being an overriding public interest against disclosure.
- Applications for informal release can be made in writing to the Access to Information Officer at council@coolamon.nsw.gov.au or PO Box 101, Coolamon NSW 2701.



..... MAYOR



..... GENERAL MANAGER.

- There is no fee required for an informal access application, however photocopying fees may apply as specified in Council's Fees and Charges.
- Informal requests will be processed in a timely manner and as soon as practical. Turnaround times will also depend on the volume of information sought and whether documents need to be retrieved from archives.

#### Formal Access Applications

A formal access application may be required where the information requested is not available by proactive or authorised release or informal access, and the information sought:

- Is of a sensitive nature that requires careful consideration of the public interest test;
  - Contains confidential information;
  - Contains personal information of third parties who must be consulted;
  - Contains business information of third parties who must be consulted; or
- Would involve a significant diversion of Council resources
- Formal access applications must be made in writing by completing a Formal Access Application form which is available on Council's website.
- Processing charges as outlined in Division 5 of the GIPA Act apply to formal access applications, and additional processing costs, such as photocopying costs, may apply as outlined in Council's Fees and Charges.
- Formal access applications will be acknowledged and determined within the statutory periods prescribed by section 57 of the GIPA Act, which includes making a determination and notifying the applicant of the decision within 20 working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days when consultation with a third party is required or if Council needs to retrieve records from archives.

#### ADDITIONAL INFORMATION

##### Copyright

Some information may be subject to copyright laws and the consent of the copyright owner will be required before releasing copies of such information. Alternatively, Council may grant 'view only' access to such material.

Council will advise if the information is subject to copyright.

##### Privacy and Personal Information Protection

Access to certain information may be limited in accordance with the *Privacy and Personal Information Protection Act 1998* (PIPA Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act).

The PIPA Act and HRIP Act provide for the protection of personal and health information and for the protection of the privacy of individuals generally.

In accordance with the PIPA Act and the HRIP Act, Council has adopted a Privacy Management Plan which outlines Council's practice for dealing with privacy and personal information in accordance with Information Protection Principles contained within the PIPA Act and the Health Protection Principles contained within the HRIP Act.

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**Public Interest Considerations in Favour of Disclosure**

The GIPA Act provides a presumption in favour of disclosure of government information but allows for consideration of any public interest in favour of disclosure.

The GIPA Act lists the following examples of interests Council might consider (but is not limited to):

- Promoting open discussion of public affairs
- Enhancing Government accountability or contributing to positive and informed debate on issues of public importance
- Informing the public about the operations of Council and, in particular, policies and practices for dealing with members of the public
- Ensuring effective oversight of the expenditure of public funds
- The information is the personal information of the person to whom it is to be disclosed
- Revealing or substantiating that an agency (or member of an agency) has engaged in misconduct, or in negligent, improper, or unlawful conduct

**Public Interest Considerations Against Disclosure**

The GIPA Act provides an exhaustive list of public interest considerations against disclosure under s 14. These are the only considerations against disclosure that Council may consider in applying the public interest test.

Considerations are grouped under the following headings:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes, and natural justice
- Business interests of agencies and other persons
- Environment, culture, economy, and general matters
- Secrecy provisions
- Exempt documents under interstate freedom of information legislation

**Review of Decisions**

Where an applicant is refused access to information under a formal application pursuant the GIPA Act, Council will provide details of the reasons for refusal in writing. If the applicant is dissatisfied with Council's determination of their application, they may seek to have the decision reviewed either by:

- Internal review - this is a review by a Council officer more senior than the original decision maker. Applicants have 20 working days from receiving notice of a decision to ask for a review, and a \$40 fee is payable by the applicant.
- External Review by the Information Commissioner - the applicant has eight weeks from receiving notice of a decision to ask for a review.
- External Review by NSW Civil Administration Tribunal – the applicant has eight weeks from receiving notice of a decision from Council to ask for a review, or four weeks after the completion of a review by the Information Commissioner.

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**Third Party Consultation**

In accordance with section 54 of the GIPA Act, Council must consult where the information requested concerns:

- Personal information
- Business interests
- Research that has been carried out; or
- The affairs of another state or the Commonwealth government

Consultation must take place if the information is such that the person may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.

**Disclosure Log**

Council's Disclosure Log lists information released under a formal access application under the GIPA Act that is considered to be of interest to the wider public.

It should be noted that applicants can object to inclusion in Council's Disclosure Log.

**Public Officer**

The *Local Government Act* requires Council to appoint a Public Officer. The Public Officer may:

- Deal with requests from the public concerning Council's affairs;
- Accept service of documents on behalf of Council;
- Receive submissions made to Council;
- Assist the public to gain access to public documents.

**NSW Information and Privacy Commission**

The NSW Information and Privacy Commission is responsible for overseeing the application of the PPIP Act, HRIP Act and the GIPA Act.

Further information about the right to information can be sourced from the Information & Privacy Commission New South Wales:

Freecall: 1800 472 679  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

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ASSOCIATIONS & RELATIONSHIPS

Legislation	<i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulation 2018</i> <i>Privacy &amp; Personal Information Protection Act 1998</i> <i>Privacy &amp; Personal Information Protection Regulation 2014</i> <i>Health Records &amp; Information Privacy Act 2002</i> <i>Health Records &amp; Information Privacy Regulation 2012</i> <i>Local Government Act 1993</i> <i>Graffiti Control Act 2008</i>
Policies	<i>Coolamon Shire Council Records Management Policy</i> <i>Coolamon Shire Council Privacy Management Plan</i> <i>Coolamon Shire Council Community Engagement Strategy</i>
Procedures/Protocols, Statements, Documents	

REVIEW

This guide may be reviewed at any time or as required in the event of legislative changes. Council is required to review and adopt a new agency information guide at intervals of not more than 12 months.

**2020 Version Adopted: Council Meeting held 15 October 2020 (Minute No. 214/10/2020)**

**2018 Version Adopted: Council Meeting held 15 November 2018 (Minute No 231/11/2018)**

**2017 Version Adopted: Council Meeting held 21 September 2017 (Minute No 175/09/2017)**

**2015 Version Adopted: Council Meeting held 15 October, 2015 (Minute No. 231/10/2015)**



**CS3) PUBLIC INTEREST DISCLOSURES ANNUAL REPORT (P.10-01)**

- Attached is a copy of the Public Interest Disclosures Annual Report 2019/2020 for endorsement by Council. This report is produced in accordance with the *Public Interest Disclosures Act 1994* and the *Public Interest Disclosures Regulation 2011*. Once endorsed it will be provided to the Minister for Local Government and published on Council's website. **Attachment No. 6**

Recommendation

That Council endorse the Public Interest Disclosures Annual Report 2019/2020.

**RESOLVED on the motion of Clr Maslin and seconded by Clr McKinnon that Council endorse the Public Interest Disclosures Annual Report 2019/2020.**

**215/10/2020**

**CS4) FINANCIAL STATEMENTS (S.11-04, A.12-01)**

Following the referral of the Draft 2019/2020 Financial Statements to the NSW Audit Office at the August 2020 meeting of Council, the audit has been undertaken.

In accordance with guidelines issued by the Office of Local Government, as a result of changes made through the audit process to the Draft 2019/2020 Financial Statements, it is appropriate that a further review is undertaken by Council prior to submission to the Office of Local Government. Attached please find the four main statements for 2019/2020 for Council's information. **Attachment No. 7**

Recommendation

That the Statement by Councillors and Management for the 2019/2020 Financial Statements be signed and that Council delegate authority to the General Manager to authorise the Accounts for issue in accordance with Section 413(2)(c) of the Local Government Act 1993 (as amended).

**RESOLVED on the motion of Clr Hutcheon and seconded by Clr McKinnon that the Statement by Councillors and Management for the 2019/2020 Financial Statements be signed and that Council delegate authority to the General Manager to authorise the Accounts for issue in accordance with Section 413(2)(c) of the Local Government Act 1993 (as amended).**

**216/10/2020**

#### **4.3) EXECUTIVE MANAGER, ENGINEERING & TECHNICAL SERVICES' REPORTS**

##### **ES1) SHIRE ROADS RESHEETING, STABILISATION AND MAINTENANCE**

The following roads have received maintenance attention over the last month:

- Murphys Lane (Brushwood North Road to Dullah Road)
- Chamberlains Lane (Coolamon road to Canola Way)
- Durrain North Road (Ashbridge Road to Brills Lane)
- Lucas Lane (Ardlethan Road to Rannock Road)
- Durrain North Road (Brills Lane to Ashbridge Road)
- Ceelys Lane (Durrain North Road to Class Change)
- Coxs Lane (Devlin Street to end)
- Prichards Lane (Halbischs Lane to Deepwater Road)
- Halbischs Lane (Canola Way to Pritchards Lane)
- Durrain North Road (Canola Way to Ashbridge Road)

##### **ES2) FIXING LOCAL ROADS – BYGOO ROAD (2.44 TO 4.89KMS) 2.45KMS**

Reconstruction works including formation corrections, importation of suitable material and stabilisation are progressing well along this section of Council's Local Sealed Network.

Sealing is still scheduled to be completed by 20<sup>th</sup> October, 2020 but will be dependent on forecasted wet weather.

##### Recommendation

That the Executive Manager, Engineering & Technical Services' Reports (ES1 to ES2) be noted.

**RESOLVED on the motion of Clr McKinnon and seconded by Clr Jones that the Executive Manager, Engineering & Technical Services' Reports (ES1 to ES2) be noted** 217/10/2020

**ES3) BIOSECURITY WEEDS REPORT (N.02-01, SC284)**

Biosecurity Weeds Officer Reports

**Activities**

- 8 Private property inspections carried out, no significant infestations found.
- High risk roadways inspected across the Shire.
- Staff have completed inspections of high-risk pathways and sites.
- Early surveillance of Spiny Burr Grass undertaken.
- Application made with Crown Land for follow up Prickly Pear control at Ardlethan.
- Representatives attended online meeting of Riverina LLS weeds committee.

**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 sight inspection
- 4.3.2.2 Work collaboratively with other agencies

Recommendation

For Council information.

**RESOLVED on the motion of Clr McCann and seconded by Clr White that the report be received.** 218/10/2020

**ES4) HANCOCKS LANE (L.02-02, SC570)**

Following an approach from landholders utilizing Hancocks Lane, Steph Cooke MP requested Council attend a meeting with her, Shona Cowley of Crown Lands and landholders. The meeting occurred on Wednesday, 30<sup>th</sup> September, 2020 at the Council Chambers with Council's Executive Manager, Engineering & Technical Services, Tony Kelly and Councillor Alan White also in attendance.

The landholders are requesting that Council upgrade the road to permit property access, passage of machinery, and remove hazards that presently exist. The road is Crown Authority land and in numerous reports to Council over the last 20-30 years, it has been considered a convenience route with Property Access Policies satisfied via the existing Road Hierarchy Network.

Whilst the last report regarding Hancocks Lane was presented to Council in conjunction with the Road Hierarchy Review 2018, it was resolved at Wednesday's meeting that Council will prepare another report to Council detailing the issues of each individual landholder.

- ➔ The report will be presented to the November Meeting of Council for Council decision. Prior to the November Meeting, Councillors are recommended to make themselves familiar with the roads identified in the attached plan to gain a full understanding of the issues presented. **Attachment No. 8**

Recommendation

For Council information.

**RESOLVED on the motion of Clr Maslin and seconded by Clr McCann that the report be received.** 219/10/2020

#### 4.4) EXECUTIVE MANAGER, DEVELOPMENT & ENVIRONMENTAL SERVICES' REPORTS

##### HS1) DEVELOPMENT ACTIVITY REPORT FOR THE PERIOD ENDING 30<sup>TH</sup> SEPTEMBER, 2020 (B.05-03, SC58)

###### Summary

This report advises of the Development Application activity for the month of September 2020.

###### Development Activity Table

Application Number	Type	Address	Determination	Value
DA 2020/55	Installation of 2 <sup>nd</sup> Shipping Container with Roof Cover	Cains Lane, Coolamon	Approved	\$9,500.00
DA 2020/56	Construction of Concrete Powder Storage Silo, Storage Bunkers, Office/Toilet Block, Associated Car Parking & Landscaping Works	Dunrobin Street, Coolamon	Approved	\$106,000.00
DA 2020/54	New Single Dwelling & New In ground Swimming Pool	36 Campbells Lane, Coolamon	Approved	\$450,000.00
DA 2020/59	Alterations & Additions to Dwelling	67 Langham Street, Ganmain	Approved	\$60,000.00
DA 2020/60	Installation of 2 Shipping Containers	76 Iverach Street North, Coolamon	Approved	\$7,000.00
DA 2020/64	New Single Dwelling	45 Bygoo Street, Ardlethan	Approved	\$19,000.00
DA 2020/65	Installation of Shipping Container	42 Mann Street, Coolamon	Approved	\$4,000.00
DA 2020/62	New Single Dwelling & Shed	49 Davies Drive, Coolamon	Approved	\$480,000.00
CDC 2020/14	New In ground Swimming Pool	61 Cowabbie Street, Coolamon	Approved	\$50,000.00
DA 2020/66	New Shed	20A Loughnan Street, Coolamon	Approved	\$23,760.00
DA 2020/67	New Shed	18 Menangle Street, Ganmain	Approved	\$12,000.00
DA 2020/03	Retail Premises (Art Gallery & Workshop) & Dwelling	78 Ford Street, Ganmain	Approved	\$15,000.00
<b>TOTAL: 12</b>			<b>12</b>	<b>\$1,236,260.00</b>

### 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 30<sup>th</sup> September, 2020.

**RESOLVED on the motion of Clr White and seconded by Clr Jones that the report be received.** 220/10/2020

## HS2) BUILDING AND ASSET PROJECT STATUS REPORT (B.05-01, SC56)

### Summary

This report provides a brief update on the status of various building projects within the Shire.

### Project Status

Project Item	Commencement Date	Estimated Completion Date
Ardlethan Museum	February 2020	October 2020
Allawah Stage 2 and 3	May 2020	Commenced
Allawah New Self Care Unit	February 2021	August 2021
Beckom Hall Upgrades	March 2020	Completed
Coolamon Child Care Centre	November 2020	Completed
Ganmain Historical Society	June 2020	Completed
Coolamon Showground Upgrade Works - various	2020	Basically completed
Coolamon SES / RFS Shed Upgrade	March 2020	Completed
Ardlethan Showground	June 2020	December 2020
LRCIP - Ardlethan Entries	February 2021	April 2021
LRCIP - Ardlethan Museum Solar	July 2020	November 2020
LRCIP - Mullins Centre Solar	July 2020	November 2020
Ardlethan Preschool Landscaping	July 2020	November 2020

LRCIP -Beckom Park Upgrade	August 2020	December 2020
LRCIP -Ganmain Plaza Landscaping	August 2020	November 2020
LRCIP - UTDS Landscaping and Storage	September 2020	March 2021

#### Recommendation

That Council note the report titled 'Building Project Status Report'.

**RESOLVED on the motion of Clr Jones and seconded by Clr McKinnon that Council note the report titled 'Building Project Status Report'. 221/10/2020**

### **HS3) PROPOSED NEW OFF – LEASH AREA AND DOG PARK (A.08-02, SC22)**

#### **Summary**

This report provides information and recommendations to Council in regards a proposed new Off Leash Area and Dog Park.

#### **Background**

At the August 2015 Council Meeting, Council considered a report on options for the designation of an off leash area in Coolamon. The Council resolved to designate Jacaranda Park, Coolamon, as its 'Off-Leash Dog Area'.

There have been various requests recently received from community members for Council to revise the current location and relocate / create a modern off leash area and dog park facility within Coolamon. Community members have identified that there are some very modern and usable off leash areas in adjoining local government areas and have identified the facility in Junee as a benchmark.

Council Staff have identified an area (Coolamon Showground) that may be considered appropriate for the location of such a facility and area, with plans and specifications attached to this report for Councils consideration and comment. The plans and specifications are very detailed and could be implemented over a period of time if Council supported the concept and sort to stage the project i.e. fund the creation and delineation of a park via fencing only at this stage.

#### **Legislative / Policy Implications**

Off leash dog areas are a function of the Companion Animals Act 1998 that provide a public area for dogs to be legally exercised whilst unrestrained. Section 13 (6) of the Act specifically states that:

*A local authority can by order 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 the area of a local authority that is an off-leash area.*

Off-leash dog parks have many benefits for dogs and their owners. They provide the opportunity for dogs to exercise, socialise with other dogs, enjoy the fresh air, practice training techniques, play games and generally race around and burn off energy.

### **Consultation**

Internal consultation has occurred with relevant Council Staff in the design of this project.

The proposal was forwarded to the Coolamon Showground Committee for review, the Committee have no objection to the proposal.

### **Financial Implications**

There is no current budget allocation for the project. It was identified as a project under Stronger Country Communities Funding Stream but did not receive council support at the time

If Council see's merit in and supports the project it would may be considered appropriate for:

- The project to be listed for funding in the 2021/22 Budget Process;
- Grant Funding opportunities be investigated to fund the project; or
- Council to reallocate funding from the 2020/21 Budget to complete the item as a priority project.

### **Attachments**

- ➔ Coolamon Dog Park/Off Leash Area Plans and Specifications. Attachment No. 9

### Recommendation

- 1) That Council note the report on the proposed new Off Leash Area and Dog Park;
- 2) That Council rescind the designation of Jacaranda Avenue as an Off Leash Dog Area, endorse the Coolamon Showground as the designated Off Leash



Area, to come into effect upon completion of the project and update the Companion Animals Plan accordingly; and

- 3) That Council endorse the creation of the dog park in accordance with the attached plan and specifications and identify a preferred project funding option.

**RESOLVED on the motion of Clr McCann and seconded by Clr Hutcheon:**  
222/10/2020

- 1) That Council note the report on the proposed new Off Leash Area and Dog Park;
- 2) That Council rescind the designation of Jacaranda Avenue as an Off Leash Dog Area, endorse the Coolamon Showground as the designated Off Leash Area, to come into effect upon completion of the project and update the Companion Animals Plan accordingly; and
- 3) That Council endorse the creation of the dog park in accordance with the attached plan and specifications and that staff pursue options for project funding.

#### **HS4) COOLAMON SHIRE COUNCIL ASBESTOS POLICY (P.12-01, SC316)**

##### **Summary**

This report recommends that that Council rescind the existing Coolamon Shire Council Asbestos Policy and adopt a new Coolamon Shire Asbestos Policy.

##### **Background**

A draft Coolamon Shire Council Asbestos Policy was presented to the Ordinary Council Business Meeting, held on 20 August 2020 were Council resolved to:

- 1) *Note the report on the Draft Coolamon Shire Asbestos Policy;*
- 2) *Rescind the existing Coolamon Shire Asbestos Policy; and*
- 3) *Endorse the public exhibition of the new draft Policy for a period of 28 days.*

The draft policy was exhibited for a period of 28 days from 27 August until 23 September 2020.

### **Aims/Objectives**

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.
- Sources of further information.

### **Financial Implications**

There are no adverse financial implications resulting from the development and subsequent implementation of the policy.

### **Consultation**

Internal consultation has occurred with relevant staff members.

The Draft policy was publicly exhibited for a period of 28 days from 27 August until 23 September 2020.

No submissions were received during the exhibition period.

### **Attachments**

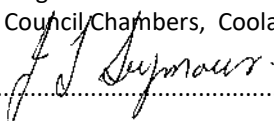
- ➔ Coolamon Shire Council Asbestos Policy. **Attachment No. 10**

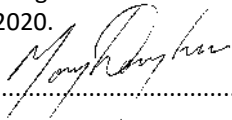
### **Recommendation**

- 1) That Council note the report on the exhibition of the Draft Coolamon Shire Asbestos Policy;
- 2) That Council rescind the existing Coolamon Shire Asbestos Policy; and
- 3) That Council adopt the new Coolamon Shire Asbestos Policy.

**RESOLVED** on the motion of Clr McCann and seconded by Clr Maslin: 223/10/2020

- 1) That Council note the report on the exhibition of the Draft Coolamon Shire Asbestos Policy; and
- 2) That Council rescind the existing Coolamon Shire Asbestos Policy; and
- 3) That Council adopt the new Coolamon Shire Asbestos Policy.

  
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.....GENERAL MANAGER.

# Coolamon Shire Council

## Asbestos Policy



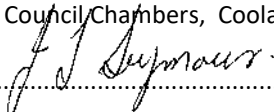
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
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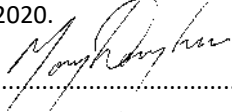
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Date Adopted	15 October 2020		
Council Minute	223/10/2020		
Version	Version 1.0		
Policy Responsibility	Director Planning and Environment		
Review Timeframe	4 Years		
Last Review Date	N/A	Next Scheduled Review Date	October 2024

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This is Page No. 45 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 15<sup>th</sup> October, 2020.

  
..... MAYOR

  
.....GENERAL MANAGER.

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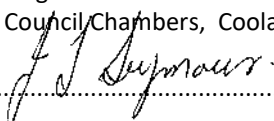


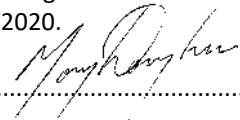
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..... MAYOR

  
..... GENERAL MANAGER.

## 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.

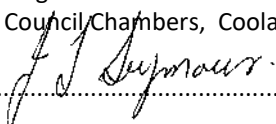
Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- 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.

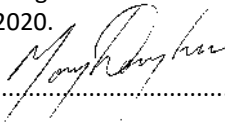
### 1.1 Purpose

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.



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..... GENERAL MANAGER.

## 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 2017). 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:

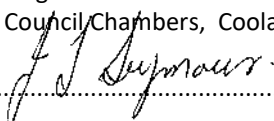
- *Contaminated Land Management Act 1997* (NSW)
- *Environmental Planning and Assessment Act 1979* (NSW)
- *Environmental Planning and Assessment Regulation 2000* (NSW)
- *Local Government Act 1993* (NSW)
- *Protection of the Environment Operations Act 1997* (NSW)
- *Protection of the Environment Operations (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.

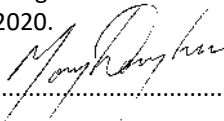
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

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"> <li>Record known asbestos site contamination on section 149 certificates where practicable and for council workplaces, record on council's asbestos register.</li> <li>Notify stakeholders of land use planning policy requirements relating to contamination.</li> <li>Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the Contaminated Land Management Act 1997 (excluding oversight of removal or remediation work which is the role of SafeWork NSW).</li> </ul>	Section 6
Development assessment	<ul style="list-style-type: none"> <li>Assess development applications for approval under the Environmental Planning and Assessment Act 1979.</li> <li>Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials.</li> <li>Ensure compliance with development conditions.</li> <li>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.</li> </ul>	Section 9
Demolition	<ul style="list-style-type: none"> <li>Approve demolition under the Environmental Planning and Assessment Act 1979.</li> <li>Council certifiers approve development as complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</li> </ul>	Section 9
Emergencies and incidents	<ul style="list-style-type: none"> <li>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 Protection of the Environment Operations Act 1997.</li> </ul>	Section 7
Naturally occurring asbestos	<ul style="list-style-type: none"> <li>Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos.</li> <li>Prepare an asbestos management plan for council workplaces or road works which occur on land containing naturally occurring asbestos.</li> </ul>	Section 5
Residential premises	<ul style="list-style-type: none"> <li>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.</li> <li>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).</li> <li>Respond to public health risks posed by derelict properties or asbestos materials in residential settings.</li> </ul>	Section 9
Waste	<ul style="list-style-type: none"> <li>Manage waste facilities in accordance with environmental protection legislation.</li> <li>Respond to illegal storage, illegal dumping and orphan waste.</li> <li>Regulate non-complying transport of asbestos containing materials.</li> </ul>	Section 10



MAYOR



GENERAL MANAGER.

### 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 hour's 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.

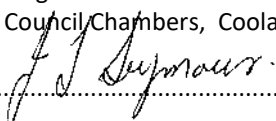
The management of council workplaces contaminated with asbestos is outlined in section 14.4.

### 6.2 Finding out if land is contaminated

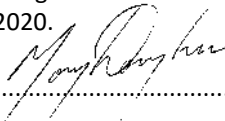
A person may request from council a planning certificate containing advice on matters including whether council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under section 10.7 (2) of the *Environmental Planning and Assessment Act 1979*.

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.



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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:

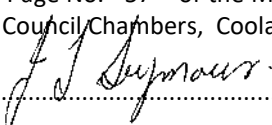
- avoid unnecessary outdoor activity and do not put any laundry outside during the clean up
- close all external doors and windows and stay indoors during the clean up
- consider avoiding using air conditioners that introduce air from outside into the home during the clean up
- dispose of any laundry 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

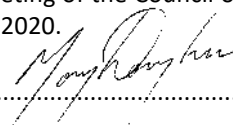
Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously been used as a landfill or for on-site burial 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.



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## 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 2017*).

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.

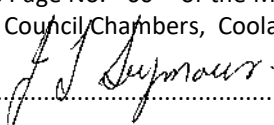
Demolition of development that would be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is also exempt development and does not require consent. This includes minor structures such as carports, fences, sheds and the like.

### 9.5 Exempt or complying development

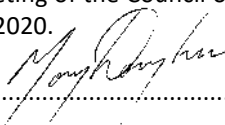
#### 9.5.1 Exempt development

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).



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#### 9.5.2 Complying development

The *Environmental Planning and Assessment Regulation 2000* (clause 138E) 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.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

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- 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

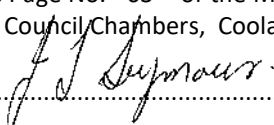
Illegal works include:

- 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.

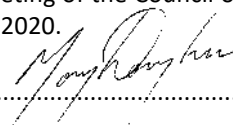
Where council becomes aware of illegal work involving asbestos or asbestos containing materials, council will notify SafeWork NSW if the site is a workplace.

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.'



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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](http://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 Dyces 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 6.5 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:

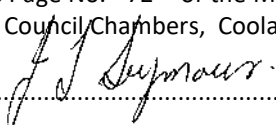
- not correctly packaged for delivery and disposal (as per sections 9.2 and 9.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials
- taken to a waste facility that does not accept asbestos waste.

In these situations, council may record relevant details such as the:

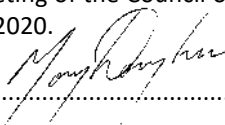
- contact details of the transporter
- origin of the asbestos or asbestos containing material
- amount and type of asbestos or asbestos containing material
- reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste
- development 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



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- 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](mailto: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](http://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/cim/publiclist.htm](http://www.epa.nsw.gov.au/cim/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.

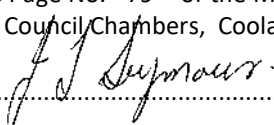
**Asbestosis** is the irreversible scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some case, death.

**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.

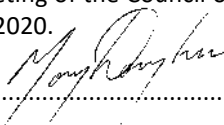
**Mesothelioma** is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure, and most cases occur over 30 years after first exposure. Accordingly, the rates of malignant mesothelioma (an incurable 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.



..... MAYOR



..... GENERAL MANAGER.

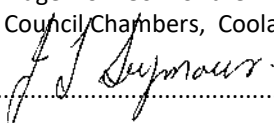
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON  
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 15<sup>TH</sup> OCTOBER, 2020.

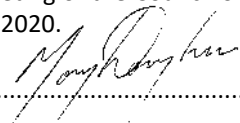
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When someone has potentially been exposed to asbestos, or receives or expects they may receive a diagnosis of an asbestos-related disease, they may experience psychological distress, including anxiety and may be in need of support. Their family and those around them may also be vulnerable to psychological distress.

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..... MAYOR

  
..... GENERAL MANAGER.



## 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](http://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](http://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](http://www.yellowpages.com.au) or by contacting the Asbestos Removal Contractors Association NSW (ARCA) [www.arcansw.asn.au](http://www.arcansw.asn.au) or by emailing: [email@arcansw.asn.au](mailto: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](http://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](http://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](http://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](http://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](http://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](http://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](http://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/qu\\_contam.pdf](http://www.epa.nsw.gov.au/resources/clm/qu_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](http://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](http://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](mailto: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](http://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](http://www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc-asbestos-about)).

*Asbestos Awareness website (Asbestos Education Committee)*

[www.asbestosawareness.com.au](http://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](http://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](http://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](http://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](http://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](http://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.

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**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.

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**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.

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**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.

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**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](mailto:info@adfa.org.au)  
Website: [www.adfa.org.au](http://www.adfa.org.au)

##### Asbestos Diseases Research Institute

Phone: (02) 9767 9800  
Email: [info@adri.org.au](mailto:info@adri.org.au)  
Website: [www.adri.org.au](http://www.adri.org.au)

##### Australian Institute of Occupational Hygienists Inc.

Phone: (03) 9338 1635  
Email: [admin@aioh.org.au](mailto:admin@aioh.org.au)  
Website: [www.aioh.org.au](http://www.aioh.org.au)

##### Dust Diseases Authority

Phone: (02) 8223 8600  
Toll Free: 1800 550 027  
Email: [DDAenquiries@icare.nsw.gov.au](mailto:DDAenquiries@icare.nsw.gov.au)  
Website: [www.icare.nsw.gov.au](http://www.icare.nsw.gov.au)

##### Environment Protection Authority (EPA)

Phone: (02) 9995 5000  
Environment line: 13 15 55  
Email: [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
Website: [www.epa.nsw.gov.au/epa](http://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](http://www.yellowpages.com.au) or contact:



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**Asbestos Removal Contractors Association NSW**

PO Box Q1882  
Queen Victoria Building  
NSW 1230  
Email: [email@arcansw.asn.au](mailto:email@arcansw.asn.au)  
Website: [www.arcansw.asn.au](http://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](mailto:ccfnsw@ccfnsw.com)  
Website: [www.ccfnsw.com/](http://www.ccfnsw.com/)

**Local Government NSW**

Phone: (02) 9242 4000  
Email: [lgnsw@lgnsw.org.au](mailto:lgnsw@lgnsw.org.au)  
Website: [www.lgnsw.org.au](http://www.lgnsw.org.au)

**NSW Ombudsman**

Phone: (02) 9286 1000  
Toll free (outside Sydney metro): 1800 451 524  
Email: [nswombos@omb.nsw.gov.au](mailto:nswombos@omb.nsw.gov.au)  
Website: [www.omb.nsw.gov.au](http://www.omb.nsw.gov.au)

**Training providers (non-exhaustive)**

**TAFE NSW**

Phone: 131 601  
Website: [www.tafensw.edu.au](http://www.tafensw.edu.au)

**Housing Industry Association (HIA)**

Phone: (02) 9978 3333  
Website: [www.hia.com.au/](http://www.hia.com.au/)

**Local Government Training Institute**

Phone: (02) 4922 2333  
Website: [www.lgti.com.au](http://www.lgti.com.au)

**Comet Training**

Phone: (02) 9649 5000  
Website: [www.comet-training.com.au/site](http://www.comet-training.com.au/site)

**Master Builders Association (MBA)**

Phone: (02) 8586 3521  
Website: [www.masterbuilders.com.au](http://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](http://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](http://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](http://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](http://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.

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**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](http://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](http://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](mailto: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](http://www.nata.asn.au)

**Environmental Health Committee (enHealth)**

The Environmental Health Committee (enHealth) is a subcommittee of the Australian Health Protection Committee (AHPCC). 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-environ-enhealth-committee.htm](http://www.health.gov.au/internet/main/publishing.nsf/content/ohp-environ-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](mailto:info@swa.gov.au)

Website: [www.safeworkaustralia.gov.au](http://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"> <li>• identification</li> <li>• in situ management</li> <li>• removal requirements</li> <li>• disposal requirements.</li> </ul>	Local council Private Certifiers	SafeWork NSW EPA
Site contaminated due to past uses	Local council	SafeWork NSW EPA
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**

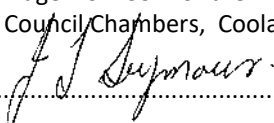
Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and Local council (non-worksites)	
Waste transported by vehicle	EPA	SafeWork NSW
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid council development consent	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 NSW Department of Employment

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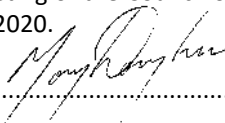
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**Workplaces**

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



..... MAYOR



..... GENERAL MANAGER.

## 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' marbled 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](http://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

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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

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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, ausbestos, 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](http://www.health.vic.gov.au/environment/downloads/hs523_notes2_web.pdf)

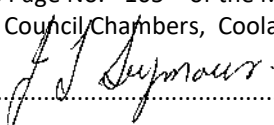
*NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015)*  
[www.fairtrading.nsw.gov.au/biz\\_res/fweb/pdfs/Tenants\\_and\\_home\\_owners/Loose\\_Fill\\_Abestos\\_Taskforce\\_Report.pdf](http://www.fairtrading.nsw.gov.au/biz_res/fweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf)  
(accessed October, 2015).



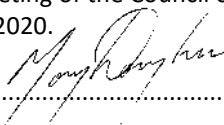
### Appendix K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	Can remove any amount or quantity of asbestos or asbestos containing material, including: <ul style="list-style-type: none"> <li>any amount of friable asbestos or asbestos containing material</li> <li>any amount of asbestos containing dust</li> <li>any amount of non-friable asbestos or asbestos containing material.</li> </ul>
Class B	Can remove: <ul style="list-style-type: none"> <li>any amount of non-friable asbestos or asbestos containing material  <b>Note:</b> A Class B licence is required for removal of more than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material.</li> <li>asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material.  <b>Note:</b> A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m<sup>2</sup> of non-friable asbestos or asbestos containing material.</li> </ul>
No licence required	Can remove: <ul style="list-style-type: none"> <li>up to 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material</li> <li>asbestos containing dust that is:                             <ul style="list-style-type: none"> <li>associated with the removal of less than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material</li> <li>not associated with the removal of friable or non-friable asbestos and is only a minor contamination.</li> </ul> </li> </ul>

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on 13 10 50.

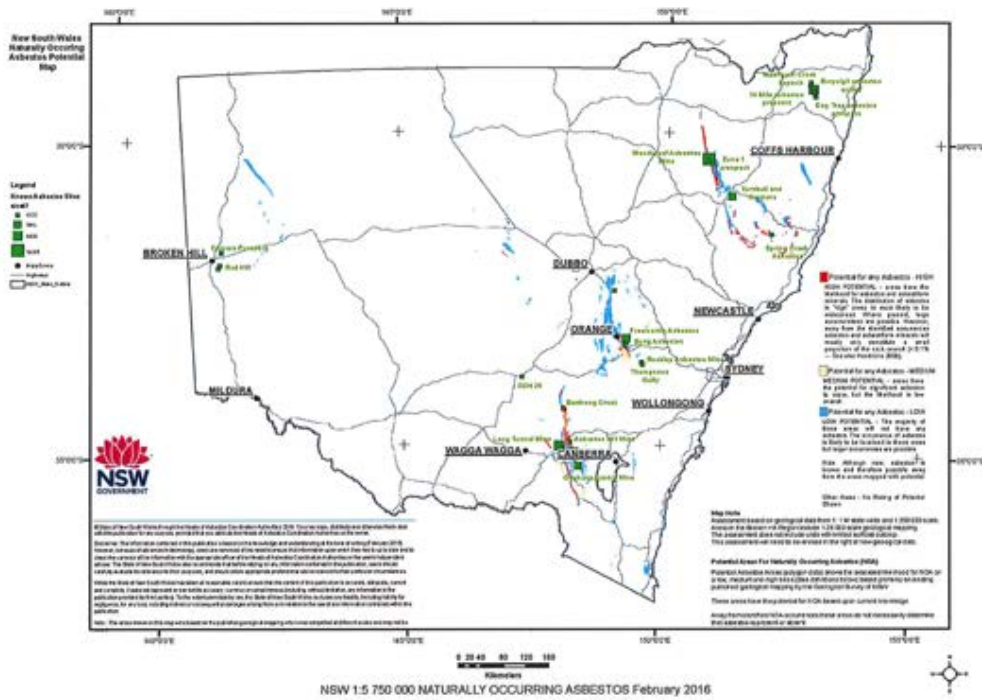


..... MAYOR



..... GENERAL MANAGER.

Appendix L – Map



*J. J. Seymour*  
 ..... MAYOR

*Matthew Douglas*  
 ..... GENERAL MANAGER.

**HS5) COOLAMON DEVELOPMENT CONTROL PLAN AMENDMENT - SECTION 27:  
SHIPPING CONTAINERS & RAIL CARRIAGES (P.03-02, SC298)**

**Summary**

This report presents to Council, draft amendments to Section 27 'Shipping Containers and Rail Carriages' of the Coolamon Development Control Plan 2015.

**Background**

In response to Council undertaking recent compliance actions in relation to shipping containers being located on land within the Local Government Area (LGA), staff have undertaken a review of the development controls contained within Section 27 'Shipping Containers and Rail Carriages' of the Coolamon Development Control Plan 2015.

The review of Section 27 has been informed by feedback from the Council and undertaken with the aim of confirming the appropriateness of current development controls that relate to Shipping Containers and ensuring that controls represent the desired built environment outcomes that Council and the Community seek for development within the LGA.

The review has identified that it may be appropriate to amend the following control:

**Existing Controls and Proposed Amendments**

EXISTING CONTROL (S)	PROPOSED AMENDMENT
<b>For Shipping Containers ONLY</b>	
Must not be visually intrusive when viewed from a public place or neighbouring property, and must therefore be screened and painted in a colour consistent with other development on the site.	No Change proposed.
Must be provided with a means of exit whereby persons within the container can exit should it be closed from the outside, or alternatively be fitted with an internally operated alarm that is to be maintained and regularly tested.	No Change proposed.
Shipping containers may be used for temporary purposes without the need for consent for a time not exceeding six months	No Change proposed.
<b>For Shipping Containers and Rail Carriages</b>	
Are not to be located within a front or side setback	No Change proposed.
Are limited to either 1 shipping container or rail	Are limited to either 1

carriage per property	shipping container or rail carriage per property in the RU5 Zone and are limited to either 2 shipping containers or rail carriage per property in the RU4 Zone.
Are to be free of major rust or rot and be in a structurally stable condition	No Change proposed.
Must be installed and tied-down to a concrete slab or foundations capable of supporting the combined weight of the container/carriage and its contents. The method of tie-down and slab/foundation design must be certified by a practicing structural engineer. Where foundations are used in place of a concrete slab, a hard-stand surface such as compacted gravel (or the like) must be used	No Change proposed.

#### **Legislative Implications**

The Amendments to the Coolamon Development Control Plan 2015 have been prepared in accordance with Section 3.43, Preparation of development control plans, of the Environmental Planning and Assessment Act 1979.

#### **Financial Implications**

There are no adverse financial implications to Council or the community resulting from this report.

#### **Consultation**

Section 18 'Draft development control plan must be publicly exhibited' of the Environmental Planning and Assessment Regulation 2000, provides that:

- (1) *Following the preparation of a draft development control plan, the council:*
- (a) *must give public notice in a local newspaper of the places, dates and times for inspection of the draft plan,*
  - (b) *must publicly exhibit at the places, on the dates and during the times set out in the notice:*
    - (i) *a copy of the draft plan, and*
    - (ii) *a copy of any relevant local environmental plan or deemed environmental planning instrument, and*

- (c) *must specify in the notice the period during which submissions about the draft plan may be made to the council (which must include the period during which the plan is being publicly exhibited).*
- (2) *A draft development control plan must be publicly exhibited for at least 28 days.*

This report requests the Councils endorsement to publicly exhibit the draft DCP in accordance with the abovementioned requirements. At completion of exhibition period a report will be presented to Council to consider any submissions made and prior to considering adoption of the draft plan.

### **Attachments**

- ➔ Section 27 'Shipping Containers and Rail Carriages' of the Coolamon Development Control Plan 2015. **Attachment No. 11**

### **Recommendation**

- 1) That Council note the Report titled 'Section 27 Shipping Containers and Rail Carriages' of the Coolamon Development Control Plan 2015; and
- 2) That Council endorse the public exhibition of the draft amendments to Section 27 'Shipping Containers and Rail Carriages' of the Coolamon Development Control Plan 2015.

**RESOLVED on the motion of Clr McCann and seconded by Clr McKinnon:**  
**224/10/2020**

- 1) **That Council note the Report titled 'Section 27 Shipping Containers and Rail Carriages' of the Coolamon Development Control Plan 2015; and**
- 2) **That Council endorse the public exhibition of the draft amendments to Section 27 'Shipping Containers and Rail Carriages' of the Coolamon Development Control Plan 2015**

***The Mayor called for a division.***

***Those voting in favour of the motion: All those present***

***Those voting against the motion: Nil***

**5) REPORTS: DELEGATES/MAYOR/COUNCILLORS**

- 1) Clr White advised that the Advance Marrar Committee resolved at a meeting held 14<sup>th</sup> October 2020 that the Marrar footpath project continue as per plans.
- 2) Clr Maslin asked for future advertising campaigns relating to the Canola Trail to continue to advise of the rights of the farmer and biosecurity issues.
- 3) Clr McKinnon tabled the latest Campdraft Magazine that highlighted the Marrar Event through an article. This article made mention of Coolamon Shire Council amongst others, and thanked the support they received.

***Meeting Closed at 3.37pm.***

Confirmed and signed during the Meeting held this 19<sup>th</sup> day of November, 2020.

.....  
**MAYOR**

.....  
*J. J. Seymour*  
..... MAYOR

.....  
*Monique Douglas*  
..... GENERAL MANAGER.

**ATTACHMENTS FOR THE MEETING HELD  
15TH OCTOBER, 2020**

**ITEMS DISTRIBUTED WITH THE AGENDA**

- 1) **ACTIVITY REPORTS**
  - 1) Operating Statistics of the Coolamon Shire Library for September 2019.
  - 2) Community Development Officer's Report for September 2019.
  - 3) Tourism and Business Development Officer's Report for September 2019.
  - 4) Road Safety Officer's Activity Report for September 2019.  
Refer Correspondence Item (1a).
  
- 2) **INFORMATION PAPERS**
  - 1) Minutes of the Kindra Bike and Walking Trail Management Committee Meeting held 30<sup>th</sup> September, 2020.
  - 2) Minutes of the Advance Ardlethan Committee Meeting held 5<sup>th</sup> October, 2020.
  - 3) Minutes of the Advance Marrar Committee Meeting held 29<sup>th</sup> July, 2020.
  - 4) Minutes of the Advance Ganmain Committee Meeting held 7<sup>th</sup> October, 2020.
  - 5) A copy of Programme for the Local Government NSW Annual Conference to be held on Monday, 23<sup>rd</sup> November, 2020.  
Refer Correspondence Item (2a).
  
- 3) A copy of the list of achievements for each of the nominated people for the Honoured Citizen Awards.  
Refer General Manager's Report (GM2), [File No. A.14-04].
  
- 4) A copy of the Media Release relating to the latest Federal Budget and outcomes as they relate to Coolamon Shire Council.  
Refer General Manager's Report (GM3), [File No. P.06-01].
  
- 5) A copy of the draft Agency Information Guide.  
Refer Executive Manager, Corporate & Community Services' Report CS2, [File No. P.12-01].
  
- 6) A copy of the Public Interest Disclosures Annual Report 2019/2020.  
Refer Executive Manager, Corporate & Community Services' Report CS3, [File No. P.10-01].
  
- 7) A copy of the General Purpose Financial Statements for the year ended 30 June 2020.  
Refer Executive Manager, Corporate & Community Services' Report CS4, [File No. S.11-04, A.12-01].
  
- 8) A copy of the Plan in relation to the report on Hancocks Lane.  
Refer Executive Manager, Engineering & Technical Services' Report ES4, [File No. L.02-02].

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- 9) A copy of the Coolamon Dog Park/Off Leash Area Plans and Specifications.  
Refer Executive Manager, Development & Environmental Services' Report (HS3),  
[File No. A.08-02].
- 10) A copy of the Coolamon Shire Council Asbestos Policy.  
Refer Executive Manager, Development & Environmental Services' Report (HS4),  
[File No. P.12-01].
- 11) A copy of Section 27 'Shipping Containers and Rail Carriages' of the Coolamon  
Development Control Plan 2015.  
Refer Executive Manager, Development & Environmental Services' Report (HS5),  
[File No. P.03-02].
- 12) A copy of the Asset Management Plan.  
Refer General Manager's Report (GM5), [File No. A.11-01].

**ITEMS TABLED AT THE MEETING**

- 1) Copies of the completed Disclosures by Councillors and Designated Persons  
Return for all Councillors and Senior Staff.