

BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6.00 pm on

Monday 5 September 2016

Council Chambers, Level 10, Council Administration Building, 41 Burelli Street, Wollongong

Order of Business

- 1 Acknowledgement of Traditional Owners
- 2 Civic Prayer
- 3 Apologies
- 4 Disclosures of Pecuniary Interest
- 5 Petitions and Presentations
- 6 Confirmation of Minutes Ordinary Meeting of Council 15/08/2016
- 7 Public Access Forum
- 8 Call of the Agenda
- 9 Lord Mayoral Minute
- 10 Urgent Items
- 11 Notice of Motion
- 12 Agenda Items
- 13 Confidential Business

Members

Lord Mayor – Councillor Gordon Bradbery OAM (Chair) Deputy Lord Mayor – Councillor John Dorahy Councillor Michelle Blicavs Councillor David Brown Councillor David Brown Councillor Leigh Colacino Councillor Leigh Colacino Councillor Chris Connor Councillor Chris Connor Councillor Bede Crasnich Councillor Bede Crasnich Councillor Vicki Curran Councillor Vicki Curran Councillor Janice Kershaw Councillor Ann Martin Councillor Jill Merrin Councillor Greg Petty Councillor George Takacs

QUORUM - 7 MEMBERS TO BE PRESENT



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CLOSED SESSION

ITEM C1 CONFIDENTIAL: General Manager's Performance Review

Reason for Confidentiality

This report recommends that this item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2)(a) of the Local Government Act, 1993, as the report contains personnel matters concerning particular individuals.



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 15 August 2016

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Blicavs, Dorahy, Colacino and Crasnich

In Attendance

General Manager – D Farmer, Director Corporate and Community Services – Creative, Engaged and Innovative City – G Doyle, Director Infrastructure and Works – Connectivity, Assets and Liveable City – M Hyde, Director Planning and Environment – Future, City and Neighbourhoods – A Carfield, Manager Governance and Information – K Cowgill, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Project Delivery – G Whittaker and Manager City Works and Services – M Roebuck

Apologies

Minute No.

⁹⁰ **COUNCIL'S RESOLUTION** – RESOLVED on the motion of Councillor Dorahy seconded Councillor Brown that the apology tendered on behalf of Councillors Curran and Petty be accepted.

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DISCLOSURE OF INTERESTS

Councillor Dorahy declared an interest in Item B as he is a Director with Venues NSW. Councillor Dorahy was not present in the Chamber during debate and voting for Item B.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 25 JULY 2016

91 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 25 July 2016 (a copy having been circulated to Councillors) be taken as read and confirmed.

CALL OF THE AGENDA

92 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Martin that the staff recommendations for Items 1, 4, 6 to 11 inclusive, be adopted as a block.

DEPARTURE OF COUNCILLOR

Due to a disclosure of interest, Councillor Dorahy departed the meeting and was not present during debate and voting for Item B.

ITEM B - LORD MAYORAL MINUTE – WIN ENTERTAINMENT CENTRE UPGRADE

- 93 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor Bradbery that -
 - 1 Wollongong City Council contribute a maximum of \$10,000 (approximately one-third) for the review and preparation of an updated Market Assessment Report for the refurbishment and upgrade of the WIN Entertainment Centre. The reports preparation is to be coordinated by Regional Development Australia (Illawarra).
 - 2 The funds be appropriated from the Strategic Projects Reserve.

ITEM A - NOTICE OF MOTION - COUNCILLOR BLICAVS - NAMING OF PARK - CORNER COACHWOOD DRIVE AND WAPLES ROAD, FARMBOROUGH HEIGHTS

- 94 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor Blicavs seconded Councillor Brown that Council -
 - 1 Immediately begin the naming process for the park at the corner of Coachwood Drive and Waples Road, Farmborough Heights, in accordance with the Naming of Parks, Sportsgrounds and Natural Areas policy.
 - 2 Investigate the history of the park for a suitable name and undertake appropriate community engagement as part of the process.

wollongong city of innovation Minute No. 2

ITEM 1 - FIGTREE OVAL DRAFT RECREATIONAL MASTER PLAN

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 92).

COUNCIL'S RESOLUTION – The Recreational Master Plan for Figtree Oval, as exhibited, be adopted by Council as a reference point for the future renewal and development of Figtree Oval.

ITEM 2 - 2016 NSW LOCAL GOVERNMENT ANNUAL CONFERENCE – WOLLONGONG – COUNCILLOR ATTENDANCE

- 95 COUNCIL'S RESOLUTION RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Martin that -
 - 1 The Lord Mayor and Councillors Blicavs, Brown, Dorahy, Kershaw, Martin, Merrin and Petty be authorised to attend the 2016 Local Government NSW Annual Conference and associated functions.
 - 2 A further report be presented to the 5 September 2016 Council Meeting to delegate voting rights for seven (7) Councillors (of which two are the Lord Mayor and Deputy Lord Mayor), following the election of the Deputy Lord Mayor.
 - 3 The Lord Mayor be authorised to submit on behalf of Council, motions to the Local Government NSW Conference that are consistent with Council resolutions, including but not limited to Council's response to recent developments in proposed NSW State Government biodiversity legislation and coastal management policies and procedures.

ITEM 3 - DRAFT QUARTERLY REVIEW STATEMENT JUNE 2016

- 96 **COUNCIL'S RESOLUTION** RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Blicavs that -
 - 1 The draft Quarterly Review Statement June 2016 be adopted.
 - 2 The Quarterly Review Budget Report and Preliminary End of Year Report of Manager Finance 2015-16 be noted.
 - 3 \$2.6M of the improvement in the Fund Result for 2015-16 be transferred to restricted cash for Strategic Projects.

ITEM 4 - JUNE 2016 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 92).

COUNCIL'S RESOLUTION – The financials be received and noted.



ITEM 5 - PROGRESS ON IMPLEMENTATION OF IAB REPORT RECOMMENDATIONS (ILLEGAL DUMPING DETERRENT MOUNDS)

97 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Merrin seconded Councillor Connor that the report be noted.

ITEM 6 - TENDER T16/19 WOLLONGONG WASTE AND RESOURCE RECOVERY PARK - DESIGN AND CONSTRUCTION OF A LEACHATE DRAINAGE SYSTEM IN THE WESTERN GULLY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 92).

COUNCIL'S RESOLUTION -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Select Civil Pty Ltd for the Design and Construction of a Leachate Drainage System in the western gully at the Wollongong Waste and Resource Recovery Park, in the sum of \$939,596.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 7 - TENDER T16/27 - REFURBISHMENT OF THE GRANDSTAND AT FIGTREE OVAL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 92).

COUNCIL'S RESOLUTION -

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Malsave Pty Ltd for the refurbishment of the Grandstand at Figtree Oval, Figtree, in the sum of \$192,200.00 excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 8 - WRITE OFF COUNCIL RATES - COKEWORKS ROAD, COLEDALE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 92).

COUNCIL'S RESOLUTION – Council write off rates of \$42,857.29 on Assessment N° 81838-0 that should not have been valued separately and therefore should not have been rated.



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ITEM 9 - STATEMENT OF INVESTMENTS - JUNE 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 92).

COUNCIL'S RESOLUTION – Council receive the Statement of Investments for June 2016.

ITEM 10 - QUARTERLY REPORT ON DEVELOPMENT APPLICATIONS INVOLVING VARIATIONS TO DEVELOPMENT STANDARDS - 1 APRIL TO 30 JUNE 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 92).

COUNCIL'S RESOLUTION – Council note the report.

ITEM 11 - CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 20 JULY 2016

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 92).

COUNCIL'S RESOLUTION – In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meeting held on 20 July 2016 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 6.28 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 5 September 2016.

Chairperson



File: GI-80.06.02.01.009 Doc: IC16/100206

ITEM A NOTICE OF MOTION - COUNCILLOR MERRIN - COUNCILLOR REPRESENTATION ON CITY OF WOLLONGONG TRAFFIC COMMITTEE

Councillor Merrin has submitted the following Notice of Motion -

"I formally move that –

- 1 Council reinstate an elected Councillor to the Traffic Committee.
- 2 Nominations for the position be called and an election take place alongside other Committee elections at this meeting.
- 3 Members of the public be invited to attend meetings and address the Traffic Committee on matters of concern."

Background provided by Councillor Merrin:

- * The Wollongong Local Traffic Committee is formed under the delegation process of the State Government to Local Government;
- * It includes four formal members a representative from Roads and Maritime Services, NSW Police, Council, and the relevant local State MPs. Non-voting members may include Council's Road Safety Officer, and representatives of Transport, Fire, Ambulance, Bus, Union or Chamber of Commerce interests. They may also include members of the public or community interest groups;
- * It is an advisory body to advise Council on traffic related matters, such as traffic control measures, traffic facilities, signage and traffic regulation;
- * Council is not bound by the decisions of the Traffic Committee, but must advise the RMS and Police representatives if acting contrary to the decisions.

There is a need for greater involvement by Councillors and the public in the Traffic Committee, in order to improve transparency and communication between the Committee and Council's elected representatives. Councillor representation will allow for issues raised through the Committee to be related to the strategic and policy levels of Council's traffic management. It will allow for improved awareness and knowledge by elected representatives of Council's traffic management within the broader context.

With other external committees, such as the Illawarra District Noxious Weeds Authority or Floodplain Management Australia, Council appoints a Councillor representative, and also includes staff as alternative delegates or advisers. The involvement of both political representative(s) and professional expertise provides for greater levels of strategic oversight and public representation in the matters of the committees. It also allows for the identification of emerging issues and opportunities for advocacy on behalf of Council to the NSW State Government.

Other local councils elect Councillors as representatives on their Traffic Committees, often as Chairperson. Examples include Randwick City Council, Waverley City Council, Blue Mountains City Council, Sutherland City Council, Shoalhaven City Council and Liverpool City Council. Other councils also include members of community interest groups as informal members, and invite members of the public to address Traffic Committee meetings.



ITEM 1 ELECTION OF DEPUTY LORD MAYOR

The election for the Deputy Lord Mayor is generally undertaken at the September Council meeting. Council at its meeting of 14 September 2015 elected Councillor John Dorahy as Deputy Lord Mayor for a term of one year and Council is now required to elect a Deputy Lord Mayor for a term to be determined.

The Local Government (General) Regulation 2005 outlines the process for electing a Deputy Lord Mayor which is outlined in this report.

RECOMMENDATION

- 1 Council elect a Deputy Lord Mayor for a term determined by the Council.
- 2 Council determine whether the method of election for the Deputy Lord Mayor is by preferential ballot, ordinary ballot or open voting.
- 3 Council proceed to conduct the election of Deputy Lord Mayor in accordance with the determined method and the requirements of the Local Government (General) Regulation 2005.

REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information

Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

ATTACHMENTS

There are no attachments for this report.

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

A Deputy Lord Mayor assumes all the duties and powers of the Lord Mayor at the request of the Lord Mayor, or if the Lord Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of Lord Mayor.

Section 231 of the Local Government Act 1993 provides for Councillors to elect a person from among their number to be the Deputy Lord Mayor. The person may be elected for the Council term or a shorter term.

Clause 394 of the Local Government (General) Regulation 2005 stipulates that 'if a Mayor or Deputy Mayor is to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7'. Council is therefore required to conduct the election of Deputy Lord Mayor in accordance with this Schedule.

PROPOSAL

The process to be followed in the election of the Deputy Lord Mayor in accordance with Schedule 7 of the Local Government regulation is as follows:

- A Councillor is to be nominated in writing by two or more Councillors, one of whom may be the nominee, and the nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- The nomination is to be delivered or sent to the Returning Officer.



- The General Manager, or a person appointed by the General Manager, is the Returning Officer for the election and that person is to announce the names of the nominees at the Council meeting at which the election is to be held.
- Should more than one Councillor be nominated, Council is to resolve at the meeting at which the
 election is to be held whether the election is to proceed by way of preferential ballot, ordinary ballot
 or open voting, with preferential ballots and ordinary ballots being secret ballots. Open voting
 means voting by a show of hands or similar means.
- Counting will be conducted in accordance with Parts 2 or 3 of Schedule 7, depending on the method adopted by Council.

CONSULTATION AND COMMUNICATION

This report has been prepared in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Councillors have been provided with notification of this election together with a nomination form prior to receiving the business paper for this meeting.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "We are a connected and engaged community".

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2016-17.

CONCLUSION

Council is able to elect a Deputy Lord Mayor to exercise the functions of the Lord Mayor at the request of the Lord Mayor, or if the Lord Mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the Office of Lord Mayor. This election should proceed at this meeting and, in line with past practice, could be conducted by way of open voting on a show of hands.



File: LM-911.05.002 Doc: IC16/100158

ITEM 2 APPOINTMENT OF VOTING DELEGATES TO THE 2016 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

On 15 August 2016 Council resolved that -

- 1 The Lord Mayor and Councillors Blicavs, Brown, Dorahy, Kershaw, Martin, Merrin and Petty be authorised to attend the 2016 Local Government NSW Annual Conference and associated functions.
- 2 A further report be presented to the 5 September 2016 Council Meeting to delegate voting rights for seven (7) Councillors (of which two are the Lord Mayor and Deputy Lord Mayor), following the election of the Deputy Lord Mayor.
- 3 The Lord Mayor be authorised to submit on behalf of Council, motions to the Local Government NSW Conference that are consistent with Council resolutions, including but not limited to Council's response to recent developments in proposed NSW State Government biodiversity legislation and coastal management policies and procedures.

This report responds to point 2 of the above resolution.

RECOMMENDATION

Council delegate (by show of hands) voting rights on motions to seven (7) Councillors, including the Lord Mayor and Deputy Lord Mayor, from Councillors previously authorised to attend the 2016 Local Government NSW Annual Conference.

REPORT AUTHORISATIONS

Report of: Deanne Heidrich, Executive Officer to Lord Mayor Authorised by: David Farmer, General Manager

ATTACHMENTS

There are no attachments for this report.

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines – *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

The Local Government NSW Conference, being held from 16-18 October 2016 in Wollongong, is a significant opportunity to meet and discuss the issues facing local government and develop agreed positions which can inform the development of NSW Local Government policies in the coming year. Through this conference, local government representatives can engage directly with key politicians, move and debate motions, hear from a range of subject matter experts, and network with local government colleagues from around the state.

Wollongong City Council is entitled to delegate voting rights to seven (7) Councillors. As per the Payment of Expenses and Provision of Facilities to Lord Mayor and Councillors policy, two (2) of these delegates are the Lord Mayor and Deputy Lord Mayor if attending.

PLANNING AND POLICY IMPACT

This report relates to the commitments of Council as contained within the Strategic Management Plans.

This report contributes to the Wollongong 2022 Objective 'our local Council has the trust of the community' under the Community Goal 'we are a connected and engaged community'.



It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2016-17.

CONCLUSION

Council delegate (by show of hands) voting rights on motions to seven (7) Councillors, including the Lord Mayor and Deputy Lord Mayor, from Councillors previously authorised to attend the 2016 Local Government NSW Annual Conference.



File: GI-80.07.04.004 Doc: IC16/100176

ITEM 3 ELECTION OF COUNCILLORS TO COMMITTEES, REFERENCE GROUPS AND EXTERNAL ORGANISATIONS

Local government elections have historically been held during September and the election of Councillors to various committees and organisations has also been undertaken each September to coincide with the elections.

Council on 14 September 2015 elected Councillors to the committees, reference groups and external organisations listed in the attachment to this report, for a period of 12 months. In accordance with Council's resolution of 14 September 2015 this report identifies those committees, reference groups and external organisations which require the election of Councillor representatives.

RECOMMENDATION

- 1 Elections be undertaken to appoint Councillor representatives to committees, reference groups and external organisations listed in the attachment to this report.
- 2 The elections be conducted by open means on a show of hands.

REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information

Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

ATTACHMENTS

1 List of Committees, Reference Groups and External Organisations requiring Election of Councillors

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines – *Council Decision Making During Merger Proposal Periods.*

BACKGROUND

As local government elections have historically been held during the month of September, the election of Councillors to various committees and organisations has also been undertaken in September, with the exception of 2014, where the elections were brought forward to August, due to the absence of the Lord Mayor.

Council on 14 September 2015 elected Councillors to the committees, reference groups and external organisations listed in the attachment to this report, for a period of 12 months.

PROPOSAL

Councillors were provided with the opportunity to submit nominations for the various committees and organisations for inclusion in this report and the nominations received prior to the finalisation of the business paper have been included in the attachment. However further nominations can be made from the floor when considering this item.

Clause 251(5) of the Local Government (General) Regulation 2005 stipulates that voting in an election at a Council meeting is to be by open means such as by voice or a show of hands.

As this is an election, the Lord Mayor does not have a casting vote.



CONSULTATION AND COMMUNICATION

Lord Mayor and Councillors.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "We are a connected and engaged community".

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2016-17.

CONCLUSION

Council should proceed to elect its Councillor representatives to the various committees, reference groups and external organisations listed in the attachment to this report.



COUNCIL MEETING: 5 SEPTEMBER 2016 ELECTION OF COUNCILLORS: COMMITTEES, REFERENCE GROUPS AND EXTERNAL ORGANISATIONS



NAME OF COMMITTEE / GROUP / ORGANISATION	CURRENT COUNCILLOR REPRESENTATIVES	ELECTION REQUIREMENT	REQUIREMENT UP UNTIL 17 AUGUST 2016 NOMINATIONS WERE RECEIVED FROM THE FOLLOWING COUNCILLORS		
	ADV	ISORY COMMITTEES			
Audit Committee	Audit Committee • Councillor Blicavs • Two Councillors • Councillor Blicavs • Councillor Petty • Ouncillor Slicavs • Councillor Slicavs				
Corporate Governance Committee	Councillor ConnorCouncillor Dorahy	<u>Two</u> Councillors	Councillor ConnorCouncillor Dorahy		
Major Events Advisory Group	Major Events Advisory Group Councillor Dorahy Vacant 		Councillor BlicavsCouncillor Dorahy		
Performance Review Committee	Councillor Bradbery (LM)	Lord Mayor	AUTOMATIC APPOINTMENTS		
	 Councillor Dorahy (DLM) Councillor Blicavs 	 Deputy Lord Mayor <u>One</u> Councillor appointed by Council One Councillor selected by General Manager (optional) 	Lord Mayor Deputy Lord Mayor		
SECTION 355 COMMITTEES					
Australia Day Committee	Councillor Bradbery (LM)	Lord Mayor (Chair)	AUTOMATIC APPOINTMENT: Councillor Connor		
	Councillor ConnorVacant	<u>Two</u> Councillors	Lord Mayor		

REFERENCE GROUPS				
Access Reference Group	VacantVacant	<u>Two</u> Councillors	Councillor Merrin	

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COUNCIL MEETING: 5 SEPTEMBER 2016 Image: Complex constraints ELECTION OF COUNCILLORS: COMMITTEES, REFERENCE GROUPS AND EXTERNAL ORGANISATIONS NAME OF COMMITTEE / GROUP / ORGANISATION CURRENT COUNCILLOR REPRESENTATIVES ELECTION REQUIREMENT UP UNTIL 17 AUGUST 2016 NOMINATIONS WERE REPRESENTATIVES

Sports and Facilities Reference Group	 Councillor Curran (Chair) Councillor Kershaw Councillor Blicavs 	 <u>Three</u> Councillors One Councillor to be elected <u>Chair</u> 	Councillor KershawCouncillor Blicavs					
	EXTERNAL ORGANISATIONS							
Association of Mining Related Councils	Councillor BradberyCouncillor Connor	<u>Two</u> Councillors	Councillor Connor					
Committee of Illawarra Sports Stadium Limited	Councillor Curran	One Councillor						
Destination Wollongong	Councillor Colacino	One Councillor						
Floodplain Management Australia	Councillor MerrinCouncillor Dorahy	<u>Two</u> Councillors	Councillor MerrinCouncillor Dorahy					
Healthy Cities Illawarra Board	Councillor Takacs	One Councillor						
Illawarra Bushfire Management Committee	Councillor Connor	One Councillor	Councillor Connor					
Illawarra District Noxious Weeds Authority	Councillor Merrin	One Councillor	Councillor Merrin					
Illawarra ITEC Limited Board	Councillor Takacs	One Councillor						
Illawarra Regional Information Service Board	Councillor BrownCouncillor MartinVacant	<u>Three</u> Councillors	TPIM: 716/18144					

TRIM: Z16/181444



COUNCIL MEETING: 5 SEPTEMBER 2016 ELECTION OF COUNCILLORS: COMMITTEES, REFERENCE GROUPS AND EXTERNAL ORGANISATIONS



NAME OF COMMITTEE / GROUP / ORGANISATION	CURRENT COUNCILLOR REPRESENTATIVES	ELECTION REQUIREMENT	UP UNTIL 17 AUGUST 2016 NOMINATIONS WERE RECEIVED FROM THE FOLLOWING COUNCILLORS
Illawarra Zone Liaison Committee – Rural Fire Service	 Councillor Connor – Delegate Councillor Blicavs – Alternate 	 One Councillor <u>Delegate</u> One Councillor <u>Alternate</u> <u>Delegate</u> 	Councillor Connor
Joint Regional Planning Panel	 Councillor Curran – Delegate Councillor Merrin – Alternate Delegate 	 One Councillor <u>Delegate</u> One Councillor <u>Alternate</u> <u>Delegate</u> 	Councillor Merrin
Landcare Illawarra	Vacant	One Councillor	•
Public Libraries NSW SE Zone	Councillor Connor	One Councillor	Councillor Connor
Illawarra Pilot Joint Organisation	 Councillor Bradbery – Delegate Councillor Connor – Alternate 	 Lord Mayor – Delegate One Councillor <u>Alternate</u> <u>Delegate</u> 	AUTOMATIC APPOINTMENT• Councillor BlicavsLord Mayor• Councillor Connor• Councillor Merrin
United Independent and Westpool Boards	 Councillor Bradbery – Delegate Councillor Blicavs - Alternate 	 Lord Mayor – Delegate One Councillor <u>Alternate</u> <u>Delegate</u> 	AUTOMATIC APPOINTMENT • Councillor Blicavs Lord Mayor • Councillor Blicavs

TRIM: Z16/181444



File: GI-80.06.001 Doc: IC16/100173

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ITEM 4 2017 COUNCIL MEETING CYCLE

On 10 September 2012 Council resolved to review its meeting structure and cycle each year.

In line with the above resolution, this report presents two options for 2017 Council meeting cycles, being the current three weekly Council meeting cycle and a twice monthly Council meeting cycle.

RECOMMENDATION

Council determine its preferred meeting structure and cycle for 2017.

REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

ATTACHMENTS

1 Options for 2017 Meeting Schedule

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines – *Council Decision Making During Merger Proposal Periods.*

BACKGROUND

When considering a report on the meeting structure and cycle on 14 September 2015, Council resolved as follows –

- Ordinary Council meetings be held on a three weekly cycle on Mondays, commencing at 6.00 pm.
- Councillor Briefing Sessions be held on the second and third Monday of the cycle, commencing at 5.00 pm.
- No Ordinary Council meetings or Councillor Briefing Sessions be held during a public school holiday period.
- Additional Councillor Briefing Sessions be scheduled for Thursdays, when there is an urgent demand.

Meeting Structure

The current structure allows all Councillors to participate in the discussion and determination of issues coming before Council. Councillor Briefing Sessions provide the opportunity for all Councillors to be fully briefed on a number of key issues and other matters either being dealt with by Council Officers or prior to reports being submitted to Council for determination.

There is general acceptance of the current structure and the combination of Councillor Briefing Sessions and Council meetings enables all Councillors to have an understanding of all matters coming before Council for determination.



Meeting Cycle

Two options for a Council meeting cycle have been identified and outlined hereunder:

Option 1 - retain the existing three-weekly meeting cycle (15 Council meetings and 22 Briefings) -

- Ordinary Council meetings held on a rolling three weekly cycle on a Monday commencing at 6.00 pm. First meeting to be held on Monday, 30 January 2017.
- Councillor Briefing Sessions be held on the second and third Monday of the cycle commencing at 5.00 pm.
- No Ordinary Council meetings or Councillor Briefing Sessions be held during a public school holiday period.
- Additional Councillor Briefing Sessions be scheduled for Thursdays, when there is an urgent demand.

Option 2 – two Ordinary Council meetings per month with the exception of public school holiday periods (18 Council meetings and 16-19 Briefings) -

- Two Ordinary Council meetings per month to be held on the second and **fourth Monday commencing at 6.00 pm with the first meeting to be held on Monday, 30 January 2017. **The exception to this cycle is in May and October when Council meetings are scheduled for the fifth Monday in order to better coincide with financial reporting.
- Councillor Briefing Sessions be held on the first and *third Monday of each month commencing at 5.00 pm.
- The option for an additional Councillor Briefing on the fifth Monday of the month in July when the General Manager determines that there is sufficient business to warrant an additional briefing. *In May and October, when there are five Mondays in the month, the optional Briefing date has been set down for the fourth Monday (see first dot point).
- No Ordinary Council meetings or Councillor Briefing Sessions be held during a public school holiday period.
- Additional Councillor Briefing Sessions be scheduled on Thursdays when there is an urgent demand.

In 2017 the National General Assembly of Local Government will take place between 18 and 21 June, and the Local Government NSW Annual Conference will be held between 15 and 17 October. The Options attached to this report take these dates into account.

The current Council meeting cycle of three weekly meetings with Councillor Briefings *generally on the second and third Monday of the cycle has been beneficial in that there are fewer formal Council meetings and more opportunities for briefings from staff for Councillors.

PLANNING AND POLICY IMPACT

Council is required under the Local Government Act 1993 to meet at least ten times each financial year, and options outlined in this report satisfy this requirement.

This report contributes to the delivery of Wollongong 2022 goal "We are a connected and engaged community".

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2016-17.



FINANCIAL IMPLICATIONS

The financial implications are considered to be minimal however Option 1 is the less costly of the two.

CONCLUSION

The current three weekly cycle has worked well and Council is now asked to determine its preferred meeting cycle and structure.



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OPTIONS FOR 2017 MEETING SCHEDULE

Council meetings and Briefing Sessions will be held on Mondays, with the *exception of School Holidays, when there will be no meetings, and (Monday) Public Holidays when meetings will be held on the Tuesday

OPTION 1

15 Council Meetings/ 22 Briefings Three-weekly Council meeting cycle (generally)*

Briefings on all other Mondays*

JANUARY	FEBRUARY MARCH		APRIL	MAY	JUNE	
	6 th Briefing	6 th Briefing	3 rd Council	1 st Briefing	5 th Briefing	
Sahaal Halidaya	13 th Briefing	13 th Council	13 th Council 8 th Council		13 th Briefing	
School Holidays	20 th Council	20 th Briefing	School		15 th Briefing	National General Assembly of Local Government
	27 th Briefing	27 th Briefing	Holidays 10 th to 25 th	22 nd Briefing	18 th to 21 st	
30th Council				29 th Council	26th Council	

JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
School Holidays 3 rd to 14 th	7 th Council	4 th Briefing	School Holidays 24 th Sept to 6 th Oct	6 th Briefing	4 th Briefing
5 10 14	14 th Briefing	11 th Briefing	9 th Council	13 th Briefing	11 th Council
17 th Council	21 st Briefing	18 th Council	LG NSW Annual Conference Darling Harbour 15 th to 17 th	20 th Council	
24 th Briefing	28 th Council	School Holidays	23 rd Briefing	27 th Briefing	
31 st Briefing		24 th Sept to 6 th Oct	30 th Council	Zr bheiling	





OPTIONS FOR 2017 MEETING SCHEDULE

Council meetings and Councillor Briefing Sessions will be held on Mondays, with the exception of -

- * School Holidays, when there will be no meetings, and (Monday) Public Holidays, when meetings will be held on the Tuesday.
- ** May and October where the Council meetings have been listed for the last Monday of the month and an optional Briefing on the fourth Monday to better coincide with financial reporting

OPT	ION 2	
18 Coun	cil Meetings	

+ 16-19 Briefings

- Two Council meetings per month on the second and fourth Monday*
- Two Councillor Briefings per month on the first and third Monday*
- S Where there are five Mondays in any month, optional Councillor Briefing Session

JANUARY	FEBRUARY	MARCH	APRIL	APRIL MAY	
	6 th Briefing	6 th Briefing	3 rd Briefing	1 st Briefing	5 th Briefing
School Holidays	13 th Council	13 th Council		8 th Council	Tuesday, 13 th Council
. Tondayo	20 th Briefing	20 th Briefing	School Holidays 10 th to 25 th	15 th Briefing	National General Assembly of Local Government 18 th to 21 st
30 th Council	27 th Council	27 th Council		** 22 nd Optional Briefing ** 29 th Council	26 th Council

JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
School Holidays 3 rd to 14 th	7 th Briefing	4 th Briefing	School Holidays 24 th Sept to 6 th Oct	6 th Briefing	4 th Briefing
3° to 14	14 th Council	11 th Council	9 th Council	13 th Council	11 th Council
17 th Briefing	21 st Briefing	18 th Briefing	LG NSW Annual Conference Darling Harbour 15 th to 17 th	20 th Briefing	
24 th Council	28 th Council	School Holidays 24 th Sept to 6 th Oct	** 23 rd Optional Briefing	27 th Council	
31 st Optional Briefing			** 30 th Council		

TRIM: IC16/100174



File: ESP-100.05.001 Doc: I16/100058

ITEM 5 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN - 2016 UPDATE

On 14 June 2006 the Wollongong City Council Section 94A Development Contributions Plan came into force. The Section 94A Plan is linked to the Wollongong 2022 Community Strategic Plan. The Works Schedule included in the Section 94A Plan is a subset of the works program expressed in the adopted Capital Budget Delivery Program 2012-2017. As a consequence of the annual update of the Delivery Program, it is necessary to update the Section 94A Plan for consistency.

The exemption policy for education facilities has been reviewed and it is recommended that the policy be amended to enable a partial exemption for tertiary facilities.

It is recommended that the draft Wollongong Section 94A Development Contributions Plan (2016) be exhibited for community comment.

RECOMMENDATION

- 1 The draft Wollongong Section 94A Development Contributions Plan 2016 incorporate the following amendments:
 - a Update of the Works Program and maps to reflect the 2016-17 Capital Budget Delivery Program;
 - b Updating clause 13 by adding the following exemption provisions for tertiary educational establishments:
 - u An application by or on behalf of a NSW Government or a private education facility (tertiary):
 - *i* Full exemption may be allowed for facilities that are directly required by the main function of the educational facility, such as class rooms, lecture theatre, training facility, administrative office, research facility.
 - *ii* Partial (50%) exemption may be allowed for developments that are not directly required by the main function of the educational facility but will provide support to its main function, such as student accommodation, car park, sports facility, play grounds, food-court, display facility, function centre, convention hall, auditorium, community centre.
 - iii Nil exemption for developments that are not directly required to the main function of the educational facility and/or have potential to create additional demand for public services and amenities. Development such as but not limited to – shops, supermarket, shopping centre, office for lease, business park, commercial centre, child care centre, entertainment facility.
 - c Deleting clause 25 (a), (b) and (c) which involve the provisions of Works in Kind Agreement which are not applicable under Section 94A plans and renaming 25 (d) to 25 (a).
 - d Including other minor changes as listed in this report.
- 2 The draft Wollongong Section 94A Development Contributions Plan 2016 (Attachment 1) be exhibited for a minimum period of 28 days.
- 3 A letter be sent to the NSW Department of Planning and Environment seeking confirmation that Section 94A Development Contributions can be levied on Crown Authorities for ancillary development.

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environmental Strategy and Planning Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods



ATTACHMENTS

1 ESP - Land Use Planning - Section 94 Plan - Draft Section 94A Plan 2016

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

Section 94A of the Environmental Planning and Assessment Act 1979 enables Council to apply a percentage levy on the cost of development within a specific area. These funds are then applied to new or augmented works within the collection area. A plan of works to expend these funds must be publicly exhibited and adopted. Section 94A Plans are generally used in developed areas where increased development creates a general increase in demand for services and facilities.

The City-Wide Section 94A Contribution Plan came into force on 14 June 2006. This Section 94A Plan repealed the previous 12 Section 94 Plans. In January 2007 it was amended to include an additional levy for the Wollongong City Centre and renamed, 'Combined City Wide and City Centre Section 94A Development Contributions Plan'. In July 2009 it was amended by further combining Part A – City Wide and Part B – City Centre and renamed 'Wollongong Section 94A Development Contributions Plan'. This Section 94A Plan applies to the whole LGA, except stages 1 and 2 of the West Dapto Release Area, where the West Dapto Section 94 Development Contribution Plan applies.

The Section 94A Plan requires the payment of contributions based on the value of development as follows:

- Up to \$100,000 Nil;
- 0.5% for developments with a cost of between \$100,001 to \$200,000;
- 1% for developments with a cost of more than \$200,000; and
- 2% for developments within the B3 Commercial Core zone in the City Centre with a cost of more than \$250,000 and that increases the gross floor area.

The Section 94A Plan is linked to the Wollongong 2022 Community Strategic Plan, in particular the five year Delivery Program, so that there is a single process and a single works schedule that governs Council's infrastructure provision and activities. The Delivery Program is the document which provides the community with an overview of the major projects and activities proposed by Council for the next five years, including the capital budget. The Delivery Program is reviewed on an annual basis and the major capital projects and activities are reviewed and amended accordingly. The Section 94A Plan needs to be updated annually to remain consistent with the Capital Delivery Program. Council endorsed the current Wollongong Section 94A Development Contribution Plan (2015) on 19 October 2015.

Council endorsed the exhibition of the 2016-17 Annual Plan on 4 April 2016 and adopted the Annual Plan on 27 June 2016. The detailed Capital Delivery Program for 2016-17 was finalised soon after the endorsement of the Annual Plan.

A Councillor briefing occurred on 22 August 2016.

PROPOSAL

This report proposes that the Section 94A Plan be updated to reflect the Works Program in Council's 2012-2017 Delivery Program and 2016-17 Annual Plan, proposed amendments to works in kind and education facility clause and minor administrative amendments.



1 Works Program 2015-16

Council at its meeting on 25 June 2012 adopted the Wollongong 2022 Community Strategic Plan including the five year Delivery Program for 2012-2017 and Council at its meeting on 22 June 2015 endorsed the Annual Plan 2015-16.

The Delivery Program 2012-2017 provides for \$303.3 million of total expenditure, for which only approximately 7% or \$20.8 million of funding is met by Section 94A funds.

Some of the projects delivered in 2015-16 utilising Section 94A funding include:

- Burelli Street Kenny Street traffic signal;
- Burelli Street Auburn Street traffic signal;
- Wollongong Harbour Heritage Walk Stage 2B;
- Cordeaux Rd Footpath;
- Squires Way, North Wollongong Cycleway;
- Stuart Park Off Road Parking;

Schedule 4 within the draft Wollongong Section 94A Development Contributions Plan 2016 (Attachment 1) provides a more detailed list of projects partially or fully funded with Section 94A income since 2011-12.

2 Works Program 2016-17

As noted, it is appropriate to review and update the Section 94A Plan to reflect the current Works Program contained within the Annual Plan 2016-17. The items listed for completion in the previous year remain listed in Schedule 4, to provide a historic record of completed projects, plus some projects have carried over to the current year.

The Section 94A Plan is a legislative document which is governed by the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000. One of the requirements for a contributions plan under Regulation 27(1)(h) is that a contributions plan must include a 'map showing the specific public amenities and services proposed to be provided by the Council, supported by a works schedule that contains an estimate of their cost and staging (whether by reference to dates or thresholds)'.

In order to comply with Section 94A legislation, the items within the Delivery Program for 2012-2017 which rely on Section 94A funding have been incorporated into the Detailed Works Schedule and associated Maps contained in the draft Section 94A Plan attached to this report (see Attachment 1).

3 Section 94A Plan Review

A. Deletion of Clause 25 (a), (b) and (c)

Clause 25 – Are there alternatives to payment of the levy, provides the option for proponents to enter into a Works in Kind Agreement or Planning Agreement. Clause 25 (a), (b) and (c) of the Plan deals with the provisions of Works in Kind Agreement provisions. Under this provision, developers can enter into an agreement with Council and seek offset from Section 94A contributions for the material public benefit provided by the development they are undertaking.

The Works in Kind provisions were reviewed by Council's Legal Counsel who advised that the provisions in the Environmental Planning and Assessment Act 1979 for Works in Kind are limited to Section 94 Plans and should not apply to Section 94A Plans.

To remove this inconsistency, it is proposed that Clause 25(a), (b) and (c) be deleted and subclause 25 (d) be renamed 25 (a).

B. Amendment to the exemption policy for educational facility

Clause 13(a) to 13(h) of the Plan sets out exemptions specified in Directions issued by the Minister for Planning under Section 94E of the Environmental Planning and Assessment Act 1979. Section 94A Development Contributions cannot be imposed on development that meets these criteria.



In addition Council may grant a full or partial exemption for other forms of development outlined in clause 13(i) to 13 (t). One of these forms of development is education facilities.

Under the exemption provision, Council has historically exempted the University of Wollongong (UOW) developments from paying development contributions on consideration that the proposed developments are part or ancillary to this educational institution. The Buddhist education facility at Unanderra, and public and private primary and secondary school developments have also been exempted. The developments at the Innovation Campus have paid Section 94A contributions.

As part of the assessment of recent Development Applications for student accommodation at the University, community members and the JRPP questioned whether the development should be exempt from the payment of S94A fees. It was suggested that the student accommodation was similar to residential apartments, the students will utilise the local infrastructure provided by Council and there is a need to improve the local infrastructure.

The Council report of 15 October 2015 on the Section 94A plan indicated that the exemption provisions would be reviewed.

More recently, a Development Application (DA-2015/908) for the redevelopment of Uni-Centre campus facilities was approved by Council. The application included a supermarket component which was considered to be outside the exemption criteria and a Section 94A contribution of \$7327.10 was imposed.

The University has subsequently lodged an amendment seeking to have this condition removed. The University has indicated that it provides a range of services and facilities that are often operated at subsidised costs. The facilities are available for use by the local community and the wider Illawarra Region and form a significant contribution to increased amenities, and benefit the immediate and local Wollongong region. As such, they reduce the need for Council to provide equivalent infrastructure for the local community.

The University has estimated that some 836,015 non-students visited the University campus in 2015-16, the majority for recreation facilities (645,274), and for the Early Start discovery space (102,034).

The University has indicated that it has made a direct investment of \$464 million in major construction and refurbishment projects over the period 2003 to 2012, with the total impact of these projects adding over \$1 billion in total output to the economy. A further \$250 million has been committed in developing, upgrading and maintaining campus infrastructure.

The University also provided the majority of funds to upgrade the University Bus Stop on Northfields Avenue, with Council contributing \$185,000. Total project cost was \$1.4M.

The University Community Engagement Grants Scheme opens doors to community-based research and promotes access to knowledge. Established in 2005, the Scheme has distributed approximately \$350,000 in funding to support the outcomes and future impact of 45 collaborative projects.

A review of Development Applications approved since the introduction of Section 94A in 2006 indicates that Council has approved 18 applications of the University with a value of \$61.2 million indicated on the application form. Council has exempted over \$1.6 million in Section 94A contributions. Council has only sought a contribution of \$7327.10 for the recent supermarket component of the redevelopment at the Uni-Centre.

A review of Section 94/94A plans from other Council areas with Universities suggests that other Councils do not provide a specific exemption for educational establishments within their S94/94A Plans. Some Councils are exempting these facilities from the payment of S94/94A fees on a case-by-case basis.



The following options are provided for consideration and to be adopted in the updated draft plan.

Policy Options:

- 1 Exemption may be allowed for applications by an educational facility (no change to existing policy);
- 2 Exemption may be allowed for applications by a primary or a secondary education facility only (ie require development contributions from TAFE, Universities and other tertiary educational establishments).

Rationale: primary and secondary schools provide local facilities utilised by the local community, whereas TAFE and Universities serve a regional, State or International community and have greater impact on local infrastructure.

- 3 Exemptions may be allowed for primary or secondary educational establishments. For tertiary educational establishments the following exemptions apply:
 - i Full exemption may be allowed for facilities that are directly required by the main function of the educational facility, such as class rooms, lecture theatre, training facility, administrative office, research facility.
 - ii Partial (50%) exemption may be allowed for developments that are not directly required by the main function of the educational facility but will provide support to its main function, such as student accommodation, car park, sports facility, play grounds, food-court, display facility, function centre, convention hall, auditorium, community centre.
 - iii Nil exemption for developments that are not directly required to the main function of the educational facility and/or have potential to create additional demand for public services and amenities. Development such as but not limited to shops, supermarket, shopping centre, office for lease, business park, commercial centre, child care centre, entertainment facility.

Rationale: Tertiary educational establishments undertake development to provide core educational functions as well as ancillary development to benefit both students and the wider community. This option recognises the benefit of educational facilities in improving the knowledge economy and provides full exemption for core educational purposes. It also recognises that ancillary and/or commercial development provided by tertiary educational establishments should contribute either partial or full development contributions to provide an equitable approach to the levying of development contributions.

4. Exemption for tertiary educational facility developments under a certain value.

Rationale: a submission from a resident suggested less than \$5 million of development cost.

It is relevant to note that the current Plan allows for any development to be exempted where the decision is made by resolution of the Council at a public Council meeting.

Policy Option 3 is recommended to be adopted based on the current review.

Once approved the chosen policy option will be included in the Wollongong Section 94A Development Contributions Plan 2016.

C. Minor changes

As part of each annual review of the Section 94A Plan other aspects may be identified that can be improved.

These are very minor changes proposed for the 2016 Plan. The following amendments are proposed:



- 1. Renaming of the Plan to 'Wollongong Section 94A Development Contributions Plan (2016)'.
- 2. Replacement of the imagery on the cover page to assist in distinguishing the 2016 draft Plan from the current 2015 version.
- 3. Amend Clause (8) by adding 2015 version of Plan repealed by the incoming 2016 version.
- 4. Update Schedule 2 Works Schedule Summary to reflect new Works Schedule.
- 5. Works Schedule Maps in Schedule 5 are amended to reflect the updated plan title.

The title, table of contents and formatting of the document has also been updated.

CONSULTATION AND COMMUNICATION

If Council endorses the revised draft Wollongong Section 94A Development Contributions Plan it will be publicly exhibited for a minimum period of 28 days. Copies will be available on Council's website and at Council libraries.

Following the exhibition period, a report on submissions will be prepared for Council's consideration.

It is also recommended that Council write to the NSW Department of Planning and Environment explaining the rationale for the tertiary education exemption provisions and seeking confirmation that Section 94A Development Contributions can be levied on Crown Authorities for ancillary development.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goals as the Section 94A Plan is aligned with the Capital Works Program and contributes to the funding required to meet the delivery program.

It specifically delivers on core business activities as detailed in the Land Use Planning Service Plan 2016-17.

FINANCIAL IMPLICATIONS

On June 2016 the balance of Section 94A Contributions held was \$9.15 million and the forecasted income for 2016-17 is approximately \$1.39 million. This makes maximum available funding for 2016-17 of \$10.54 million.

The proposed Works Schedule for 2016-17 includes approximately \$2.1 million, of Section 94A funds.

The forecast capital works will continue to be reviewed in future years, in order to match available Section 94A funding.

CONCLUSION

The Wollongong Section 94A Plan is an important mechanism to assist with funding community infrastructure within the City. This report recommends that the existing Plan be updated to reflect changes in the plan because of Council's Annual Plan 2016-17 and a revised approach to levying Section 94A contributions for tertiary educational establishments, as well as associated minor administrative amendments.

It is recommended that the amended draft Plan (Attachment 1) be exhibited for community comment.





Wollongong Section 94A

Development Contributions Plan <mark>(2016)</mark>









Wollongong Section 94A Development Contributions Plan (2016)

Doc	ument Control	c	ocument ID: V	/ollonaona Cit	v Council Sec	tion 94A Pla
Rev No	Date	- Revision Details	Typist	Author	Verifier	Approver
1	March 2006	Draft for exhibition (2006 version)	ZS	ZS	ZS	ZS
2	June 2006	In force (2006 version)	ZS	ZS	ZS	ZS
3	December 2006	Ministers Direction under S94E added	ZS	ZS	ZS	ZS
4	May 2007	Draft for exhibition (2007 version)	ZS	ZS	ZS	ZS
5	June 2007	In force (2007 version)	ZS	ZS	ZS	ZS
6	May 2008	Draft for exhibition (2008 version)	DG	DG	DG	DG
7	24 July 2008	In force (2008 version)	DG	DG	DG	DG
8	28 July 2009	Draft for exhibition (2009 version)	DG	DG	DG	DG
9	27 October 2009	Endorsed by Council	DG	DG	DG	DG
10	4 November 2009	In force (2009 version)	DG	DG	DG	DG
11	27 July 2010	Draft for exhibition (2010 version)	DH	DH	JB	RC
12	6 Sept 2010	In force (2010 version)	DH	DH	DG	DG
13	3 June 2011	Draft for exhibition (2011 version)	DH	DH	DG	DG
14	26 July 2011	In force (2011 version)	DH	DH	DG	DG
15	2 August 2012	Draft for exhibition (2012 version)	DH	DH	DG	DG
16	8 December 2012	In force (2012 version)	DH	DH	DG	DG
17	8 April 2013	Draft for exhibition (2013 version)	DH	DH	DG	DG
18	16 September 2013	In force (2013 version)	DH	DH	DG	DG
19	9 Sept 2014	Draft for exhibition (2014 version)	DG	DG	DG	DG
20	3 Nov 2014	In force (2014 version)	DG	DG	DG	DG
21	10/7/15	Draft for exhibition (2015 version)	MH	MH	DG	DG
22	26/10/15	In force (2015 version)	MH	MH	DG	DG
<mark>23</mark>	XX/9/2016	Draft for Exhibition (2016 version)	BL	MH	DG	DG



Wollongong Section 94A Development Contributions Plan (2016)

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Wollongong Section 94A Development Contributions Plan (2016)

Part A - Summary Schedules

1. Schedule 1 - Summary of levy

The rate of the levy is calculated as follows:

Proposed cost of the development (Determined in accordance with Clause 15)	Maximum percentage rate of the levy	
Up to \$100,000	Nil	
\$100,001 - \$200,000	0.5%	
More than \$200,000	1%	

Within the B3 Commercial Core zone in the Wollongong City Centre an additional 1% levy is applied to all development with a cost of more than \$250,000 and that increases the gross floor area (i.e. total levy of 2%). This contribution provides funding towards the Special City projects nominated in the Civic Improvements Plan for the Wollongong City Centre, reproduced below. The timing of the implementation of the projects will be determined through Councils Management Plan process as funding permits, and then detailed in Part D Schedule 4.

Item	Cost Estimate
	(2009)
Crown Street Upgrade	\$14,200,000
City Beach Waterfront Improvements	\$11,000,000
Civic Precinct Revitalisation	\$21,000,000
MacCabe Park Landscape Improvements	\$12,000,000
Bus Transport Initiatives	\$20,000,000
Traffic Management Works	\$2,000,000
City Centre Car Park	\$8,000,000
Total	\$88,200,000



Wollongong Section 94A Development Contributions Plan (2016)

2. Schedule 2 – Works schedule summary Actual Section 94A Forecast Section 94A Forecast Section 94A							
Project	contribution (2011-12 to 2015-16)	Proposed Section 94A Contribution 2016-17	contribution (2016-17 to 2019-20)				
Roads and bridges	\$3,000,577	\$450,000	\$1,703,000				
Footpaths and Cycleways	\$4,797,789	\$800,000	\$2,060,000				
Car parks	\$1,264,000	\$0	\$260,000				
Non-Commercial buildings	\$4,721,000	\$0	\$500,000				
Parks, Gardens and sports fields	\$1,555,832	\$50,000	\$421,000				
Land Acquisitions	\$0	\$750,000	\$3,000,000				
Administration	\$481,145	\$106,000	\$440,000				
Total	\$15,820,343	\$2,156,000	\$8,384,000				

For further details refer to Part D Schedule 4 – Detailed Works Schedule page 16.

Part B – Expected Development and Demand for Public Facilities

3. Expected Development and Demand for Public Facilities

This part broadly discusses the relationship between the expected types of development in the Council's area and the demand for additional public amenities and services to meet that development. That relationship is established through current demographic information.

The expected types of development include but are not limited to:

- Alterations and additions to existing development;
- Dwellings of all forms;
- Commercial development located primarily in commercial precincts;
- Industrial development;
- Subdivisions; and
- Mixed use development.

The relationship between expected development and the demand for public facilities is established through:

- The population projections undertaken by Council, adopted from the Australian Bureau of Statistics (ABS) information indicates that continued population growth in Wollongong is expected. A projected population of 234,000 is expected by 2026.
- Accelerating housing costs in metropolitan Sydney contribute to certain pressures in Wollongong, particularly new housing developments, which will largely impact the future needs of the region.
- The likely population growth will diminish the enjoyment and standard of public facilities for the existing population unless additional facilities are provided to meet the additional demand.
- The likely growth will require the provision of additional public facilities to meet additional demands.

Wollongong City Council wants to ensure that it has a sustainable local government area, safeguarding the economic, social, cultural, and environmental wellbeing of present and future generations. The section 94A levy will assist Council to provide high quality and diverse public facilities to meet the expectations of the existing and new residents of Wollongong City Council.

The additional public facilities to be provided to meet the expected future development are set out in Part D Schedule 4.

The demand for facilities within the Wollongong City Centre is based on the growth and development projected for the Wollongong City Centre in the Illawarra Regional Strategy and Wollongong City Centre Plan. In particular, this includes the total developable floor space allowed under the Wollongong LEP 2009 and Wollongong DCP 2009.

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Part C – Administration and Operation of the Plan

4. What is the name of this contributions plan?

This Plan is called the "Wollongong City Council Section 94A Development Contributions Plan".

5. Where does this plan apply?

This plan applies to all land within the local government area of Wollongong City Council excluding Stages 1 & 2 and other additional areas of the West Dapto Urban Release area as shown on Figure 1.

6. What is the purpose of this contributions plan?

The purposes of this contributions plan are:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 94A of the *EP&A Act 1979*.
- To assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.
- To publicly identify the purposes for which the levies are required.

7. When does this development contributions plan commence?

This Development Contributions plan takes effect from the date on which public notice was published, pursuant to clause 31(4) of the Environmental Planning and Assessment Regulation 2000.

This Section 94A Contributions Plan 2016 was adopted by Council at its Meeting of XX September 2016 and came into force on XX October 2016.

8. Relationship with other development contribution plans

This plan repeals the following section 94 / 94A contributions plans applying in the Wollongong local government area:

- Wollongong Section 94A Contributions Plan (2015 version) this plan repealed the following plan
- Wollongong Section 94A Contributions Plan (2014 version) this plan repealed the following plan
- Wollongong Section 94A Contributions Plan (2013 version) this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2012 version) this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2011 version) this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2010 version) this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2009 version) this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2008 version) this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2007 version) this plan repealed the following plan;
- Wollongong Section 94A Contributions Plan (2006 version) this plan repealed the following Section 94 plans:
 - o CP No 1 Open Space Embellishment, Recreation Facilities, Community Facilities;
 - Amendment to CP No 1 Open Space;
 - CP No 2 Traffic Management & Road Works in City of Wollongong;
 - CP No 3 Car Parking in the City of Wollongong;
 - CP No 4 Studies & Administration;
 - CP No 6 Car Parking in Area between Fairy Creek & Georges Plan Nth Wollongong;
 - CP No 7 Open Space Dedication (Nth Side Kanahooka Road);
 - CP No 8 Roundabout at the intersection of Unara Road, Yalunga Street & Princes Highway, Dapto;
 - CP No 9 Mount Brown Local Area Traffic Management Scheme;
 - CP No 10 Bank Street (Road Works & Intersection Upgrade);
 - CP No 11 Bank Street (Car Parking Facility between Bank & Stewart Sts);

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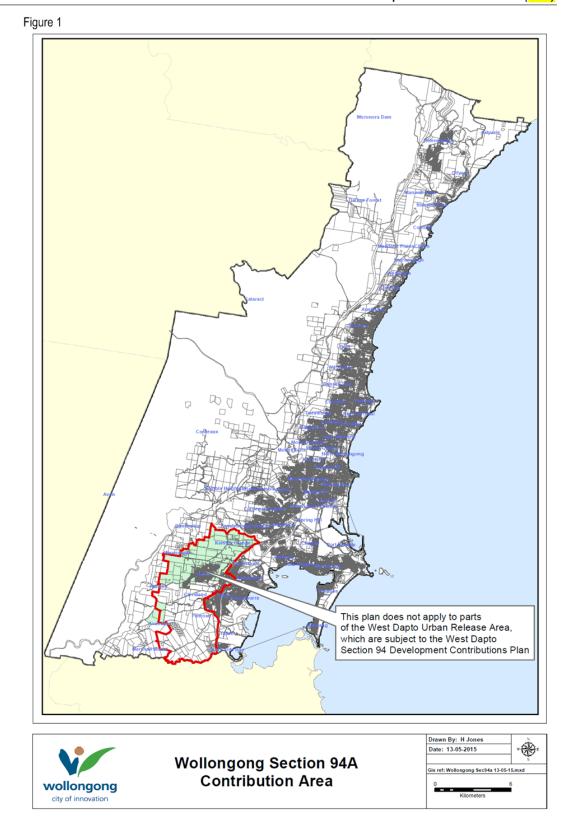
Wollongong Section 94A Development Contributions Plan (<mark>2016)</mark>

- o CP No 12 Sandon Point Section 94 Land Acquisition; and
- CP No 13 Library Resources.

Any other section 94 contributions plans that are not repealed continue to apply to all areas and development to which they are stated to apply.



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Wollongong Section 94A Development Contributions Plan (2016)

9. What does Section 94A of the Act provide?

Section 94A of the Act provides as follows:

94A Fixed development consent levies

- (1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.
- (2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 94.
- (3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.
- (4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.

10. Council may require payment of the levy as a condition of development consent

This plan authorises the Council to grant consent to development to which this plan applies subject to a condition requiring the applicant to pay to the Council a levy calculated as per clause 11.

11. How will the levy be calculated

The levy will be determined on the basis of the rate as set out in Part A Schedule 1 Summary of levy. The levy will be calculated as follows:

Levy payable = %C x \$C

Where:

- %C is the levy rate applicable
- **\$C** is the proposed cost of carrying out development as determined in accordance with clause 15.

Where an exemption is granted for a preceding application under Clause 12(n) "An application for demolition (where there is no replacement building or development)". On the same subject site (irrespective of sub-division or consolidation occurring) the following application(s) for development, qualifying under clause 11, will be additionally levied the relevant proportion of the levy that would have applied if the cost of development included the "demolition, excavation and site preparation, decontamination or remediation" in accordance with Clause 25J of the Regulation that occurred under the preceding application.

12. Development to which this plan applies

This Plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the Act in respect of development on land to which this plan applies.

13. Are there any exemptions to the levy?

The following Directions under Section 94E of the Environmental Planning and Assessment Act 1979 have been made by the Minister for Planning that require that a Section 94A levy cannot be imposed on development:

- a. for the purpose of disabled access (10/11/06);
- b. for the sole purpose of affordable housing (10/11/06) (including Granny Flat/Secondary dwelling under 60m2);
- c. for the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building (10/11/06);
- d. for the sole purpose of adaptive re-use of an item of environmental heritage (note: the term "item" and "environmental heritage" have the same meaning as in the *Heritage Act* 1977) (10/11/06);



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- e. other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out (10/11/06);
- f. Seniors living development under SEPP Seniors Housing 2004 by a Social Housing provider (14/9/07);
- g. Components of school development that is a Building Education Revolution (BER) project (9/9/09);
- h. Port Kembla Lease Area, as mapped in the Ports SEPP (6/12/13)

In addition, Council may allow for the following exemptions (partial or full):

- i. An application by the Council for community infrastructure, such as but not limited to libraries, community facilities, child care facilities, recreational areas, recreational facilities or car parks.
- j. An application by the NSW Government for public infrastructure, such as but not limited to hospitals, police stations, fire stations; education facilities (primary and secondary) and public transport infrastructure.
- k. An application for an industrial, retail, commercial or residential development, where there is no increase in floor space within an existing building, such as but not limited to internal fit-out or alteration to existing structure.
- I. An application for the continued operation of a coal mine, where rail transport is used for the transportation of coal.
- m. An application for place of public worship.
- n. An application for demolition (where there is no replacement building or development).
- o. An application for a residential care facility.
- p. An application for an industrial training facility.

The following exception (partial or full) requests will require a comprehensive submission:

- q. An application on behalf of Council for community infrastructure, such as but not limited to libraries, community facilities, child care facilities, recreational areas, recreational facilities or car parks.
- r. An application on behalf of the NSW Government for public infrastructure, such as but not limited to hospitals, police stations, fire stations; education facilities (primary and secondary) and public transport infrastructure.
- s An application for privately funded community infrastructure, such as but not limited to education facilities (primary and secondary), universities, and private hospitals.
- t Any other development for which Council considers an exemption is warranted, where the decision is made by formal ratification of the Council at a public Council meeting.
- u An application by or on behalf of a NSW Government or a private education facility (tertiary):
 - (i) Full exemption may be allowed for facilities that are directly required by the main function of the educational facility, such as – classrooms, lecture theatre, training facility, administrative office, research facility.
 - (ii) Partial (50%) exemption may be allowed for developments that are not directly required by the main function of the educational facility but will provide support to its main function, such as student accommodation, car park, sports facility, playgrounds, food-court, display facility, function centre, convention hall, auditorium, community centre.
 - (iii) Nil exemption for developments that are not directly required to the main function of the educational facility and/or have potential to create additional demand for public services and amenities. Development such as but not limited to – shops, supermarket, shopping centre, office for lease, business park, commercial centre, child care centre, entertainment facility.



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Submission Requirements for an exemption claim to be considered

For an exemption to be considered in accordance with points (q) to (u) above, any such application will need to submit a comprehensive submission arguing the case for exemption and including details of:

- Under which point the exemption claimed is to be considered
- The mechanism ensuring that such development will remain in the form proposed in the future (i.e. Not to increase future demand on public amenities and services), NB: where a further development application or application for complying development under the *EP&A Act* is required for any change to the development no mechanism is necessary, however if a change of use is available by way of exempt development then the requirement for a mechanism remains.
- Other items if applicable:
 - How the development will incorporate the maintenance of the item of heritage significance
 - How the development will contribute to the public benefit of the community
 - Works in the public domain included in the development
 - How the residents/users will utilise existing private facilities attached to the development that replicate those types provided by council.

A comprehensive submission is not required for points (a) to (p) from the above list. Whilst assessment of any application will include consideration of the provisions of this plan for any exemption that may be warranted, where a comprehensive submission isn't required, the application should clearly state which point an exemption is expected to ensure it is considered.

Exemptions (partial or full) listed under points (i) to (u) will only to be granted with approval of the Council Officer(s) whose position(s) holds the required Council delegations or in terms of point (t) by formal ratification of the Council at a public Council meeting.

14. Complying Development Certificates and the obligations of accredited certifiers

Development applications for Complying Development are also subject to the provisions of this plan, and the payment of a Section 94A contribution. The Complying Development Certificate is to include a condition that requires the payment of a Section 94A contribution (in accordance with the requirements of clauses 1 to 12 above).

As the construction certificate is issued concurrently, payment is to be made to Council within 7 days of the date of the Complying Development Certificate.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the *EP&A Regulation*. Failure to follow this procedure may render such a certificate invalid.

15. Construction certificates and the obligations of accredited certifiers

In accordance with Section 94EC of the Environmental Planning and Assessment Act and clause 146 of the *EP&A Regulation 2000,* a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the *EP&A Regulation*. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where the Council has agreed to a works in kind, material public benefit, dedication of land, or deferred payment arrangement. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.



Wollongong Section 94A Development Contributions Plan (2016)

16. How is the proposed cost of carrying out development determined?

Clause 25J of the Regulation sets out how the proposed cost of carrying out development is to be determined. That clause provides as follows:

"25J Section 94A levy-determination of proposed cost of development

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
 - (a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
 - (b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
 - (c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
- (2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates
- (3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
 - (a) the cost of the land on which the development is to be carried out,
 - (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
 - (c) the costs associated with marketing or financing the development (including interest on any loans),
 - (d) the costs associated with legal work carried out or to be carried out in connection with the development,
 - (e) project management costs associated with the development,
 - (f) the cost of building insurance in respect of the development,
 - (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
 - (h) the costs of commercial stock inventory,
 - any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law."

17. Cost estimate reports must accompany an application for a development application or a complying development certificate

An application for a development application or a complying development certificate is to be accompanied by a report, prepared at the applicant's cost in accordance with this clause, setting out an estimate of the proposed cost of carrying out the development for the purposes of clause 25J of the Regulation, per clause 16 above.

The following types of report are required:

- where the estimate of the proposed cost of carrying out the development is less than \$10,000,000
 a suitable cost estimate as determined by Council;
- where the estimate of the proposed cost of carrying out the development is \$10,000,000 or more a detailed cost report in accordance with Part D Schedule 3.

Applicants will be required to declare upon signing of application for development/building work that the cost of carrying out development as evidenced by their submitted estimate has been calculated in accordance with the provisions of this plan, in particular clause 16.



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18. Who may provide a report for the purposes of clause 16 of this plan?

For the purpose of clause 25J(2) of the Regulation and clause 16 of this plan, the following persons are approved by the Council to provide an estimate of the proposed cost of carrying out development in the following circumstances:

- where the proposed development cost is less than \$10,000,000 a person who, in the opinion of the Council, is suitably qualified to provide a cost estimate;
- where the proposed development cost is \$10,000,000 or more a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors.

Upon reviewing a cost estimate, the Council may require a further estimate to be provided by a registered quantity surveyor at the applicant's cost. The Council may, at the applicant's cost, engage a person referred to in this clause to review a report submitted by an applicant in accordance with clause 16.

19. How will the Council apply money obtained from the levy?

Money paid to the Council under a condition authorised by this plan is to be applied by the Council towards meeting the cost of the public facilities that will be or have been provided within the area as listed in Part D Schedule 4.

20. What are the funding priorities from levies authorised by this plan?

Subject to s93E(2) of the Act and clauses 18 and 19 of this plan, the public facilities listed in Part D Schedule 4 are to be provided in accordance with the staging set out in that Schedule.

21. Pooling of levies

For the purposes of s93E(2) of the Act, this plan authorises money obtained from levies paid in respect of different developments to be pooled and applied by the Council progressively towards the public facilities listed in Part D Schedule 4 in accordance with the staging set out in that Schedule.

22. The Goods and Services Tax (GST)

At the time this Plan was made, the position of the Australian Taxation Office (ATO) was that the payment of development contributions made under the *EP&A Act* is exempt from the Goods and Services Tax (GST). Items in the works schedule of this Plan have been calculated without any GST component.

23. When is the levy payable?

A levy to be paid by a condition authorised by this plan must be paid to the Council at the time specified in the condition. If no time is specified, the levy must be paid in full prior to the first construction or subdivision certificate issued in respect of the development under Part 4A of the *EP&A Act*.

Payment can be made by cash, credit card, EFTPOS or bank cheque (payable to Wollongong City Council) only.

Payments can be made in person at Council's Customer service centre located on the ground floor of Wollongong City Council Administration Building, 41 Burelli Street, Wollongong between 8.30am and 5pm Monday to Friday except public holidays during business hours. Bank Cheques will be accepted by mail to Wollongong City Council - Locked Bag 8821, Wollongong DC NSW 2500.

24. Can deferred or periodic payments of levies be made?

Deferred or periodic payments may be permitted in the following circumstances:

- Deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program;
- In other circumstances considered reasonable by Council.

For a deferred or periodic payment to be considered, the applicant must satisfy to Council that:

• There are valid reasons for deferred or periodic payment;



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- No prejudice will be caused to the community deriving benefit from the services being provided under this plan;
- No prejudice will be caused to the efficiency and operation of this development contribution plan.

If Council does decide to accept deferred or periodic payment, Council may require the applicant to provide a bank guarantee for the full amount of the contribution or the outstanding balance on condition that:

- a) The bank guarantee be issued by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest.
- b) Any charges associated with establishing or operating the bank security are payable by the applicant.
- c) The bank guarantee must carry specific wording identifying the exact obligation to which it relates (i.e. section 94A development contributions for development of Lot x DP xxx under Development Consent No. xxx)
- d) The bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work.
- e) The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development.
- f) The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- g) Where a bank guarantee has been deposited with council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.

Deferred or periodic payments may be permitted, in accordance with the above requirements, only with approval of the Council Officer(s) whose position(s) holds the required Council delegations.

25. Are there alternatives to payment of the levy?

The council may accept an offer by the applicant to provide an "in kind" contribution (i.e. the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this plan. The decision to accept such offers is at the sole discretion of the Council.

Council may accept such alternatives in the following circumstances:

a) Offer made to the Council as part of a development application

The applicant may include in the relevant development application or in an application for a modification under section 96 of the Act, an offer to carry out works or provide a material public benefit towards which the levy is to be applied. The Council will consider the offer as part of its assessment of the development application or as an application for a modification to a development approval under section 96 of the Act where a levy has been imposed pursuant to this plan. If the Council agrees to the arrangement and grants consent to the application, it will substitute a condition of consent under section 80A or section 96 of the Act (whichever is relevant) requiring the works to be carried out or the material public benefit to be provided for a condition requiring payment of a levy under section 94A.

In assessing the applicant's offer, the Council will have regard to any relevant requirements of the current Practice Note issued by the NSW Government (DIPNR 2005) and such other matters as the Council considers relevant in the circumstances of the case including, but not limited to:

(1) the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan, Council does not issue credits to applicants for works in kind which are provided in excess of the approved condition outside of a standard procedure involving approval by Council, such as staged development; and



- (2) the standard of the works is to council's full satisfaction and the works are handed over to the Council without restriction of limitation; and
- (3) the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.
- b) Valuation of Offer made to the Council as part of a development application ("value of work")

The value of an offer to provide Works In Kind, or a material public benefit towards which the levy is to be applied, in lieu (in full or in part) of satisfying a condition of consent relating to payment of a Section 94/94A contribution will be valued utilising the following mechanism:

- (1) Any Credit will be calculated based on the actual cost of works or the agreed cost estimate, whichever is the lesser. The agreed cost estimate will be determined by a review of the costs submitted by the applicant via Council's Infrastructure Team or a Registered Quantity Surveyor at Councils discretion;
- (2) The agreed cost estimate can be amended by submission of a variation request by the applicant which will be reviewed and certified by a registered Quantity Surveyor;
- (3) The actual cost of works is required to be evidenced and verified by a registered Quantity Surveyor;
- (4) The Quantity Surveyor to act on the project will be chosen by Council from a list of 3 recommended by the applicant all of whom are to be members of Panels for The NSW Department of Commerce or Local Government Procurement; and
- (5) Quantity Surveyor service costs are to be borne by the applicant.
- c) Legal agreements pertaining to works in kind

All offers, should they be accepted, to provide Works In Kind, or a material public benefit towards which the levy is to be applied, in lieu (in full or in part) of satisfying a condition of consent relating to payment of a Section 94/94A contribution will be subject to a legal agreement between Council and the applicant. All agreements will include, but not limited to, the following:

- The works to be undertaken;
- The timing of the works;
- The quality of the works;
- The costs of the works;
- the applicant's rights and responsibilities; and
- Council's rights and responsibilities.

d) a) Offer to enter into a voluntary planning agreement

An applicant may offer to enter into a voluntary planning agreement with the Council under s93F of the EP&A Act in connection with the making of a development application. This offer may include a monetary contribution, dedication of land, the carrying out of works, or another material public benefit for public purposes. Those purposes need not wholly relate to the impacts of the applicant's development not to the items listed in Part D Schedule 4.

The applicant's provision under a planning agreement may be additional to or instead of paying a levy in accordance with a condition of development consent authorised by this plan. This will be a matter for negotiation with the Council. The offer to enter into the planning agreement together with a copy of the draft agreement should accompany the relevant development application.



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The Council will publicly notify the draft planning agreement and an explanatory note relating to the draft agreement along with the development application and will consider the agreement as part of its assessment of that application.

If the Council agrees to enter into the planning agreement, it may impose a condition of development consent under s93I (3) of the *EP&A Act* requiring the agreement to be entered into and performed. If the Council does not agree to enter into the planning agreement, it may grant consent subject to a condition authorised by this plan requiring the payment of a levy.

Applicants should refer to the Council's Policy on Planning Agreements, which has been prepared having regard to the Practice Note on Planning Agreements (DIPNR 2005).

26. How will the levy be adjusted?

As the date of the consent may vary to the actual time of payment of the contribution, Clause 25(4) of the *EP&A Regulation* allows council to adjust the contribution to reflect current between the date of the consent and the time of payment. Contributions required as a condition of consent under the provisions of this plan will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Bureau of Statistics.

The following formula for indexing contributions is to be used:

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Contribution at time of payment = C \times (CP2/CP1)
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Where:

- **\$C** is the original contribution as set out in the consent
- **CP1** is the Consumer Price Index (all groups index for Sydney) used in the proceeding indexation calculation
- **CP2** is the Consumer Price Index (all groups index for Sydney) at the time of indexation

27. Savings and Transitional Arrangements

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of this plan, except in the West Dapto Release Area if Council has resolved to apply the West Dapto Section 94 Development Contribution Plan to the land but the amendment has not yet occurred. In that instance the West Dapto Section 94 Development Contribution Plan applies.

28. Are refunds for payments of levies possible?

For a refund of levy payments to be considered, the applicant/landowner must:

- Submit a written request to Council
- As a part of the request, demonstrate that the development that is the subject of the consent
 has not been commenced
- Submit the request for a refund by the first working day after 31 January within the year following payment of the levy e.g. payment is made in April 2011 then refund request can be made until first working day after 31 January 2012; payment is made in January 2011 then refund request can be made until first working day after 31 January 2012.
- Formally surrender the consent that applied the levy

In other circumstances considered reasonable by Council at its sole and unfettered discretion, where a formal request is made, part or full refunds may be provided.



Wollongong Section 94A Development Contributions Plan (2016)

Part D – References

29. What definitions apply?

In this plan, unless the context or subject matter otherwise indicates or requires, the following definitions apply:

- ABS means the Australian Bureau of Statistics
- EP&A Act means the Environmental Planning and Assessment Act 1979
- Council means The Wollongong City Council
- Development contributions means a development contribution required to be paid by a condition of development consent imposed pursuant to section 94 of the Act
- Levy means a levy under section 94A of the Act authorised by this plan
- Public facility & Public Infrastructure means a public amenity or public service
- Regulation means the Environmental Planning and Assessment Regulation 2000



(Clause 17)

Wollongong Section 94A Development Contributions Plan (2016)

30. Schedule 3 - Detailed Cost Report

ELOPMENT APPLICATION No. REFERENCE: DATE: DATE: DATE: LICANT'S NAME: LICANT'S ADDRESS: LICANT'S ADDRESS ADDR	
LICANT'S NAME: LICANT'S ADDRESS: ELOPMENT NAME: /ELOPMENT ADDRESS: ELOPMENT DETAILS: Gross Floor Area – Commercial m² Gross Floor Area – Other	
LICANT'S ADDRESS: ELOPMENT NAME: /ELOPMENT ADDRESS: ELOPMENT DETAILS: Gross Floor Area – Commercial m² Gross Floor Area – Other	
ELOPMENT NAME:	
VELOPMENT ADDRESS: ELOPMENT DETAILS: Gross Floor Area – Commercial m² Gross Floor Area – Other	
ELOPMENT DETAILS: Gross Floor Area – Commercial m ² Gross Floor Area – Other	
Gross Elear Area - Residential m ² Tatal Gross Elear Area	
	m²
Gross Floor Area – Retail m ² Total Site Area	m ²
Gross Floor Area – Car Parking m ² Total Car Parking Spaces	
Total Development Cost \$	
Total Construction Cost \$ Total GST \$	
Professional Fees \$ Excavation \$	
% of Development Cost % Cost per square metre of site area \$	
% of Construction Cost % Car Park \$	/m²
Demolition and Site Preparation \$ Cost per square metre of site area \$	/m ²
Demolition and Site Preparation \$ Cost per square metre of site area \$ Cost per square metre of site area \$ /m² Cost per space \$ /space	
Demolition and Site Preparation \$ Cost per square metre of site area \$ Cost per square metre of site area \$ /m² Cost per space \$ /space Construction – Commercial \$ Fit-out – Commercial \$ Space \$	/m² /space
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Demolition and Site Preparation \$ Cost per square metre of site area \$ Cost per square metre of site area \$ /m² Cost per space \$ /spa Construction - Commercial \$ Fit-out - Commercial \$ \$ Cost per square metre of site area \$ /m² Cost per space \$ /spa Cost per square metre of site area \$ /m² Cost per m² of commercial area \$ Construction - Residential \$ Fit-out - Residential \$ \$	/m² /space /m²



Development Contributions Plan (2016)

31. Schedule 4 – Detailed Works Schedule

The works listed in this schedule may be funded from a mix of sources, including contributions collected from this plan.

(Clauses 19 & 20)



Section 94A Works Schedule 2016 -2017 as at July 2016

Ма	ap Ref	Project		Timing of Section 94A expenditure Forecast Section 94A											
Map No.	Ref No.		Actual Section 94A contribution (2011-12 to 2015-16)	Expenditure 2011-12	Expenditure 2012-13	Expenditure 2013-14	Expenditure 2014-15	Expenditure 2015-16	Budget 2016- 17	Forecast 2017-18	Forecast 2018-19	Forecast 2019-20	Section 94A contribution	Total Section 94A contribution 2011-12 to 2019- 20)	
		Roads and Bridges													
		City Centre Public Transport	\$ 426,000	\$ 50,000	\$ 129,000	\$ 150,000	\$ 75,000	\$ 22,000					\$ -	\$ 426,000	
		City Wide Public Transport	\$ 225,000		\$ 50,000	\$ 75,000		\$ 100,000					\$-	\$ 225,000	
		Road Upgrade										\$ 100,000	\$ 100,000	\$ 100,000	
		Traffic Facility Improvements (50% RTA) - City Wide	\$-							\$ 53,000	\$ 100,000		\$ 153,000	\$ 153,000	
		Traffic Facility Improvements (50% RTA) - City Centre	\$-							\$ 700,000	\$ 100,000	\$ 200,000	\$ 1,000,000	\$ 1,000,000	
22	R1	Lake Avenue Traffic Facilities : Flagstaff Rd to Gorrel St	\$ 40,000				\$ 40,000		\$ 40,000				\$ 40,000	\$ 80,000	
		Roads & Bridges - New & Upgrade (bulk vote)												\$-	
14	R2	Bourke St / Cliff Rd, North Wollongong - new pedestrian safety facilities	\$-						\$ 200,000				\$ 200,000	\$ 200,000	
	С	Parkes St/Princes Hwy, Helensburgh - New roundabout	\$ 85,000		\$ 85,000								\$-	\$ 85,000	
		Denison St - Victoria St, Wollongong traffic lights	\$ 19,000					\$ 19,000					\$-	\$ 19,000	
		Denison St - Throsby Dr, Wollongong traffic lights	\$ 21,000					\$ 21,000					\$-	\$ 21,000	
	С	Cordeaux Rd. west of William James Dr - Upgrade	\$ 515,000				\$ 515,000						\$-	\$ 515,000	
17	R3	Gladstone Ave, Rowland Ave, Coniston -Traffic Lights	\$-						\$ 30,000				\$ 30,000	\$ 30,000	
	с	Compton Street, Dapto- Traffic Calming augmentation	\$ 313,000		\$ 313,000								\$-	\$ 313,000	
	С	Burelli Street - Kenny Street Traffic Signals	\$ 180,000				\$ 120,000						\$-	\$ 180,000	
	С	Burelli Street - Auburn Street Traffic Signals	\$ 235,578				\$ 204,578						\$ -	\$ 235,578	
17	R4	Stewart St-Kembla St Traffic Lights	\$ 7,000					\$ 7,000	\$ 30,000				\$ 30,000	\$ 37,000	
	С	Central Rd - Blackman/Nudjia, Unanderra traffic lights	\$ 114,000					\$ 114,000					\$-	\$ 114,000	
	С	Carters lane, Fairy Meadow shoulder construct - Pioneer to Elliots	\$ 159,000		\$ 159,000								\$-	\$ 159,000	
	С	Squires Way, North Wollongong - kerb and gutter - Elliots Rd to iC entry	\$ 51,000		\$ 51,000								\$-	\$ 51,000	
1	R5	Vera St/Tunnel Rd improvement, Helensburgh - kerb, gutter and drainage	\$ 275,000		\$ 25,000	\$ 250,000			\$ 60,000				\$ 60,000	\$ 335,000	
	С	Jarvie Rd, Cringlia - new kerb & gutter	\$ 50,000			\$ 50,000							\$-	\$ 50,000	



Ма	p Ref	Project													
Map No.	Ref No.		Actual Section 94A contribution (2011-12 to 2015-16)	Expenditure 2011-12	Expenditu 2012-13	re Expenditur 2013-14	e Expenditure 2014-15	Expenditure 2015-16	Budget 2016- 17	· Forecast 2017-18	Forecast 2018-19	Forecast 2019-20	Section 94A contribution	Total Section 94A contribution 2011-12 to 2019- 20)	
		Walker St, Helensburgh - Replace culvert to widen													
	•	and provide pedestrian access	\$ 140,999				\$ 140,999						\$	- \$ 140,999	
	C	Burke Street, Berkeley - New Traffic Island	\$ 5,000		\$ 5,0								\$	- \$ 5,000	
	С	Ball Street, Woonona - New Traffic Island	\$ 1,000		\$ 1,0								\$	- \$ 1,000	
		Sturdee Ave, Bulli - Augmentation design options	\$ 16,000		\$ 9,0	0 \$ 7,00	0		(-		\$	- \$ 16,000	
		Bellambi Local Area traffic mangement	\$ -						\$ 20,000				\$ 20,000	\$ 20,000	
18	R6	Princes Highway -Victoria St, Unanderra Traffic light	\$-						\$ 30,000				\$ 30,000	\$ 30,000	
1	R7	Maidstone St Helensburgh; The Ridge Roundabout	\$-						\$ 20,000				\$ 20,000	\$ 20,000	
11	R8	Towradgi Rd - Carters Lane Crossing	\$-						\$ 20,000				\$ 20,000	\$ 20,000	
	С	Oakland Avenue School Crossing Upgrade (Windang Primary School)	\$ 20,000					\$ 20,000					\$	- \$ 20,000	
	С	Northcliff Dr School Crossing Upgrade (Lake Height PS)	\$ 25,000					\$ 25,000					\$	- \$ 25,000	
	С	Northcliff Dr Crossing Upgrade (Illawarra Sports HS)	\$ 38,000					\$ 38,000					\$	- \$ 38,000	
	С	Terania St School Crossing Upgrade (Russell Vale PS)	\$ 19,000					\$ 19,000					\$	- \$ 19,000	
	С	Raymond Rd School Crossing Upgrade (St Michaels PS)	\$ 20,000					\$ 20,000					\$	- \$ 20,000	
		Sub total	\$ 3,000,577	\$ 50,000	\$ 827,0	0 \$ 532,00	0 \$ 1,095,577	\$ 496,000	\$ 450,000	\$ 753,000	\$ 200,000	\$ 300,000	\$ 1,703,000	\$ 4,703,577	
		Footpaths and Cycleways													
		Footpaths - New footpaths	\$-						\$ 50,000				\$ 480,000		
		Footpaths - Reconstruction or upgrading	\$-							\$ 65,000			\$ 65,000		
		New cycle/shared paths	\$-							\$ 250,000	\$ 100,000	\$ 300,000	\$ 650,000	\$ 650,000	
	С	Gills Creek pedestrian path linkage, Walker St Helensburgh	\$ 104,000				\$ 20,000	\$ 84,000					\$	- \$ 104,000	
		Cordeaux Rd Cordeaux Hts; Mt Kembla to Booreea													
	С	Ave, off road	\$ -										\$	- \$ -	
	С	Keira St footpath, Crown to Market St	\$ 400,000				\$ 400,000						\$	- \$ 400,000	
	С	Gloucester Bvde, Port Kembla - Primary School to Darcy Rd -Shared pathway	\$ 99,000	\$ 94,000	\$ 5,0	0							\$	- \$ 99,000	
	С	Foreshore Rd, Port Kembla - Old Port Rd to Harbour - New on road Shared pathway	\$ 4,000	\$ 4,000									\$	- \$ 4,000	
	С	Southern cycleway - Port Kembla pool to Parkes St & along Foreshore Rd	\$ 42,000			\$ 42,00	0						\$	- \$ 42,000	
	С	Five Islands Rd, Port Kembla - shared path between Flinders St & Wattle St	\$ 2,000			\$ 2,00	D						\$	- \$ 2,000	



	o Ref	Project																
Map No. R	Ref No.		Actual Section 94A contribution (2011-12 to 2015-16)	Expenditure 2011-12		nditure 2-13	Expen 2013		Expenditure 2014-15	Expenditure 2015-16	Budget 2016- 17	Forecast 2017-18	Forecast 2018-19	Forecast 2019-20	Sec con	tion 94A tribution	con	al Section 94A ntribution -12 to 2019- 20)
		Princes Hwy, Dapto, Unara St to Northcliffe - New	• • • • • • • • • • • • • • • • • • •	• (05.000		0.000											.	110.000
	C	Shared pathway	\$ 442,000	\$ 135,000	\$	3,000		7 000							\$	-	\$	442,000
	C C	Amaroo Ave, Figtree - New footpath	\$ 9,000 \$ 19,000		¢	2,000		7,000 19,000							¢	-	ф Ф	9,000 19,000
	U	Grey St, Keiraville new footpath	\$ 19,000				φι	19,000							φ	-	φ	19,000
14	F1	Tramway Sea Wall and Path, North Wollongong - Augmentation	\$ -								\$ 150,000				\$	150,000	\$	150,000
	C	Crown St Mall Upgrade	\$						\$ 150,000		φ 100,000				\$	-	\$	150,000
		City Centre Crown St, Wollongong - Augmentation				00.000			φ 100,000						•		↓ ◆	
	C C		\$ 20,000 \$ 55,000			20,000									\$	-	ֆ ¢	20,000 55,000
	C	O'Briens Rd, Figtree - New shared pathway Cordeaux Rd, Figtree - new on road cycleway	\$ 55,000 \$ 85,000			55,000 85,000									\$ \$	-	ф Ф	55,000 85,000
	C	Channon St, Russell Vale - new footpath	\$ 47,000		φ	05,000	\$ 4	47,000							\$	-	Ψ \$	47,000
	Ŭ	Parkes St, Helensburgh - New shared pathway	ψ 47,000				Ψ ¬	1,000							Ψ		Ψ	47,000
	с	connection	\$ 75,000		\$	75,000									\$	-	\$	75,000
	Ū.	Brian St, Balgownie - new footpath and pedestrain	• • • • • • • •		Y	, 0,000									•		+	
	с	crossing	\$ 82,000		\$	82,000									\$	-	\$	82,000
		Unanderra Town Centre - Tallegalla Street - new																
	С	cycleway	\$ 25,000		\$	25,000									\$	-	\$	25,000
	С	Beach St to Hutton Ave, Bulli - New shared pathway	\$ 25,000		\$	25,000									\$	-	\$	25,000
	С	Brokers Rd, Balgonie - new footpath	\$ 43,000		\$	43,000									\$	-	\$	43,000
	С	Gibson Rd, Figtree - widen footpath	\$ 85,000		\$	85,000									\$	-	\$	85,000
	с	Abercrombie St, West Wollongong - New footpaths	\$ 274,000		\$ 2	274,000									\$	-	\$	274,000
	С	McMillan St, Helensburgh - New north side footpath	\$ 36,000		\$	36,000									\$	-	\$	36,000
	с	Princes Hwy, West Wollongong - New shared pathway, London Dr to Abercrombie St	\$ 113,000		\$	35,000	\$ 7	78,000							\$	-	\$	113,000
		Princes Hwy, Bulli - New shared pathway, Black Diamond Pl to Point St	¢ 040.000			40.000			*								*	040.000
	C		\$ 212,000		\$	12,000	¢ 6	20.000	\$ 200,000						\$	-	ֆ ¢	212,000
	C C	Murphys Avenue, Keiraville - New footpath	\$ 60,000 \$ 100,000					50,000							\$	-	ቅ ድ	60,000
	C C	Mt Keira Rd, Mt Keira - New footpath Derribong Dr, Cordeaux Heights - New footpath	\$ 100,000 \$ 149,000					00,000 49,000							¢	-	φ ¢	100,000 149,000
	C	Loftus St, Wollongong - New footpath	\$ 149,000 \$ 103,000					19,000 03,000							φ \$	-	φ \$	149,000
13&14	F2	Smith St, Shared Path - Harbour to Belmore St	\$ 10,000					10,000			\$ 100,000				\$	- 100,000	\$	110,000
	, 2	Gladstone Ave, Wollongong - cycleway Swan St underpass to Crown Street	\$ 8,000					8,000			÷ 100,000				¢	100,000	¢	8,000
		Pioneer Rd, Towradgi - New footpath & bridging over	φ 0,000				Ψ	0,000							φ	-	Ψ	0,000
	С	culvert	\$ 82,000				\$8	32,000							\$	-	\$	82,000
	С	Squires Way, North Wollongong - Widen cycleway	\$ 25,000		\$	25,000									\$	-	\$	25,000





Ма	p Ref	Project		ion 94A Section 94A											
Map No.	Ref No.		Actual Section 94A contribution (2011-12 to 2015-16)	Expenditure 2011-12	Expenditure 2012-13	Expenditure 2013-14	Expenditure 2014-15	Expenditure 2015-16	Budget 2016- 17	Forecast 2017-18	Forecast 2018-19	Forecast 2019-20	Section 94A contribution	Total Section 94A contribution 2011-12 to 2019- 20)	
	С	Lakelands Dve footpath; Fowlers Rd to Parkside Dve	\$ 243,343				\$ 243,343						¢	\$ 243,343	
	C	Cirrus Ave Dapto footpath; full length west side	\$ 243,343 \$ 81,981				\$ 81,981						φ - \$ -	\$ 243,343 \$ 81,981	
	0		φ 01,001				φ 01,001						Ψ	φ 01,001	
	С	Dumfries Ave footpath; McMahon St to Foothills Rd	\$ 194,733				\$ 194,733						\$-	\$ 194,733	
		Point Street footpath, nth side; Blackall St to													
	С	Summerville	\$ 5,687				\$ 5,687						\$-	\$ 5,687	
	С	Farrell Rd, Bulli pedestrian bridge - over railway	\$ -										\$ -	\$-	
	С		\$ 137,000					\$ 137,000					\$-	\$ 137,000	
	С	Maidstone St Helensburgh; The Ridge to The Crescent, footpath	\$ 10,000					\$ 10,000					\$-	\$ 10,000	
	С	Flagstaff Rd, Berkeley; Whimbrel St to Bubb Place crossing	\$ 160,000					\$ 160,000					\$-	\$ 160,000	
	С	Cherry St Woonona; ForestviewWay to Woodland Ave, footpath east side	\$ 54,000					\$ 54,000					\$-	\$ 54,000	
	С	Wollongong Harbour Heritage Walk Stage 2B	\$ 150,000					\$ 150,000					\$ -	\$ 150,000	
		Porter St, Gwynneville, Crawford Street, Int. House Ramp	\$ 100,000					\$ 100,000					\$ -	\$ 100,000	
	С	Railway Rd footpath east side: King St - Redman Ave	\$ 58,045				\$ 58,045						\$-	\$ 58,045	
	С	Redman Avenue footpath, east side; Railway Rd to Henley	\$ 51,000					\$ 51,000					\$-	\$ 51,000	
		Grand Pacific Walk, North Wollongong to Otford - Stage 1 Stoney Ck Bridge, Coalcliff	\$ 467,000		\$ 187,000	\$ 280,000							\$ -	\$ 467,000	
		Village & Town Centre - Upgrades (bulk vote)	\$ -			,							\$ -	\$ -	
		Unanderra CBD Upgrade	\$ 100,000				\$ 100,000						\$-	\$ 100,000	
		Warrawong CBD upgrade	\$ -										\$ -	\$-	
		Murray Rd, East Corrimal - Pioneer Rd to Tourist													
9	F3	Park	\$-						\$ 50,000				\$ 50,000		
14&17	F4	Kembla St- Smith St to Stewart St - Cycleway	\$ -						\$ 100,000				\$ 100,000	\$ 100,000	
16	R5	Princes Highway Avenue to London Dr -West Side	\$-						\$ 200,000				\$ 200,000	\$ 200,000	
14	R6	Northern Cycleway - Access Rd to Diggis	\$ -						\$ 150,000				\$ 150,000		
		Cycle/shared Paths Reconstruct or upgrading	\$-							\$ 100,000	\$ 15,000		\$ 115,000		
		Shared (Cycleways) Pathways - New & Upgrade (bulk vote) - see Bicycle Plan	\$ -										\$-	\$-	
		City wide Footpaths - New & Upgrade (bulk vote)	\$ -										\$ -	\$ -	
┝─┢		Sub total	\$ 4,797,789	\$ 233.000	\$ 1,074,000	\$ 1,291,000	\$ 1,453,789	\$ 746,000	\$ 800,000	\$ 745,000	\$ 215,000	\$ 300,000	\$ 2,060,000	\$ 6,857,789	
		Car parks	,,	,	, .,,	, .,,,	, .,,	,,	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		,	,			





Ма	np Ref	Project						Timing of Secti	on 94A expendit	ture					
Map No.	Ref No.		Actual Section 94A contribution (2011-12 to 2015-16)	Expenditure 2011-12	Expenditure 2012-13	Expenditi 2013-14		Expenditure 2015-16	Budget 2016 17	- Forecast 2017-18	Forecast 2018-19	Forecast 2019-20	Sec con	orecast tion 94A tribution 17 to 2019- 20	Total Section 94A contribution 2011-12 to 2019- 20)
		Car Park Constructing/formalising								\$ 260,000			\$	260,000	\$ 260,000
	С	Station Street - Thomas Gibson Park	\$ 110,000		\$ 110,000								\$	-	\$ 110,000
	С	Bank/Stewart Street, Wollongong - 4hr Car park - Additional spaces	\$ 78,000			\$ 78,0	00						\$	-	\$ 78,000
	С	Campbell Street, Woonona - Ocean Park car park	\$ 144,000	\$ 4,000		\$ 140,0	00						\$	-	\$ 144,000
		Lakeside leisure Centre, Kanahooka - Upgrade and expansion	\$ 7,000		\$ 7,000								\$	-	\$ 7,000
	С	Stuart Park, Wollongong off road parking	\$ 500,000					\$ 500,000					\$	-	\$ 500,000
	С	Market Street - Multi Storey Car park - Upgrade	\$ 20,000		\$ 20,000								\$	-	\$ 20,000
	С	Windang Foreshore Park P2 car park - augmentation	\$ 5,000		\$ 5,000								\$	-	\$ 5,000
	С	George Street, Wollongong - Car park extension	\$ 140,000		\$ 140,000								\$	-	\$ 140,000
	С	Stanwell Park shops Car Park - Upgrade	\$ 243,000		\$ 150,000	\$ 93,0	00						\$	-	\$ 243,000
	С	The Circle Car Park, Woonona - Upgrade	\$ 17,000		\$ 17,000								\$	-	\$ 17,000
		City wide car parks - New (bulk vote)	\$-										\$	-	\$-
		Sub total	\$ 1,264,000	\$ 4,000	\$ 449,000	\$ 311,0	00 \$ -	\$ 500,000	\$-	\$ 260,000	\$-	\$.	- \$	260,000	\$ 1,524,000
		Non-Commercial buildings													
		Lifeguards facilities Designs											\$	-	\$-
		Bald Hill Amenities, Stanwell Tops - augmentation - Masterplan	\$ 33,000		\$ 33,000								\$	-	\$ 33,000
	с	North Beach Bathers Pavilion, North Wollongong - augmentation (Inc. Retaining Wall)	\$ 4,433,000	\$ 4,301,000	\$ 100,000	\$ 32,0	00						\$	-	\$ 4,433,000
	С	Dapto Pool - Disabled Access Improvements	\$ 40,000		\$ 40,000								\$	-	\$ 40,000
	С	Sandon Point Surf Club Expansion	\$ 125,000		\$ 125,000								\$	-	\$ 125,000
		Warrawong Multipurpose Community Centre & Library design	\$ 13,000			\$ 13,0	00				\$ 500,000		\$	500,000	\$ 513,000
	С	Windang Beach Lifeguard Tower - Design	\$ 52,000			\$ 52,0	00						\$	-	\$ 52,000
	С	Coledale Lifeguard Tower	\$ 25,000			\$ 25,0							\$	-	\$ 25,000
		Non-Commercial buildings - bulk vote	\$-										\$	-	\$-
		Sub total	\$ 4,721,000	\$ 4,301,000	\$ 298,000	\$ 122,0	00 \$ -	\$-	\$-	\$-	\$ 500,000	\$.	• \$	500,000	\$ 5,221,000
		Parks, Gardens and sports fields													
		New Bridges, Boardwalks & Jetties- Bulk	\$-							\$ 100,000			\$	100,000	\$ 100,000
		Bridges, Boardwalks & Jetties - Upgrade	\$ -										\$	-	\$ -
		Beach facilities - New (bulk vote)	\$ 10,000		\$ 10,000								\$	-	\$ 10,000
		Skate Parks	\$-						\$ 50,000	\$ 67,000	\$ 10,000		\$	127,000	
		Sporting facilities - New (bulk vote)	\$ 26,000		\$ 6,000		00						\$	-	\$ 26,000
		Recreation facilities - New (bulk vote)	\$ 20,000		\$ 20,000								\$	-	\$ 20,000
		Play Facilities Renew	\$-					-					\$	-	\$ -
		Playground Safety Audit Outcomes	\$ 20,000					\$ 20,000					\$	-	\$ 20,000





Ма	p Ref	Project													
Map No.	Ref No.		Actual Section 94A contribution (2011-12 to 2015-16)	Expenditure 2011-12	Expenditure 2012-13	Expenditure 2013-14	Expenditure 2014-15	Expenditure 2015-16	Budget 2016- 17	Forecast 2017-18	Forecast 2018-19	Forecast 2019-20	Section 94A contribution	Total Section 94A contribution 2011-12 to 2019 20)	
	С	Stuart Park Playground	\$ 25,000				\$ 25,000						\$-	\$ 25,000	
		Stuart Park - footbridge	\$ 52,332				\$ 22,332	\$ 30,000					\$-	\$ 52,332	
	С	Stanwell Park - New Playground	\$ 11,000	\$ 11,000									\$ -	\$ 11,000	
		Bailey Park, Compton Street, Dapto - New													
	С	Playground	\$ 10,000		\$ 10,000								\$-	\$ 10,000	
	С	Penrose Park - New Playground	\$ 10,000		\$ 10,000								\$-	\$ 10,000	
	С	Bramsen St Reserve, Bellambi - New Playground	\$ 5,000		\$ 5,000								\$-	\$ 5,000	
	С	Corrimal Memorial Park - New Playground	\$ 73,000		\$ 50,000	\$ 23,000							\$ -	\$ 73,000	
	С	Waples Rd, Farmborough Heights - New Playground	\$ 10,000		\$ 10,000								\$-	\$ 10,000	
	С	Bruce Park, Oxlade St, Warrawong - New Playground	\$ 10,000		\$ 10,000								\$-	\$ 10,000	
	с	Keira Village Park, Keira Mine Rd - New Playground	\$ 20,000		\$ 20,000								\$-	\$ 20,000	
	С	Holborn Park, Berkeley - New Playground	\$ 25,000			\$ 25,000							\$-	\$ 25,000	
		New Playground installations	\$-										\$-	\$-	
		Sports field Irrigation Infrastructure - New (bulk vote)	\$-								\$ 100,000	\$ 94,000	\$ 194,000	\$ 194,000	
	С	Thomas Dalton Park, Fairy Meadow - Sports field Irrigation	\$ 297,000	\$ 140,000	\$ 57,000	\$ 100,000							\$-	\$ 297,000	
	С	Thomas Dalton Park, Fairy Meadow - fence Carters Lane	\$ 15,000			\$ 15,000							\$-	\$ 15,000	
	С	Rex Jackson Oval - Sportsfield Irrigation	\$ 38,500				\$ 38,500						\$ -	\$ 38,500	
	С	Rex Jackson Oval (soccer), Helensburgh - Sports field Irrigation	\$ 40,000		\$ 40,000								\$-	\$ 40,000	
	С	Fred Finch Park, Berkeley - Landscape and Design & Infrastructure	\$ 200,000	\$ 200,000									\$-	\$ 200,000	
	С	Holborn Park (Southern Suburbs Skate Park) Berkeley - provision	\$ 406,000	\$ 19,000	\$ 20,000		\$ 367,000						\$-	\$ 406,000	
		Lake Illawarra Foreshore Improvements	\$ 100,000		\$ 100,000								\$-	\$ 100,000	
		MacCabe Park, Wollongong - Design Development -													
	С	City Centre	\$ 12,000	\$ 12,000									\$-	\$ 12,000	
	С	MM Beach, Port Kembla - Access Steps	\$ 65,000			\$ 65,000							\$-	\$ 65,000	
	С	Puckeys Estate, Beach access	\$ 15,000		\$ 15,000								\$-	\$ 15,000	
	С	Charles Harper Park, Helensburgh - Public toilet	\$ 40,000		\$ 40,000		A						\$-	\$ 40,000	
		Sub total	\$ 1,555,832	\$ 382,000	\$ 423,000	\$ 248,000	\$ 452,832	\$ 50,000	\$ 50,000	\$ 167,000	\$ 110,000	\$ 94,000	\$ 421,000	\$ 1,976,832	
		Land Acquisitions													
		Land Acquisitions - See Wollongong LEP 2009 - Land Reservation Acquisition Maps	\$-						\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 3,000,000	\$ 3,000,000	





Λ	lap Ref	Project							Т	imin	g of Sectio	on 94	A expenditu	ure								
Map No.	Ref No.		ual Section 94A contribution 1-12 to 2015-16)	Expenditure 2011-12		Expenditure 2012-13	Expenditure 2013-14	e E	Expenditure 2014-15		penditure 2015-16	Bud	dget 2016- 17		recast 17-18		recast 18-19	Forecast 2019-20	Sect cont	precast tion 94A tribution 17 to 2019- 20	со	otal Section 94A ontribution 1-12 to 2019- 20)
		Sub total			Τ							\$	750,000	\$7	750,000	\$ 7	750,000	\$ 750,000	\$	3,000,000	\$	3,000,000
		Administration			Τ																	
		S94 Planner	\$ 175,028					\$	90,028	\$	85,000	\$	96,000	\$	98,000	\$	101,000	\$ 104,000	\$	399,000	\$	574,028
		S94 Admin Support - Finance	\$ 18,117					\$	9,117	\$	9,000	\$	10,000	\$	10,000	\$	10,000	\$ 11,000	\$	41,000	\$	59,117
		S94 Administration & Studies	\$ 288,000	\$ 96,000) \$	96,000	\$ 96,000)											\$	-	\$	288,000
		Capital Project Planning	\$ -																\$	-	\$	-
		Sub total	\$ 481,145	\$ 96,000) \$	96,000	\$ 96,00) \$	99,145	\$	94,000	\$	106,000	\$ 1	08,000	\$ ´	111,000	\$ 115,000	\$	440,000	\$	921,145
		TOTAL	\$ 15,820,343	\$ 5,066,000) \$	3,167,000	\$ 2,600,000) \$	3,101,343	\$ [^]	1,886,000	\$	2,156,000	\$ 2,7	783,000	\$ 1,8	886,000	\$ 1,559,000	\$	8,384,000	\$	24,204,343

C = completed project (not mapped)





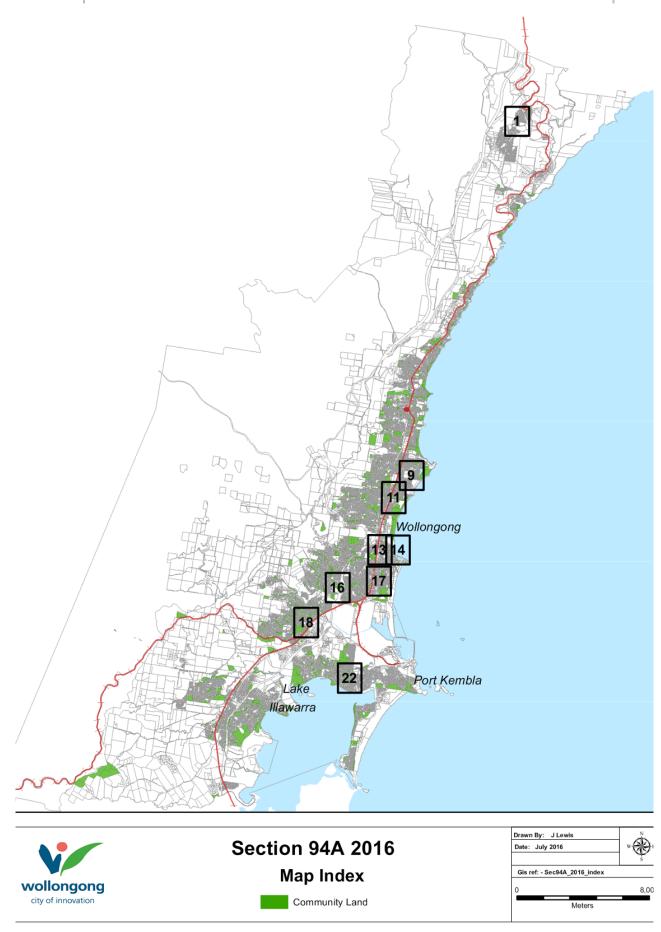
Wollongong Section 94A Development Contributions Plan (<mark>2016)</mark>

32. Schedule 5 - Works Schedule – Maps

Projects locations are noted as best as possible given their nature and scale of mapping. (Clauses 19 & 20)



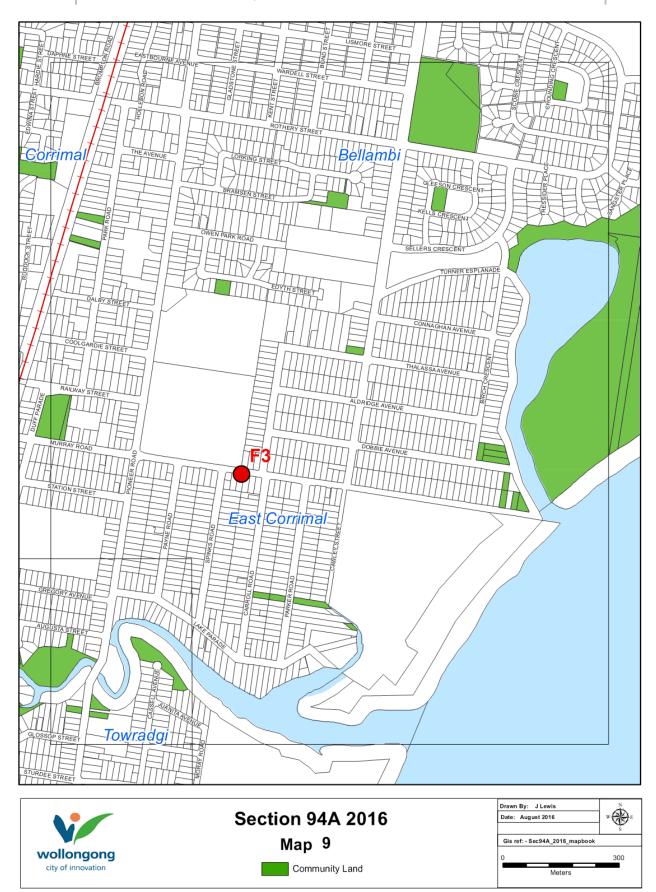








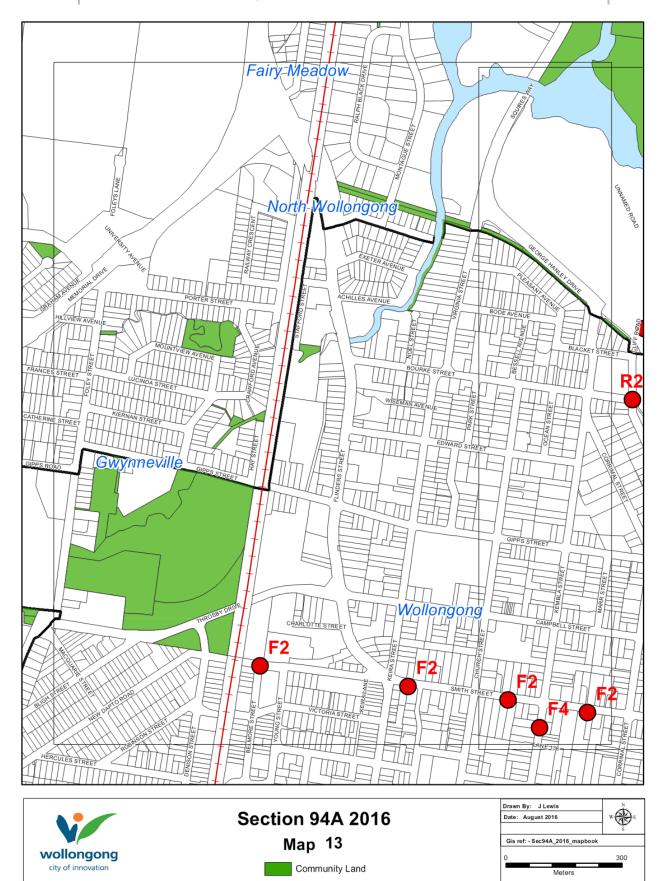








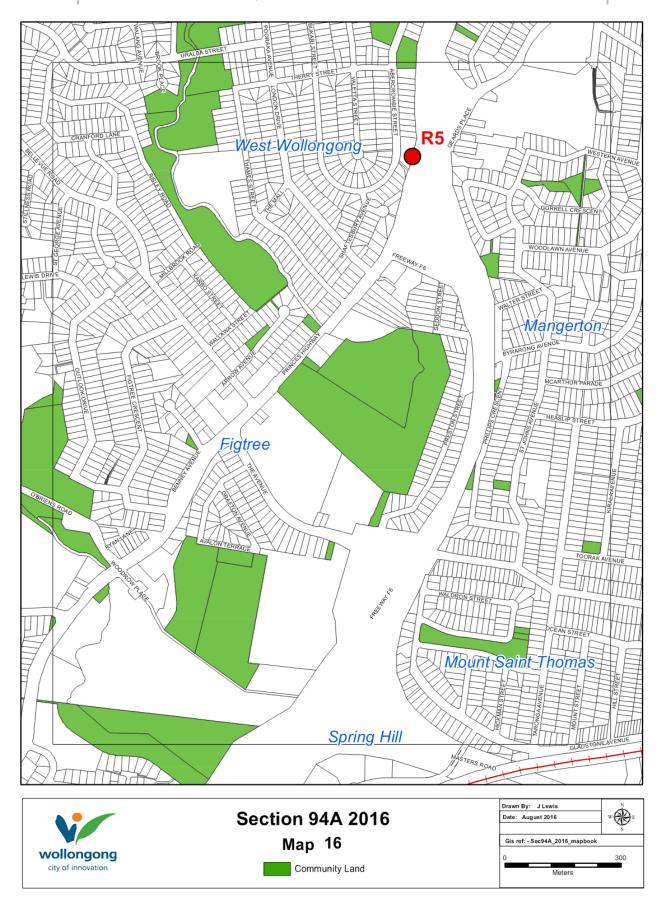








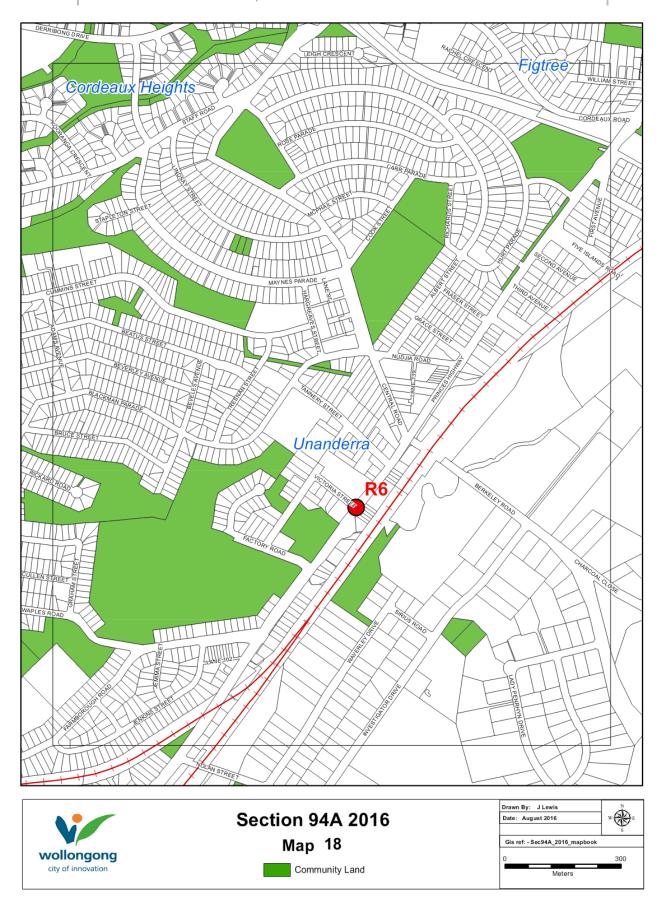


















File: IW-920.011 Doc: IC16/100172

ITEM 6 STANWELL PARK ROCK POOL TRUST FUND - RESULTS OF CONSULTATION WITH STANWELL PARK AND COALCLIFF RESIDENTS

Council on 1 February 2016, in considering a report on the history of the Stanwell Park Rock Pool Reserve, resolved to "retain the Stanwell Park Rock Pool Reserve for application to future recreation assets in Stanwell Park, including exploring additional works on the existing Coalcliff Pool and surrounds, in consultation with the Stanwell Park and Coalcliff residents".

Council officers subsequently consulted with Stanwell Park and Coalcliff residents and this report details the results of the consultation process and makes recommendations on the proposed expenditure of these funds.

RECOMMENDATION

- 1 The Stanwell Park Rock Pool Reserve Trust account be introduced into the 2017/18 Annual Plan to pursue the design and construction of the following recreational infrastructure improvements at Coalcliff Pool and Stanwell Park Reserve:
 - a Coalcliff Rock Pool upgrading the stairs to the north of the concreted platform \$40,000;
 - b Coalcliff Rock Pool shade shelter with seating \$105,000;
 - c Coalcliff Rock Pool improving the drainage on the concrete platform above the Rock Pool \$20,000; and
 - d Stanwell Park Public Reserve footpath network (150 metres) to enhance all weather walking opportunities \$40,000.
- 2 The design and construction of a concrete path across the rock shelf to the pool at Coalcliff Rock Pool estimated at \$50,000, be included in the proposed Capital Works Program for the 2017/18 Financial Year.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation

Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

ATTACHMENTS

1 Council's Community Engagement Report July 2016

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

In 1982 Council resolved that funds, that had been raised from parking fees for the purpose of constructing a swimming pool, be held and that all interest accrued from these funds be held in reserve until such time as finance is available for the construction of a pool at Stanwell Park.

Due to escalating estimated construction costs for a pool at Stanwell Park, Council abandoned any plans to build a new pool.

In recent years, the community has requested Council explore alternatives for the funds in the reserve. In 2012, the community were consulted and the favoured options were costed and a report submitted to Council further detailing these options.



Council on 1 February 2016 resolved to retain the Stanwell Park Rock Pool Reserve for application to future recreation assets in Stanwell Park, including exploring additional works on the existing Coalcliff Pool and surrounds, in consultation with the Stanwell Park and Coalcliff residents.

As a result, a Council engagement process was conducted to consult with the residents of Stanwell Park and Coalcliff. The engagement period ran from 20 May to 20 June 2016. Two on-site kiosks were held on Saturday, 28 May; one at Stanwell Park Reserve and the other at Leeder Park overlooking Coalcliff Rock Pool. There was a total of 129 submissions received in total, (67) from Stanwell Park, (26) from Coalcliff residents and a further (36) submissions were received from either non-specified residents or were outside the targeted suburbs of Stanwell Park or Coalcliff.

Residents were asked to rank nine costed options on a feedback form/online surveys in order of their preference. An average of the scores for each option was calculated to find the overall most preferred through to least preferred option. The top three preferred options were:

- 1 Coalcliff Rock Pool build a concrete path across the rock shelf to the pool;
- 2 Stanwell Park Public Reserve footpath network extended to enhance all weather walking opportunities; and
- 3 Coalcliff Rock Pool improve the drainage on the concrete platform above the Rock Pool.

As at 1 July 2016, the Stanwell Park Rock Pool Reserve Trust Fund balance was \$197,217, with the projected balance as at 30 June 2017 being approximately \$205,000.

PROPOSAL

As the No 1 preference of the community (the path across the rock shelf to the pool) is within the scope of the current Coalclif Rock Pool Capital Budget, it is proposed to have the Stanwell Park Rock Pool Reserve Trust account funds introduced as a project in the 2016/17 Annual Plan to pursue the design and approvals and, in 2017/18, the construction of the following recreational infrastructure improvements at Coalcliff Pool and Stanwell Park Reserve:

Coalcliff Rock Pool

 Upgrading the stairs to the north of the concrete platform 	\$40,000
 Shade shelter with seating 	\$105,000
 Improving the drainage on the concrete platform above the Rock Pool 	\$20,000
Stanwell Park Rock Public Reserve	

Footpath network (150 metres) to enhance all-weather walking opportunities \$40,000
 Estimated Total \$205,000

In addition to the above works, the Capital Works Delivery Program has allocated \$407,958 over the 2016/17 and 2017/18 financial years for works to Coalcliff Rock Pool. These works are currently in design and are scheduled for construction during the winter of 2017. It is proposed the works will also incorporate the provision of the residents' highest preferred option of the concrete path across the rock shelf to Coalcliff Rock Pool (estimated \$50,000). Other renewal works at the pool include:

- Repair outside face of eastern seawall
- Repair top of pool at northern pool entry stairs
- Repair jointing to base of pool and re-paint
- Break down and repair top surface of concourse to south and west sides
- Replace existing pool entry stairs and handrails

The total of the proposed and scheduled works will meet all of the preferred works in the consultation outcome.



CONSULTATION AND COMMUNICATION

Council's Engagement team carried out the following consultation and communication:

- Advertising on Council's Advertiser pages on 18 and 25 May 2016
- Article in Illawarra Mercury 24 May 2016
- Media release issued 27 May 2016
- Article in the 2508 Magazine 27 May 2016
- Information pack made available at Helensburgh Library
- Email to Stanwell Park and Coalcliff residents who made submissions in 2012
- Community Information Kiosk was held on 28 May 2016 at Stanwell Park Reserve and then at Leeder Park, Coalcliff

The qualitative feedback received from this engagement is detailed in the Council Community Engagement Report (Attachment 1).

In addition, Council officers from the Property and Recreation and Infrastructure Works Divisions have been consulted in regard to the proposed works at Coalcliff Rock Pool.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "5 "We are a healthy community in a *liveable city*". It specifically delivers on the following:

	Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2016-17
	Strategy	5 Year Action	Annual Deliverables
5.1.4	Flexible services are provided and can adapt to changing community needs and service demands	5.1.4.3 Investigate the future provision of Aquatic Services across the local government area and implement improvements	Implement program opportunities and innovative activity options to encourage healthy living, enhance user experience and increase patronage and new revenue streams at our supervised public swimming pools

Ecological Sustainability

There are no concerns with regard to ecological sustainability with the proposed improvements to Coalcliff Pool and Stanwell Park Reserve.

RISK ASSESSMENT

Risks associated with this proposal include opposition from the community who may have preferred alternate options for expenditure of the reserve funds.

FINANCIAL IMPLICATIONS

As at 1 July 2016, the Stanwell Park Rock Pool Reserve Trust Fund balance was \$197,217.

The financial estimates on individual projects outlined in this report are based on preliminary cost estimates derived from similar projects. Any variation to these estimates during the construction phase would need to be funded from the Capital Budget.

If the recommendation is adopted, then Stanwell Park Rock Pool Reserve Trust account should be allocated to offset project expenditure to enable the design and construction of the recreational infrastructure improvements at Coalcliff Pool and Stanwell Park Reserve outlined in this report. The Capital Budget would need to be allocated \$20,000 from the reserve trust account in 2016/17 to enable design works to be progressed with a further \$185,000 allocated in 2017/18 to permit construction.

CONCLUSION

Council's Engagement Team has undertaken a comprehensive community consultation project which has effectively pursued the community's input into the expenditure options for the Stanwell Park Rock Pool Trust Fund. The result ensures all works for Coalcliff Rock Pool are completed as well as providing for a new 150 metre section of footpath across Stanwell Park Reserve.



vollongong

STANWELL PARK ROCK POOL RESERVE

ENGAGEMENT REPORT

July 2016





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Executive Summary

In 2012 Council asked the community for ideas on how the monies held in the Stanwell Park Rock Pool Reserve should be spent. Following that engagement, Council staff researched and costed the most popular ideas. A report to Council on 1 February 2016 regarding the costed ideas resulted in the following Council resolution:

"Council retain the Stanwell Park Rock Pool Reserve for application to future recreational assets in Stanwell Park, including exploring additional works on the existing Coalcliff Pool and surrounds, in consultation with Stanwell Park and Coalcliff residents."

As a result of the resolution, an engagement process was developed to ask the residents from Stanwell Park and Coalcliff how best to now allocate the \$196,065 Reserve funds. The engagement period ran from 20 May to 20 June 2016. Two on-site kiosks were held on Saturday 28 May, one at Stanwell Park Reserve and the other at Leeder Park overlooking Coalcliff Rock Pool.

Of the 129 submissions received, 68 were online submissions and 61 were written submissions consisting of 43 feedback forms, 14 emails and four letters.

Submissions were received from Stanwell Park residents (69), Stanwell Tops (2) Coalcliff (26), Helensburgh (18) and Woonona (1). Fifteen of the submissions did not provide address details.

Submissions from community groups included the Coalcliff Community Association and the Stanwell Park Sea Eels Winter Swimming Club. The Coalcliff Community Association sent in a submission with an attendance sheet attached. Several of the names on the attendance sheet also sent through individual feedback forms.

Residents were asked to rank the nine costed options on the feedback forms/online surveys in order of their preference. An average of the scores for each option was calculated to find the overall most preferred through to least preferred option. The top three preferred options were:

(1) Coalcliff Rock Pool - build a concrete path across the rock shelf to the pool;

(2) **Stanwell Park public reserve** - footpath network extended to enhance all weather walking opportunities; and

(3) Coalcliff Rock Pool – improve the drainage on the concrete platform above the Coalcliff Rock Pool.

Z16/130104 Stanwell Park Rock Pool Reserve - Engagement Report June 2016



Background

In 1982, Council resolved that funds raised from parking fees for the purpose of constructing a swimming pool at Stanwell Park be held in reserve until such time as finance was available for the construction of a pool at Stanwell Park.

Due to escalating estimated construction costs for a pool at Stanwell Park, Council abandoned any plans to build a new pool.

In recent years, the community has requested Council explore alternatives for allocating the funds in the reserve. In late 2012, the community were consulted and provided Council Officers with feedback on several favoured options for spending the money; these options include:

- Functional improvements to Coalcliff Tidal Rock Pool;
- Improvements to Stanwell Park Beach Reserve; and
- Heating of Helensburgh Pool.

In 2014/15, consultants and Council officers concluded research into these options. In February 2016 a Council resolution directed staff to consult with Stanwell Park and Coalcliff residents regarding using the funds for future recreational assets in Stanwell Park, including exploring additional works on the existing Coalcliff Pool and surrounds.

A separate Council resolution (on 22 February 2016) instructed staff to undertake a comprehensive feasibility study of the costs associated with the heating of Helensburgh pool. Details of the study are to "be the subject of a report which is to be finalised and presented to the newly-elected Council not later than four months of that Council being elected." This does not form part of this engagement.

Stakeholders

Stakeholders identified prior to the commencement of the engagement period included:

- Stanwell Park and Coalcliff residents
- Community groups
- Stanwell Park Rock Pool Committee
- Residents who participated in the 2012 engagement.



Methodology

An information pack including copies of the Frequently Asked Questions (FAQ), feedback forms and reply paid envelopes were made available at Helensburgh Library. An email was sent to Stanwell Park and Coalcliff residents who made submissions back in 2012 advising them there was an opportunity to have their say on the costed options.

Two on-site kiosks were held on Saturday 28 May (Stanwell Park Reserve and then Leeder Park Coalcliff) to allow community members an opportunity to speak with Council officers about the costed options. Feedback Forms, FAQs, and Concept Plans were made available at the kiosk and on Council's website.

The engagement was promoted via Council's pages in *The Advertiser* on 18 and 25 May. A media release was issued on 27 May and an article appeared in the *Illawarra Mercury* on 24 May and the 2508 Magazine on 27 May 2016.

Results

This section of the report provides details on the engagement activities (Table 1), the on-line participation summary (Table 2) and the feedback on the most preferred options (see Table 3). Table 4 lists the residential suburb of submitters. Table 5 shows the most popular additional comments included in the written submissions.

Engagement Activity Results

Details of the number of participants for each engagement activity are presented in Table 1.

Engagement activity	Participation
Onsite Kiosk – Stanwell Park Reserve 28 May	19
Onsite Kiosk – Leeder Park, Coalcliff 28 May	9
Submissions received during the engagement period - Open (email, paper forms) - Online survey	129 (61) (68)

Table 1: Engagement participation results

Z16/130104 Stanwell Park Rock Pool Reserve - Engagement Report June 2016



Online Engagement Results

A total of 68 submissions were received online. Table 2 presents the usage statistics for the project page on Council's website.

Table 2: Summary of online participation

Measure and Explanation	Usage
Unique Site Visits – Total number of visits to the project page	409
Aware – Total number of users who viewed the project page	354
Informed – Total number of users who opened a hyperlink or read a document	190
Engaged – Total number of users who have actively contributed to the project via the	68
project page	

Submission results

Community members were asked to rank the nine costed options in order of preference with 1 being their most preferred option. Four of the options related to Coalcliff Rock Pool and five to recreational options for Stanwell Park Reserve.

Feedback came from 129 submissions, which included 68 online responses, 14 emails, 4 letters and 43 feedback forms. The results are recorded in Table 3 – 5.



Results

Residents were asked in Question 1 to rank the 9 options in their order of preference with 1 for the most preferred through to 9 for the least preferred. To calculate the overall preferred option from the 129 submissions, an average was taken of the scores for each option. Using this methodology, the lower the value of the average, the more preferred the option.

The most preferred option was to build a concrete path across the rock shelf at Coalcliff Rock Pool (3.41 as the lowest average value of the 9 options), followed closely by building a public reserve footpath network at Stanwell Park (3.415) The renewal of the Stanwell Park tennis court fencing was the least preferred option (5.02). Table 3 below shows the results from the submissions.

Options	Average
Coalcliff Rock Pool building a concrete path across the rock shelf to	3.41
the Pool	
Stanwell Park public reserve footpath network extended to enhance	3.415
all weather walking opportunities	
Coalcliff Rock Pool - Improving the drainage on the concrete platform	3.955
above the Coalcliff Rock Pool	
Coalcliff Rock Pool - upgrading the stairs to the north of the concreted	4.08
platform at Coalcliff Rock Pool	
Coalcliff Rock Pool - Shade shelter with seating at Coalcliff Rock Pool	4.35
Stanwell Park - Outdoor fitness equipment Stanwell Park	4.851
Stanwell Park - expanded Stanwell Park playground to include Trace	4.8571
ride	
Stanwell Park - additional covered picnic shelter at Stanwell Park	4.88
Stanwell Park - renewal of Stanwell Park tennis court fencing	5.02
	Coalcliff Rock Pool building a concrete path across the rock shelf to the Pool Stanwell Park public reserve footpath network extended to enhance all weather walking opportunities Coalcliff Rock Pool - Improving the drainage on the concrete platform above the Coalcliff Rock Pool Coalcliff Rock Pool - upgrading the stairs to the north of the concreted platform at Coalcliff Rock Pool Coalcliff Rock Pool - Shade shelter with seating at Coalcliff Rock Pool Stanwell Park - Outdoor fitness equipment Stanwell Park Stanwell Park - expanded Stanwell Park playground to include Trace ride Stanwell Park - additional covered picnic shelter at Stanwell Park

Table 3: Most preferred options - including all submission irrespective of residency

Thirteen of the 61 written submissions didn't rank the options. Although not listed as an option, 13 of the written submissions mentioned the need to repaint the Coalcliff Rock pool surface with anti-algae paint.



Results

Residents were asked to indicate in which suburb they lived in Question 2. It should be noted that 15 of the 129 submissions did not list a suburb. The results of Question 2 appear in Table 4 below.

Table 4: Suburb

	No.
Suburb	responses
Stanwell Park	67
Coalcliff	26
Helensburgh	18
Not specified	15
Stanwell Tops	2
Woonona	1

It should be noted additional comments were included on some of the written submissions. Table 5 shows the top additional comments.

Table 5: Additional comments

Additional comments	No. responses
Re-paint Coalcliff Rock pool surface with anti- algae paint	13
Mentions water quality at Stanwell Park Beach reserve	3
Make Stanwell Park beach wheel chair friendly	2
Use money for a skate park (location not specified)	2

Results adjusted to include only Stanwell Park/Coalcliff residents

The results listed in table 3 above included submissions from residents outside of Stanwell Park and Coalcliff. If only those submissions from residents who identified their suburb as either Stanwell Park or Coalcliff were included in the results, then Table 6 below shows the most preferred options listing.

The top two options (from 95 submissions) still remain:

- (1) Coalcliff Rock Pool building a concrete path across the rock shelf to the pool
- (2) Stanwell Park public reserve footpath network extended to enhance all weather walking opportunities.

The least preferred option shown in Table 3 and 6 is the renewal of the Stanwell Park tennis court fencing.



Table 6: Most preferred options – includes only Stanwell Park & Coalcliff residents

Most		
preferred	Options	Average
1	Coalcliff Rock Pool building a concrete path across the rock shelf to	1.55
	the Pool	
2	Stanwell Park public reserve footpath network extended to enhance	2
	all weather walking opportunities	
3	Coalcliff Rock Pool - upgrading the stairs to the north of the concreted	2.16
	platform at Coalcliff Rock Pool	
3	Coalcliff Rock Pool - Shade shelter with seating at Coalcliff Rock Pool	2.16
3	Stanwell Park - Outdoor fitness equipment Stanwell Park	2.16
3	Stanwell Park - expanded Stanwell Park playground to include Trace	2.16
	ride	
3	Stanwell Park - additional covered picnic shelter at Stanwell Park	2.16
4	Coalcliff Rock Pool - Improving the drainage on the concrete platform	2.77
	above the Coalcliff Rock Pool	
5	Stanwell Park - renewal of Stanwell Park tennis court fencing	3





Frequently Asked Questions Stanwell Park Rock Pool Reserve

Council is seeking further community feedback on how to spend the money raised by the community and held in trust by Council since 1982. Council has researched the options the community suggested and is now asking Stanwell Park and Coalcliff residents to comment on the affordable options.

Feedback must be received by Monday 20 June 2016.

Background

During late 2012 the community had several favoured options for the monies. These included:

- Functional improvements to Coalcliff Rock Pool
- Improvements to Stanwell Park Beach Reserve and
- Heating of Helensburgh pool.

Council staff researched the options reporting the findings to Council in February 2016.

A Council resolution directed staff to consult with Stanwell Park and Coalcliff residents regarding using the funds for future recreational assets in Stanwell Park, including exploring additional works on the existing Coalcliff Pool and surrounds.

What about heating Helensburgh Pool?

A separate Council resolution has instructed staff to undertake a comprehensive feasibility study of the costs associated with the heating of Helensburgh Pool.

A report on the findings is planned to go to the newly-elected Council. Any proposed works would be considered independently of the Stanwell Park Rock Pool Reserve.

What recreational assets are possible?

An analysis of current facilities provided at the Stanwell Park Beach reserve and the capacity of the reserve to cater for further improvements has been undertaken.

It has been determined that some of the following options would improve the amenity and serve a wide variety of users of the reserve:

- Outdoor fitness equipment 5 piece fitness station – cost \$85,000
- Additional covered picnic shelter with 3 picnic tables cost \$70,000
- Expand existing playground to include 'Track Ride' – cost \$78,000
- Public reserve footpath network extended to enhance all weather walking opportunities cost \$40,000
- Renewal of Stanwell Park tennis court fencing – cost \$20,000.

What Coalcliff Rock Pool works are already planned?

Council has already allocated \$408,000 towards improvements at Coalcliff pool. The works will include:

- Repairs to Southern and Western walls
- · Repairs to Southern and western concourse
- Repairs to access pathway and steps.

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What are the options to improve the Coalcliff Rock Pool?

In addition some of the following options have been identified to enhance access to the pool:

- Build a concrete path across the rock shelf to the rock pool – cost \$50,000
- Improve the drainage on the concrete platform above the pool area – cost \$20,000
- Build a shade shelter with seating cost \$105,000
- Upgrade stairs to north of the concrete platform and provide seating along front of platform at rock shelf level - cost \$40,000.

How much money is in the Stanwell Park Rock Pool reserve?

The current balance in the reserve is \$196,065.

We are now asking the residents of Stanwell Park and Coalcliff to have their say on which of the options should be allocated funds from the balance in the Stanwell Park Rock Pool Reserve.

How can I have my say?

You can provide your feedback on this project by completing a feedback form available on Council's website.

We want to know your views on the options.

Now's the time to have your say...

Alternatively, you can talk to Council staff on Saturday 28 May 2016 at the two locations below:

Stanwell Park Beach Reserve between 9am and 11am

Leeder Park in Coalcliff between 11.30am – 1.30pm.

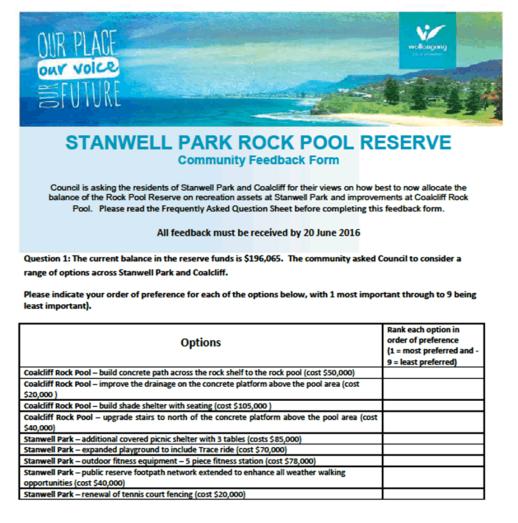
For further questions please call 4227 7111 or email engagement@wollongong.nsw.gov.au

You can have your say by:

Visiting <u>www.wollongong.nsw.gov.au</u> email engagement@wollongong.nsw.gov.au or fax to 02 4227 7580 For more information please phone 4227 7111

www.wollongong.nsw.gov.au





If there is insufficient room for your comments, please attach any additional sheets to this feedback form.

More overleaf....

Please return survey to Wollongong City Council Community Engagement Unit

Locked Bag 8821 Wollongong NSW 2500 Telephone: 02 4427 7111 Facsimile: 02 4227 7580 Email: <u>engagement@wollongong.nsw.gov.au</u>

www.wollongong.nsw.gov.au





PLEASE TELL US A LITTLE ABOUT YOURSELF

Question 2: In which suburb do you live?

Question 3: Your age (please tick category)

□ <18 years □ 19-25 years □ 26-35 years □ 36-45 years □ 46-55 years □ 56-65 years □ 66 -75 years □ 76+

If you would like a reply to your submission and to be kept informed of progress please fill in the section below.

Name:	
Address:	
Suburb:	Email:

Information about your submission: In accordance with the Local Government Act 1993, your submission including any personal information such as your name and address, will be made available for public inspection. You may request, in the form of a statutory declaration, that Council suppress the personal information in your submission from public inspection, if you consider that the personal safety of any person would be affected if the information was not suppressed. Any such request will be dealt with in accordance with the Privacy and Personal Information Act 1988. You may also make an anonymous submission however if you choose to do so Council will be unable to contact you any further as to the outcome of your submission. Additionally, anonymous submissions will be considered however it should be noted that the lack of information as to the respondent's place of living may affect Council's consideration of the potential impact of the subject proposal. Note: If Council receives a submission from any person who is legally required to provide a disclosure of any reportable political donation and / or gift under section 147 of the Environmental Planning and Assessment Act 1979, Council's legally required to publicly disclose all relevant details of the reportable political donation or gift onto Council's website for full viewing by the general public.

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ITEM 7 UPDATED ASBESTOS POLICY

On 30 May 2016, Council resolved that the 2014 Asbestos Policy be reviewed and revised in light of the recently revised model NSW Asbestos Management Policy prepared by Local Government NSW.

A draft updated Asbestos Policy has been prepared for adoption by Council.

The draft updated Asbestos Policy contains additional guidance, updates to legislation, documents, names of government agencies and departments, contact details and web addresses and some clarifications consistent with the revised Model Asbestos Policy for NSW Councils that the Office of Local Government released in April 2016.

RECOMMENDATION

The updated Asbestos Policy be adopted by Council.

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environmental Strategy and Planning Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods

ATTACHMENTS

- 1 Summary of Amendments to the Model Asbestos Policy for NSW Councils
- 2 Draft Updated Asbestos Policy Markup Version
- 3 Draft Updated Asbestos Policy

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

Council adopted its Asbestos Policy on 27 October 2014. This Policy was based on the Model Asbestos Policy for NSW Councils dated November 2012, in particular *Part 1 – Asbestos in the Local Government Area: Information for the Community*. The Policy states Council's commitment to and responsibilities for safely managing asbestos and provides information for the local community and the wider public on safely managing asbestos.

For the management of asbestos risks within Council (*Part 2 of the Model Asbestos Policy for NSW Councils*), Council developed its own internal procedures separate to the Asbestos Policy.

In April 2016, the Office of Local Government released a revised Model Asbestos Policy for NSW Councils. The revised Model Asbestos Policy contains additional guidance, updates to legislation, documents, names of government agencies and departments, contact details and web addresses and some clarifications.

PROPOSAL

The draft updated Asbestos Policy has been prepared to be consistent with the revised Model Asbestos Policy for NSW Councils. It is proposed that Council adopt the revised Policy.

Changes have also been made to Council's internal procedures documentation for safely managing asbestos, in line with the changes recommended by Local Government NSW.



CONSULTATION AND COMMUNICATION

The draft updated Asbestos Policy was reported to the Environment and Sustainability Reference Group at its meeting of 17 August 2016.

PLANNING AND POLICY IMPACT

This report relates to the commitments of Council as contained within the Strategic Management Plan:

Wollongong 2022 Community Goals and Objectives – This report contributes to the Wollongong 2022 objective The natural environment is protected and enhanced under the Community Goal We Value and Protect Our Environment and the Wollongong 2022 objective The public domain is maintained to a high standard under Community Goal We are a Healthy Community in a Liveable City.

RISK ASSESSMENT

If Council does not adopt the updated Asbestos Policy, then the existing Asbestos Policy will continue to contain out of date information and sections lacking clarification.

FINANCIAL IMPLICATIONS

There are no additional financial implications for Council in adopting the revised Asbestos Policy.

CONCLUSION

Council's Asbestos Policy has been updated in light of the revised Model Asbestos Policy for NSW Councils that Local Government NSW released in April 2016.



Amendments to the Model Asbestos Policy for NSW Councils

February 2016

This document explains the changes to the *Model Asbestos Policy for NSW Councils* 2012 in the updated version of the *Model Asbestos Policy for NSW Councils*.

Note: In the changes, the text in red is provided as instruction or guidance to councils, whereas text in black is text that forms the policy template.

Section	Change	Notes regarding the change
Cover page	Updated	
Inside page	Updated	
Forward	Updated	
Administrative	No change	
information		
Disclaimer	No change	
Scope	No change	
Definitions	No change	
Roles and responsibilities	No change	
Regulatory responsibilities	Replaced: Australian Standard AS 2601 – 2001: The demolition of structures	The Code of Practice for managing health and
	With: Demolition work code of practice 2015 (catalogue no. WC03841)	safety risks associated with demolition work is an approved code of practice under section 274 of the <i>Work Health</i> and Safety Act 2011 (NSW).
Table 1	Replaced: WorkCover NSW With: SafeWork NSW	
3.5	No change	
Responsibilities		
to workers		
4. Other	No change	
stakeholders		
involved in		
managing		
asbestos		



5. Naturally occurring asbestos	Addition: Council should check the NSW map of known areas and areas with the potential for naturally occurring asbestos and note in this section whether there are known areas and/or areas with the potential for naturally occurring asbestos in the LGA.	The new text encourages councils to check the NSW map of
	Council should also check any other reports it has access to which may note areas of naturally occurring asbestos, for example geological reports, which may provide more precise, local information.	known areas and areas with the potential for naturally occurring
	Council is to select the applicable option/s and delete the other/s.	asbestos, which was
	• Asbestos is found as a naturally occurring mineral in the following locations in the LGA (if applicable, council to insert details of known naturally occurring asbestos in the LGA including locations) and may occur elsewhere in the LGA.	released in 2015. The new text also points out that there are other sources of information which may provide more precise, local information about naturally occurring asbestos.
	• There is the potential for asbestos to be found as a naturally occurring mineral in the following locations in the LGA (if applicable, council to insert details of areas with the potential for naturally occurring asbestos in the LGA including locations) and may occur elsewhere in the LGA. Council is not aware of any naturally occurring asbestos in the LGA.	
5.1 Responsibilities for naturally	Replaced: WorkCover NSW With: SafeWork NSW	
occurring asbestos	Replaced: Department of Trade and Investment, Regional Infrastructure With: NSW Department of Industry	
5.2 Managing naturally occurring asbestos	Added: 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	Replaced: 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.	This amendment clarifies that council's
naturally occurring	If council is not aware of any naturally occurring asbestos in the LGA insert:	responsibility is to prepare an asbestos
asbestos by council	• 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 and provide guidance materials where necessary.	management plan in relation to the naturally occurring asbestos in
	If council is aware of naturally occurring asbestos in the LGA, select the applicable option and delete the other:	the council workplace rather than for the whole of the LGA.
	Council has an asbestos management plan for the naturally occurring asbestos in the LGA.	





	• Council will develop an asbestos management plan for the naturally occurring asbestos in the LGA.	
	With: 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 council is not aware of any naturally occurring asbestos in the LGA insert:	
	• 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.	
	If council is aware of naturally occurring asbestos in the LGA, select the applicable option and delete the other:	
	Council has an asbestos management plan for the naturally occurring asbestos in the council workplace.	
	Council will develop an asbestos management plan for the naturally occurring asbestos in the council workplace.	
6. Contamination of land with asbestos	No change	
6.1 Responsibilities for contaminated land	Replaced: WorkCover NSW With: SafeWork NSW	
6.2 Finding out if land is contaminated	Added: 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 <i>Protection of the Environment Operations Act 1997</i> .	The new text provides information about an existing statutory power which a council may choose to exercise.
6.3 Duty to report contaminated land	No change	
6.4 Derelict buildings	Replaced: WorkCover NSW With: SafeWork NSW	
7. Responding to emergencies and incidents	Replaced: Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos. Emergencies or	The new text notes that council may work with state agencies in



	 incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity. With: 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. 	accordance with the NSW Asbestos Emergency Plan (published in 2014) and the Disaster Assistance Guidelines (published in 2015).
7.1	Replaced: WorkCover NSW	
Responsibilities	With: SafeWork NSW	
in the clean up after an		
emergency or		
incident		
7.2 Advice to the	No change	
public regarding		
clean up after an		
emergency or		
incident		
8. Council's	No change	
process for		
changing land use		
9. Council's	Replaced: For example, the replacement of windows, doors and ceilings may involve the removal of	The amendment by the
process for	asbestos but does not constitute development under the <i>Environmental Planning and Assessment Act</i> 1979.	Department of Planning
assessing		and Environment
development	With: For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but	clarifies that these works
	is categorised as exempt development under the Environmental Planning and Assessment Act 1979 and	are still a form of
	does not require development consent.	development despite the
		fact they do not require
0.4	Na sherres	development consent.
9.1 Responsibilities	No change	
for approving		
development		
actoophon		
9.2 Providing	Replaced: WorkCover NSW	





		,
9.5.1 Exempt		
development		
9.5.2 Complying	Replaced: WorkCover NSW	
development	With: SafeWork NSW	
9.6 Development applications	Replaced: If a proposed building does not meet the requirements of exempt or complying development then there is a final planning approval option: 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 development standards established by council. Council may undertake a site inspection as part of the DA assessment.	Additional clarification about the development approval process with wording provided by the Department of Planning and Environment.
	With: 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-	No change	
development application advice regarding asbestos		
9.6.2 Conditions of consent	Added: Further information is provided in the <i>Guide to the Model Asbestos Policy</i> .	Prompts councils to refer to the <i>Guide to the</i> <i>Model Asbestos Policy</i> which has suggestions for developing conditions of consent.
9.7 Compliance	Replaced: WorkCover NSW	
and enforcement 9.7.1	With: SafeWork NSW	
Responsibilities		
for compliance		
and enforcement		
9.7.2 Compliance		
strategies		
10. Managing	No change	
asbestos as a		
	1	l



waste		
10.1	Replaced: WorkCover NSW	
Responsibilities	With: SafeWork NSW	
for asbestos		
waste		
management		
10.2 Handling	No change	
asbestos waste	No change	
for disposal		
	Demoved all taxt and replaced with The following requirements apply to the transport of appendence waste	The mountaint referre to
10.3 Transporting asbestos waste	Removed all text and replaced with: The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under clause 78 of the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> : (a) any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and	The new text refers to relevant sections of the Protection of the Environment Operations (Waste) Regulation 2014 as this has replaced the
	(b) if the waste consists of bonded asbestos material-it is securely packaged during the transportation, and	Protection of the Environment Operations
	(c) if the waste consists of friable asbestos material-it is kept in a sealed container during transportation, and	(Waste) Regulation 2005.
	(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 <i>Protection of the</i> <i>Environment Operations (Waste) Regulation 2014.</i> The transport of asbestos waste in NSW must be recorded from the place of generation to its final destination. The waste tracking system is administered by the EPA. Operators that use the EPA's WasteLocate system will be in compliance with these requirements. Information about EPA's WasteLocate system can be found at: www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm	
	An environment protection licence issued by the EPA is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.	
	It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under section 143 of the <i>Protection of the Environment Operations Act</i> 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	Replaced: Non-compliance with these requirements is an offence under the <i>Protection of the Environment Operations (Waste) Regulation 2005</i> and these offences attract strong penalties.	





at waste facilities	With: Non-compliance with these requirements is an offence under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> and these offences attract strong penalties.	
10.4.1 Situations in which asbestos waste may be rejected from waste facilities	 Replaced: (as required by the Protection of the Environment Operations (Waste) Regulation 2005). Individuals may be fined \$1500 and corporations may be fined \$5000 under the Protection of the Environment Operations (Waste) Regulation 2005 for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste. With: (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 (Waste) Regulation 2014). 	Fines for individuals and corporations for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste have increased.
10.5 Illegal	transporting asbestos waste to a facility that cannot lawfully receive asbestos waste. Replaced: Illegal landfilling, which is waste used as fill material with the consent of the owner or occupier of	Noted that illegal
dumping of asbestos waste	the land but without the necessary council or EPA approvals, is also considered to be illegal dumping and pollution of land. With: Illegal landfilling, which is waste used as fill material, with or without the consent of the owner or	landfilling may be with or without the consent of the owner or occupier of the land.
	occupier of the land and without the necessary council or EPA approvals, is also considered to be illegal dumping and pollution of land.	Fines for illegal dumping
	 Replaced: 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 \$5,000 	of asbestos have increased.
	With: Illegal dumping of asbestos waste in public places such as parks, streets or nature strips can attract regulatory action including:	Clarified that an occupier may become the responsible party for
	on the spot fines of up to \$15,000	cleaning up illegally dumped waste.
	Replaced: 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 landowner becomes the responsible party.	
	With: 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.	



	Replaced: Minister for Planning and Infrastructure	
	With: Minister for Planning	
10.6 Asbestos remaining on-site	No change	
11. Complaints and investigations	Replaced: WorkCover NSW With: SafeWork NSW	
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	No change	
12.1.2 Workers		
12.1.3 Prohibited work activities	 Replaced: Council may wish to note any activities council employees will not undertake or be allowed to undertake. With: Council may wish to note any activities council workers will not undertake or be allowed to undertake. 	Encourages councils to note activities not to be undertaken by 'workers' which as defined in the WHS legislation, covers more than 'employees' to also include contractors, volunteers and other persons.
12.2 Responsibilities of council to council workers 12.2.1 Council's	Replaced: WorkCover NSW With: SafeWork NSW	



	1	
general		
responsibilities		
12.2.2 Education,	No change	
training and		
information for		
workers		
12.2.3 Health	No change	
monitoring for		
workers		
13. Identifying	No change	
and recording		
asbestos hazards		
in the council		
workplace		
14. Managing	Replaced: Council is to select the applicable option and delete the other.	Clarified that the
asbestos-related	Council will prepare an asbestos management plan.	asbestos management
risks in the		plan is for asbestos in
council workplace	Council has an asbestos management plan which can be found	the council workplace.
management	With: Council is to select the applicable option and delete the other.	
plan	Council will prepare an asbestos management plan for asbestos in the council workplace.	
	Council has an asbestos management plan for asbestos in the council workplace which can be	
	found	
14.2 Asbestos	No change	
management		
plan for naturally		
occurring		
asbestos		
14.2		
14.3	No change	
Management		
options for asbestos-related		
risks in the		
council workplace		
14.4 Sites	No change	



contaminated with asbestos that are council workplaces		
14.5 Demolition or refurbishment of council buildings and assets	No change	
14.6 Removal of asbestos in the council workplace	Replaced: WorkCover NSW With: SafeWork NSW	Explains that before removing illegally dumped asbestos the asbestos register does not necessarily need to
	 Replaced: obtain a copy of the asbestos register before carrying out asbestos removal work With: 	be checked.
	 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) 	
14.6.1 Removal by council employees	No change	
14.6.2 Removal by contractors	Replaced: WorkCover NSW With: SafeWork NSW	This section expands on the list of items that a licensed asbestos removalist contracted to
	Replaced: Council will therefore require a statement in a written contract or agreement with the licensed asbestos removalist removalist that the licensed asbestos removalist who will undertake the work has been adequately trained.	undertake asbestos removal work for council should provide to council prior to undertaking the
	With: 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.	work.
	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	
14.6.3 Clearance inspections and certificates	No change	
15. Accidental disturbance of asbestos by workers	Replaced: WorkCover NSW With: SafeWork NSW	
 16. Council's role in the disposal of asbestos waste 16.1 Responding to illegal dumping 16.2 Transporting and disposing of asbestos waste 	No change	
16.3 Operating council's waste	Replaced: Waste management facilities must be managed in accordance with the <i>Protection of the</i> <i>Environment Operations (Waste) Regulation 2005</i> including section 42 which specifies that:	The new text refers to relevant sections of the
facility / facilities licensed to accept asbestos	 asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste 	Protection of the Environment Operations (Waste) Regulation 2014
waste	 when asbestos waste is delivered to a landfill site, the occupier of the landfill site must be informed by the person delivering the waste that the waste contains asbestos 	as this has replaced the Protection of the Environment Operations
	 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, and 	(Waste) Regulation 2005.
	• asbestos waste disposed of at a landfill site must be covered with virgin excavated natural material or other material as approved in the facility's environment protection licence as detailed in the <i>Protection of the Environment Operations (Waste) Regulation 2005.</i>	





	Council has / shall develop 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 may screen and inspect incoming loads to minimise asbestos contamination risk as this waste may be high risk for asbestos materials.
	With: Waste management facilities must be managed in accordance with the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> 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 / shall develop 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.
16.3.1 Asbestos	Replaced: WorkCover NSW
waste incorrectly	



presented to	With: SafeWork NSW	
council's waste facility / facilities	Replaced: Protection of the Environment Operations (Waste) Regulation 2005	
Tacinity / Tacinities	With: Protection of the Environment Operations (Waste) Regulation 2014	
16.4 Recycling facilities	No change	
16.5 Re- excavation of landfill sites	 Replaced: The re-excavation of a council landfill site where significant quantities of asbestos waste are deposited should only be considered with reference to any available records With: 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 	Notes that the re- excavation of a council landfill site where significant quantities of asbestos waste are deposited is not encouraged.
17. Advice to tenants and prospective buyers of council owned property	No change	
18. Implementing council's asbestos policy	No change	
19. Variations to this policy	No change	
Appendices		
Appendix A – General information and guidance 1. What is	 Replaced: enHealth, 2005, Management of asbestos in the non-occupational environment. With: Environmental Health Standing Committee (enHealth), <i>Asbestos: A guide for householders and the general public</i>, Australian Health Protection Principal Committee, Canberra, 2013 (available at: www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about). 	
asbestos?	Replaced: WorkCover NSW With: SafeWork NSW	
2. Where is asbestos found?	No change	



2.1 Naturally	Replaced: WorkCover NSW	Refers to new
occurring asbestos	With: SafeWork NSW	information on naturally occurring asbestos.
	Added: 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	Replaced: • ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity) With:	Includes more information about loose fill asbestos insulation.
	 ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity and may have moved to wall cavities, cornices and sub-floor areas) 	
2.3 Commercial and industrial premises	No change	
2.4 Sites contaminated with asbestos	No change	
2.4.1 Situations where asbestos contamination may occur	No change	
2.4.2 Significantly contaminated land	Replaced: WorkCover NSW With: SafeWork NSW	Replaces previous web address with new web address.
	Updated webpage: The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: <u>www.epa.nsw.gov.au/clm/publiclist.htm</u>	
3. Potentially hazardous activities	Added:checking, removing or replacing ceiling insulation which contains asbestos.	Includes more information about loose fill asbestos insulation.
4. Health hazards	No change	
Appendix B – Further information	Updated – numerous changes	
Appendix C – Definitions	Replaced: WorkCover NSW	



	With: SafeWork NSW	
Appendix D – Acronyms	No change	
Appendix E – Relevant contacts	Updated – numerous changes	
Appendix F – Waste management facilities that accept asbestos wastes	Updated webpage: A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at: http://www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm	Replaces previous web address with new web address.
Appendix G – Asbestos-related legislation, policies and standards	Replaced: Australian Standard AS 2601 – 2001: The demolition of structures With: Demolition work code of practice 2015 (catalogue no. WC03841) Replaced: WorkCover NSW With: SafeWork NSW Replaced: Protection of the Environment Operations (Waste) Regulation 2005 With: Protection of the Environment Operations (Waste) Regulation 2014	Updated as per the main body of the document.
Appendix H – Agencies roles and responsibilities	Numerous changes	
Appendix I – Scenarios illustrating which agencies lead a response in NSW	Table about NOA in Appendix I : Removed: SafeWork NSW	SafeWork NSW is no longer listed as lead organisation for managing Naturally occurring asbestos part of a mineral extraction process. Now lists Department of Industry (as the only lead organisation).
Appendix J –	Added:	Added insulation to the
Asbestos containing	Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas)	list of asbestos containing materials that



materials	Insulation in ceilings, which may have spread to wall cavities, cornices and sub-floor areas Source: NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015) http://www.fairtrading.nsw.gov.au/biz res/ftweb/pdfs/Tenants and home owners/Loose Fill Abestos Taskf	may be found in various settings (non-exhaustive list) and added the source of this information.
Appendix K –	orce_Report.pdf (accessed October, 2015). Replaced: WorkCover NSW	
Asbestos licences	With: SafeWork NSW	
Appendix L	Replaced: Previous map of areas with known and potential for naturally occurring asbestos With: Newer map of areas with known and potential for naturally occurring asbestos	



COUNCIL POLICY

ASBESTOS



ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

BACKGROUND

This policy has been developed in order to -

- 1 State Council's commitment to and responsibilities for safely managing asbestos.
- 2 Provide information for the local community and the wider public on safely managing asbestos.

OBJECTIVE

The main objectives of this policy are to -

- 1 Outline the role of Council and other organisations in managing asbestos.
- 2 Outline Council's relevant regulatory powers.
- 3 Outline Council's approach to dealing with sites contaminated by asbestos and emergencies or incidents.
- 4 Outline general advice for residents on renovating homes that may contain asbestos.
- 5 Outline Council's development approval process for developments that may involve asbestos and conditions of consent.
- 6 Outline waste management and regulation procedures for asbestos waste in the Wollongong Local Government Area.
- 7 Outline sources of further information.

POLICY STATEMENT

This policy states Council's commitment to and responsibilities for safely managing asbestos and provides information for the local community and the wider public on safely managing asbestos.

For the management of asbestos risks within Council, Council has developed its own internal guidelines, plans and procedures separate to this policy.



ASBESTOS

COUNCIL POLICY

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COUNCIL POLICY

STATEMENT OF PROCEDURES

INTRODUCTION

Wollongong City 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. In the Wollongong Local Government Area it is not known exactly how many homes could contain asbestos, however it is estimated there would be thousands. Many industrial buildings would also contain 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 Wollongong Local Government Area (LGA); and
- 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);
- regulation of activities (non-work sites); and
- 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; and
- sources of further information.



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1.2 Scope

This policy applies to the Wollongong LGA.

The policy provides information for the local community and the wider public. Roles and responsibilities of different agencies are described in Appendix H. 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 and non-friable (bonded) asbestos 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 <u>WorkCover_SafeWork_NSW;</u>
- Code of practice on how to safely remove asbestos published by WorkCover NSW (catalogue no WC03561) published by WorkCover <u>SafeWork</u>-NSW; and
- Additional guidance material listed in Appendix B.

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 of 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; and
- safe removal and disposal of minor quantities of asbestos containing materials;

through an ongoing asbestos awareness program.

Educational information and website links for educational materials can also 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*); and
- 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.

Waste facilities that are licensed to accept asbestos waste are listed in Appendix F.

Adopted by Council: [Date]



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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:

- Australian Standard AS 2601 2001: The demolition of structures
- Contaminated Land Management Act 1997
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2005
- 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.



COUNCIL POLICY

Table 1: Situations in which Council has a regulatory role in managing asbestos¹

Issue	Council's Role	Section of Policy
Contaminated land	 Record known asbestos site contamination on section 149 certificates where practicable and for Council workplaces, record on Council's asbestos register. Notify stakeholders of land use planning policy requirements relating to contamination. Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of WorkCoverSafeWork NSW). 	Sections 5 and 6
Development assessment	 Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. Ensure compliance with development conditions. Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9. 	Section 9
Demolition	 Approve demolition under the <i>Environmental Planning and</i> <i>Assessment Act 1979.</i> Council certifiers approve development as complying development under the <i>State Environmental Planning Policy</i> <i>(Exempt and Complying Development Codes) 2008.</i> 	Section 9
Emergencies and incidents	 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 <u>WorkCover_SafeWork NSW</u>). Council may consider the need to issue a clean-up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act</i> 1997. 	Section 7
Residential premises	 Respond to any public health risks (risks to Council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of WorkCover_SafeWork NSW). Respond to public health risks posed by derelict properties or asbestos materials in residential settings. 	Section 9
Waste	 Manage waste facilities in accordance with environmental protection legislation. Respond to illegal storage, illegal dumping and orphan waste. 	Section 10

¹Refer also to Appendix I – Scenarios Illustrating Which Agencies Lead a Response in NSW.



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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; and
- procedures for identifying and managing asbestos containing materials in Council premises.

For the management of asbestos risks within Council, Council has developed its own internal guidelines, plans and procedures separate to this policy.

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.

ASBESTOS IN THE LOCAL GOVERNMENT AREA: INFORMATION FOR THE COMMUNITY

5 NATURALLY OCCURRING ASBESTOS

Council is not aware of any naturally occurring asbestos in the Wollongong LGA.

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 the tasks undertaken, the hours Council employees have spent undertaking those tasks and the 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 <u>WorkCoverSafeWork NSW</u> are the lead regulatory authorities as outlined in Appendix A under section 2.4.2.



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Council has internal guidelines, plans and procedures for the management of Council workplaces contaminated with asbestos.

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 149(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 149(2), it may also inform applicants of any further information available under section 149(5). Council may also use section 149(5) certificates to record other information, particularly anything else of a factual nature about contamination which Council deems appropriate (such as details of land history, assessment, testing and remediation).

Council records can only indicate known contaminated sites. Any site may potentially be contaminated.

Council may issue notices to land owners or occupiers requiring information about land it has reason to believe may be contaminated by asbestos using section 192 and section 193 of the *Protection of the Environment Operations Act 1997.*

6.3 Duty to Report Contaminated Land

A person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination (under section 60 of the *Contaminated Land Management Act 1997*). Situations where this is required are explained in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

The EPA will inform Council of contaminated land matters relating to the LGA as required under section 59 of the *Contaminated Land Management Act* 1997.

6.4 Derelict Buildings

Concerns regarding potential health risks from derelict properties may be directed to Council. Derelict properties include abandoned buildings, fire damaged buildings and otherwise dilapidated buildings. Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, this poses a potential risk to public health.

Council may respond to derelict properties that pose a demonstrable public health risk using a range of regulatory tools according to the particular circumstances.

Council may issue a clean-up notice or prevention notice and compliance cost notice as noted in section 6.1.

Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under section 121B 2(c) 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 (under section 121M of the *Environmental Planning and Assessment Act 1979*). If a person fails to comply with the terms of an order, Council may act under section 121ZJ of 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 <u>WorkCoverSafeWork NSW</u> 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, tornadoes, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. 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. 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.



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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, <u>WorkCoverSafeWork NSW</u> 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 WorkCoverSafeWork 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 asbestos removalist 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); and
- 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);



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- 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); and
- any other measures recommended by an occupational hygienist following assessment of the situation.

8 COUNCIL'S PROCESS FOR CHANGING LAND USE

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

State Environmental Planning Policy No 55 – Remediation of Land states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Managing sites contaminated with asbestos material is addressed in section 6.

9 COUNCIL'S PROCESS FOR ASSESSING DEVELOPMENT

This section applies to development applications assessed under the *Environmental Planning and Assessment Act 1979* and complying development applications assessed under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or Council's complying codes (see section 9.5.2). This includes alterations and additions to residential development, which may include internal work as well as extensions to the existing main structure, or changes to outbuildings, sheds or garages.

This section also covers renovations that do not require development consent or a complying development certificate. Development consent is not required to maintain an existing structure. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos, but does not constitute development under the *Environmental Planning and Assessment Act 1979*. 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 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 through an ongoing asbestos education program. 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 <u>WorkCoverSafeWork NSW</u> with any queries as <u>WorkCoverSafeWork NSW</u> regulates asbestos removal by workers (as explained in section 9.4). Contact details for Council and <u>WorkCoverSafeWork NSW</u> 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 149 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 <u>WorkCoverSafeWork NSW</u> 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.



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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. <u>WorkCoverSafeWork NSW</u> 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; and
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the NSW Work Health and Safety Regulation 2011).

In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace.

All licensed asbestos removal must be:

- supervised by a supervisor named to WorkCoverSafeWork NSW; and
- notified to WorkCoverSafeWork 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. WorkCoverSafeWork NSW is the lead agency for regulating the safe management of asbestos at workplaces.

9.4.3 Obtaining approval for demolition

Demolition work must comply with Australian Standard AS 2601 – 2001: The demolition of structures. 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.



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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.

The Code of practice for demolition work (published by Safe Work Australia in 2012) provides practical guidance to persons conducting a business or undertaking on how to manage the health and safety risks associated with the demolition work. The Code of practice for demolition work applies to all types of demolition work.Demolition of development that would be exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is also exempt development and does not require consent. This includes minor structures such as carports, fences, sheds and the like.

9.5 Exempt or Complying Development

9.5.1 Exempt development

Exempt development does not require any planning or construction approval if it meets the requirements of the *State Environmental Planning Policy* (Exempt and Complying Development Codes) 2008.

This means that there is no ability for Council or a private certifier to impose safeguards for the handling of asbestos through conditions of development consent. However, Council advises that all asbestos removal work should be carried out in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no WC03561).

9.5.2 Complying development

The *Environmental Planning and Assessment Regulation 2000* (clause 136E) outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

Applications for complying development certificates must include details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be disturbed, repaired or removed in carrying out the development (under Schedule 1 part 2 of the *Environmental Planning and Assessment Regulation 2000*).

Where more than 10 square metres of non-friable asbestos is to be removed, a contract evidencing the engagement of a licensed asbestos removal contractor is to be provided to the principal certifying authority. The contract must specify the landfill site lawfully able to accept asbestos to which the removed asbestos will be delivered.

If the contract indicates that asbestos will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (catalogue no WC03561). In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then <u>WorkCoverSafeWork NSW</u> 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



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If a proposed building does not meet the requirements of exempt or complying development then there is a final planning approval option: 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 development standards established by Council. Council may undertake a site inspection as part of the DA assessment. 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

Council has a number of standard development consent conditions about asbestos that it applies when appropriate. <u>Further information is provided in the *Guide to the Model Asbestos Policy*.</u>

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, complying development certificates, occupation certificates and to carry out mandatory inspections. Council will not always be the principal certifying authority. When Council is not nominated as the principal certifying authority for a complying development certificate or development application, Council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between 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; and
- matters that are not preconditions to the issue of the occupation/subdivision certificate.

9.7.2 Compliance strategies

Illegal works include:

- works that are undertaken without a required development consent or complying development certificate; and
- 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 <u>WorkCoverSafeWork NSW</u> if the site is a workplace.



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The Environmental Planning and Assessment Act 1979 empowers Council to issue orders to direct specific work be undertaken to comply with a development consent.

Council may need to issue an order under the *Local Government Act 1993* (section 124) to direct a person to 'do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition'.

Council may also issue a clean-up notice or prevention notice under the *Protection of the Environment Operations Act 1997* as outlined in section 6.1 of this policy.

Council conditions asbestos related demolition works to require developer to provide information and records regarding disposal of their asbestos related material.

Council's Enforcement Policy applies to the investigation and enforcement of all unlawful activity including asbestos related offences.

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 waste facility that may lawfully receive asbestos waste.

If the disposal of asbestos waste is required, a licensed asbestos removal contractor should be contacted.

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 <u>Safe</u>WorkCover 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 five 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 the *Protection of the Environment Operations (Waste) Regulation 2005* clause 42(3):

- a non-friable asbestos material must be securely packaged at all times;
- b friable asbestos material must be kept in a sealed container;
- c asbestos-contaminated soils must be wetted down; and
- d all asbestos waste must be transported in a covered, leak-proof vehicle.

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2005.* Asbestos waste transported within New South Wales does not need to be tracked. The waste tracking system is administered by the EPA. An environment protection licence 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 \$1500 (to individuals) and \$5000 (to corporations). The following



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requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under clause 78 of the *Protection of the Environment Operations (Waste) Regulation 2014*:

- a any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and
- b if the waste consists of bonded asbestos material-it is securely packaged during the transportation, and
- c if the waste consists of friable asbestos material-it is kept in a sealed container during transportation, and
- d if the waste consists of asbestos-contaminated soils-it is wetted down.

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014.* The transport of asbestos waste in NSW must be recorded from the place of generation to its final destination. The waste tracking system is administered by the EPA. Operators that use the EPA's WasteLocate system will be in compliance with these requirements. Information about EPA's WasteLocate system can be found at: www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm.

An environment protection licence issued by the EPA is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.

It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under section 143 of the *Protection of the Environment Operations Act* 1997). Penalty notices may be issued for \$7,500 (to individuals) and \$15,000 (to corporations). NSW courts may impose penalties up to \$250,000 (for individuals) and \$1,000,000 (for corporations) found guilty of committing this offence.

10.4 Disposing of Asbestos Waste at Waste Facilities

Asbestos waste must be taken to a waste facility that may lawfully accept that type of waste.

Wollongong Waste and Resource Recovery Park at Kembla Grange currently does not accept asbestos waste. There are no waste facilities that accept asbestos waste for landfill disposal within the Wollongong region.

A small number of asbestos removal companies in the Wollongong Region (refer to the Yellow Pages – look under Asbestos Removal and Treatment) will, however, accept small quantities (under ten square metres) of non-friable asbestos waste under strict conditions of packaging and transport from members of the public. The companies store the asbestos waste before transporting it in bulk loads to a waste facility that may lawfully accept that type of waste.

The nearest waste facilities that may lawfully accept asbestos waste for landfill disposal for residents of the Wollongong region are the Lucas Heights Waste Management Centre and the West Nowra Recycling and Waste Facility.

Persons delivering waste to a landfill site must comply with the following requirements -

- a 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.
- b 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 2005 and these offences attract strong penalties.<u>Non-compliance with these requirements is an offence under the Protection of the Environment Operations (Waste) Regulation 2014 and these offences attract strong penalties.</u>

Council's standard conditions of development consent about asbestos waste management require asbestos waste to be disposed of at a waste facility that can lawfully receive this type of waste and for a receipt to be retained.

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

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• 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 2005* as required by the *Protection of the Environment Operations (Waste) Regulation 2005*.

Individuals may be fined \$1500 and corporations may be fined \$5000 under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005 for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste. 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 the consent of the owner or occupier of the land but without the necessary Council or EPA approvals, is also considered to be illegal dumping and pollution of land. 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 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 \$<u>1</u>5,000;
- 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 <u>occupier or</u> 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-and Infrastructure.

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 149 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 or works undertaken by a contractor in private or public places should be directed to <u>Safe</u>Work<u>Cover</u> 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;



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- derelict properties;
- general asbestos safety issues;
- illegal dumping;
- safe removal and disposal of minor quantities of asbestos materials; or
- 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.

12 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; or
- act on advice from Council to minimise risks from asbestos.

13 IMPLEMENTING COUNCIL'S ASBESTOS POLICY

13.1 Supporting Documents

The implementation of this policy is supported by:

- Wollongong Development Control Plan 2009 Chapter E7: Waste Management and Chapter E21: Demolition and Asbestos Management;
- customer service procedures; and
- information about asbestos contained on Council's website and in Council's Customer Service Knowledge Base System and Land Information System.

For the management of asbestos risks within Council, Council has developed its own internal guidelines and procedures separate to this policy, including the following:

- Contaminated Land Data and Documentation Procedures;
- Asbestos and Hazardous Material Management ProcedureGuidelines Incorporating a Hazardous Material Management and Asbestos Management Plan Guidelines;
- Site specific asbestos registers;
- Standard operating procedures;
- Asbestos risk assessment form;
- Incident report form;
- Employee health monitoring plans;
- Maintenance and inspection schedules for Council owned assets; and
- Training records (relevant to identifying, handling and removing of asbestos materials).

13.2 Communicating the Policy

This is a publicly available policy. The policy is to be made available via:

- Council's customer service centre;
- Council's website <u>www.wollongong.nsw.gov.au</u>; and
- Council's intranet site.

14 VARIATIONS TO THIS POLICY



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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.

15 REVIEW

This policy will be reviewed at the time of any relevant legislative changes, or may be reviewed at a minimum, every three years.

16 DISCLAIMER

This policy was formulated to be consistent with Council's legislative obligations and within the scope of Council's powers. This policy should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail.

This policy is based upon the *Model Asbestos Policy for NSW Councils* developed by the Heads of Asbestos Coordination Authorities to promote a consistent Local Government approach to asbestos management across NSW.

This policy does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this policy.

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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; and
- 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 enHealth, 2005, Management of asbestos in the non-occupational environment_Environmental Health Standing Committee (enHealth), *Asbestos: A guide for householders and the general public*, Australian Health Protection Principal Committee, Canberra, 2013 (www.health.gov.au/internet/main/publishing.nsf/content/FC356F591A627C39CA257BF0001CFADB/\$File/asbesto

s.pdfwww.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 one in three 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 WorkCover_NSWSafeWork_NSW (phone 131 050) 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. Council is not aware of any areas of naturally occurring asbestos within the LGA.

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.



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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; and/or
- 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); and/or
- 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; and/or
- ventilators internal and external.

Other places asbestos can be found are listed in Appendix J.



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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;
- bitumous 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; and/or
- 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 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); or
- 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 one metre of the surface).



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2.4.2 Significantly contaminated land

For sites that are significantly contaminated, the EPA and WorkCoverSafeWork 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 the air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: www.epa.nsw.gov.au/clm/publiclist.htm.

If land is contaminated but not determined to be 'significant enough to warrant regulation' then the *Contaminated Land Management Act 1997* does not apply. In such cases the provisions within the planning legislation and/or the *Protection of the Environment Operations Act 1997* may be the appropriate mechanism for management of such contamination.

Guidance on assessing land can be found in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act* 1997.

3 Potentially Hazardous Activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk.

Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

Members of the public could inadvertently disturb asbestos through activities including:

- renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials;
- sealing, painting, brushing and cleaning asbestos cement products;
- checking, removing or replacing ceiling insulation which contains asbestos;
- 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; or
- maintenance or servicing of materials from vehicles, plant or equipment.

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; or
- collection, transport and disposal of incorrectly disposed of materials.



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Asbestos contaminated sites could be inadvertently disturbed during:

- road building;
- site and construction work;
- other excavation activities; or
- 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; or
- extensive weathering and etching of unsealed asbestos cement roofs.

In addition, work that intentionally disturbs asbestos, such as sampling or removal, should be conducted by a competent person and in accordance with the relevant codes of practice and legislation.

4 Health Hazards

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body. The World Health Organisation has stated that concentrations of asbestos in drinking water from asbestos cement pipes do not present a hazard to human health.

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

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

Lung cancer can be caused by asbestos. Lung cancer is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure and most cases occurs 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 0.1 fibre/ml of air and the environmental standard is 0.01 fibre/ml in air.

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



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APPENDIX B – FURTHER INFORMATION

Aboriginal Communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA) <u>www.epa.nsw.gov.au/waste/illdumpabcommshandbook.htmhttp://www.epa.nsw.gov.au/illegaldumping/resources.ht</u> m

Asbestos Contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages <u>www.yellowpages.com.au</u>, or contact the Asbestos Removal Contractors Association NSW (ARCA) <u>www.asbestosremovalcontractorsassociation.com.auwww.arcansw.asn.au</u>, <u>phone: (02) 8586 3555 or by emailing:</u> <u>email@arcansw.asn.au</u>.

An asbestos removal contractor's licence can be verified by contacting the <u>WorkCover_NSWSafeWork_NSW</u>'s Certification Unit on telephone 131 050.

Demolition and Contractors Association (DCA) NSW http://demolitioncontractorsassociation.com.au

Asbestos Waste

Advice about safely disposing of household asbestos waste can be found at: www.epa.nsw.gov.au/managewaste/house-asbestos.htm

Asbestos waste disposal facility search function on the Asbestos Safety and Eradication Agency website: www.asbestossafety.gov.au/search-disposal-facilities

Crackdown on Illegal Dumping: A Handbook for Local Government, 2008 (DECC)

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

<u>Regional Illegal Dumping (RID) Squads: are regionally based teams that specialise in dealing with illegal dumping.</u> The squads are funded by the EPA and the member local councils who opt to work together and pool resources to tackle illegal dumping.

RIDonline is a statewide illegal dumping database and reporting tool to assist councils and the EPA develop a comprehensive picture of the extent of illegal dumping in NSW. Members of the community can assist by reporting illegal dumping online through the RIDOnline App, available for the public to download in February 2016.

For more information on illegal dumping and safely disposing of asbestos waste visit the EPA website: www.epa.nsw.gov.au

Management of asbestos in recycled construction and demolition waste, 2010 (WorkCover_SafeWork_NSW) www.workcover.nsw.gov.au/formspublications/publications/Pages/asbestoswaste.aspxwww.safework.nsw.gov.au/ data/a ssets/pdf file/0017/18323/asbestos recycled construction demolition waste 2772.pdf

Safely disposing of asbestos waste from your home, 2013 (EPA)

www.epa.nsw.gov.au/resources/waste/130342asbestos.pdf

How to deal with asbestos 'fibro' in soil at home

http://www.workcover.nsw.gov.au/formspublications/publications/Documents/asbestos-fibro-in-soil-factsheet-1254.pdf

For information on illegal dumping and safely disposing of asbestos waste visit the EPA website: www.epa.nsw.gov.au/waste/index.htm

Contaminated Land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 200915 (EPA) www.epa.nsw.gov.au/resources/clm/09438gldutycontclma.pdfwww.epa.nsw.gov.au/resources/clm/150164-reportland-contamination-guidelines.pdf



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Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land, 1998 (Department of Urban Affairs and Planning and EPA)

www.planning.nsw.gov.au/assessingdev/pdf/gu_contam.pdfwww.epa.nsw.gov.au/resources/clm/gu_contam.pdf

Emergency Management

Guidance Material: Asbestos and Fire-damaged Buildings, 2015 (EPA) www.epa.nsw.gov.au/resources/waste/asbestos/150044-asbestos-fire-damaged-buildings.pdf

<u>NSW Asbestos Emergency Plan:</u> The NSW Asbestos Emergency sub plan details the specific arrangements for the coordinated funding and management of asbestos debris during and following a larger scale emergency, being an event that requires a significant and coordinated response, where the presence of asbestos containing material in the community poses a significant risk to public health and safety. www.emergency.nsw.gov.au/publications/plans/sub-plans/asbestos.html

Environmental Risk Assessment

Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia)

www.nphp.gov.au/enhealth/council/pubs/pdf/envhazards.pdf

Available via email by contacting the enHealth Secretariat: enHealth.Secretariat@health.gov.au

Health

Asbestos and Health Risks Fact Sheet, 2007 (NSW Health) www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx

Further advice concerning the health risks of asbestos can be obtained from your local public health unit. Contact details for public health units may be found at: www.health.nsw.gov.au/Infectious/Pages/phus.aspx.

Renovation and Development

Asbestos: A guide for householders and the general public, 2013 (Commonwealth of Australia) www.health.gov.au/internet/main/publishing.nsf/Content/DA389D36697AE670CA257BF0001BAF53/\$File/asbestos-feb13.pdf

Choosing and working with a Principal Certifying Authority (PCA): A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board)

www.bpb.nsw.gov.au/resources/683/final%20PCA%20brochure.pdfbpb.nsw.gov.au/sites/default/files/public/Finalbui Idingappbroch.pdf

www.asbestoswawareness.com.au Asbestos Awareness website and Printable Website Handbook, 2011 (Asbestos Education Committee)

www.asbestosawareness.com.au

Practical Guidance

How to manage and control asbestos in the workplace: Code of practice (catalogue no WC03560) published by WorkCover <u>SafeWork</u> NSW

www.workcover.nsw.gov.au/formspublications/publications/pages/how-to-manage-and-control-asbestos-in-the-workplace-code-of-practice.aspx www.safework.nsw.gov.au/ data/assets/pdf file/0015/15216/how-to-manage-control-asbestos-workplace-code-of-practice-3560.pdf

How to safely remove asbestos: Code of practice (catalogue no WC03561) published by WorkCover_SafeWork NSW

www.workcover.nsw.gov.au/formspublications/publications/pages/how-to-safely-remove-asbestos-code-of-practice.aspx www.workcover.nsw.gov.au/formspublications/publications/Documents/how-to-safely-remove-asbestos-code-of-practice-3561.pdf 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, 2013 (Tenants' Union of NSW)

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www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php

Tenants – Housing NSW Tenants

Asbestos fact sheet, 2010 Manage Asbestos Policy 2013 (Housing NSW) www.housing.nsw.gov.au/NR/rdonlyres/F4E1131F-2764-4CB1-BC07-98EB6C594085/0/Asbestos.pdfwww.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/manageasbestos-policy



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APPENDIX C – DEFINITIONS

The terms used in the policy are defined as below, consistent with the definitions in the:

- How to manage and control asbestos in the workplace: Code of practice (catalogue no WC03560) published by WorkCover_SafeWork NSW
- How to safely remove asbestos: Code of practice (catalogue no WC03561) published by WorkCover_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 one 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	means:		
work	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.		



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certifying authority	means a person who is authorised by or under section 85A of the <i>Environmental Planning and Assessment Act 1979</i> to issue complying development certificates, or is authorised by or under section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue part 4A certificates.	
Class A asbestos removal licence	means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.	
Class A asbestos removal work	means the removal of friable asbestos which must be licensed under clause 485 of the <i>Work Health and Safety Regulation 2011</i> . 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 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, ten 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	means a certificate issued by either a local council or an accredited certifier for a complying development.	
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; or	
	f any other act, matter or thing referred to in section 26 of the <i>Environmental Planning</i> and Assessment Act 1979 that is controlled by an environmental planning instrument.	
development application	means an application for consent under part 4 of the <i>Environmental Planning and Assessment Act</i> 1979 to carry out development but does not include an application for a complying development certificate.	



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emergency service	includes any of the following:	
organisation	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; and	
	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; or	
	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 <i>Work Health and Safety Regulation 2011</i> 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.	
ΝΑΤΑ	means the National Association of Testing Authorities, Australia.	

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NATA-accredited laboratory	means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.		
naturally occurring asbestos	means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.		
non-friable asbestos	means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.		
	Note: Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).		
occupational hygienist	means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).		
occupier	includes a tenant or other lawful occupant of premises, not being the owner.		
officer	means an officer as defined in the NSW Work Health and Safety Act 2011.		
orphan waste	means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.		
person conducting a business or undertaking	a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.		
personal protective equipment	means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.		
respirable	means an asbestos fibre that:		
asbestos fibre	a is less than three micrometres wide;		
	b more than five micrometres long; and		
	c has a length to width ratio of more than 3:1.		
specified VET	means:		
course	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; or		
	c part of a structure.		
volunteer	means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).		



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waste	inclu	ides:
	а	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
	b	any discarded, rejected, unwanted, surplus or abandoned substance; or
	С	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
	d	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
	e Envi	any substance prescribed by the regulations made under the Protection of the ironment Operations Act 1997 to be waste.
waste facility	means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).	
worker		erson is a worker if the person carries out work in any capacity for a person conducting a ness or undertaking, including work as:
	а	an employee; or
	b	a contractor or subcontractor; or
	С	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
	е	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	any	orkplace is a place where work is carried out for a business or undertaking and includes place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, sel, aircraft or other mobile structure, and any waters and any installation on land, on the
	bed	of any waters or floating on any waters.



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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



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APPENDIX E – RELEVANT CONTACTS

Wollongong City Council Phone: (02) 4227 7111 Fax: (02) 4227 7277 For the Hearing Impaired: 133 677 (Australian Communication Exchange) Email: council@wollongong.nsw.gov.au Web: www.wollongong.nsw.gov.au Mail: Locked Bag 8821, Wollongong DC NSW 2500

ASBESTOS-RELATED DISEASE ORGANISATIONS (NON-EXHAUSTIVE LIST)

Asbestos Diseases Foundation Australia Inc Phone: (02) 9637 8759 Helpline: 1800 006 196 Email: <u>info@adfa.org.au</u> Website: <u>www.adfa.org.au</u>

Asbestos Diseases Research Institute

Phone: (02) 9767 9800 Email: <u>info@adri.org.au</u> Website: <u>www.adri.org.au</u>

Australian Institute of Occupational Hygienists Inc

Phone: (03) 9336 2290 Email: <u>admin@aioh.org.au</u> Website: <u>www.aioh.org.au</u>

DUST DISEASES BOARDAUTHORITY

Phone: (02) 8223 6600 Toll Free: 1800 550 027 Email: <u>enquiries@ddb.nsw.gov.auDDAenquiries@icare.nsw.gov.au</u> Website: <u>www.ddb.nsw.gov.au</u>www.icare.nsw.gov.au

ENVIRONMENT PROTECTION AUTHORITY (EPA)

Phone: (02) 9995 5000 Environment line: 131 555 Email: <u>info@environment.nsw.gov.au</u> Website: <u>www.epa.nsw.gov.au</u>

LICENSED ASBESTOS CONTRACTORS

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website: <u>www.yellowpages.com.au</u> or contact:

Asbestos Removal Contractors Association NSW (ARCA)

PO Box Q1882 Queen Victoria Building NSW 1230Phone: (02) 8586 3555 Email: info@arca.net.au

Website: www.asbestosremovalcontractorsassociation.com.auwww.arcansw.asn.au

Verification of an asbestos removal contractor's licence can be checked by contacting WorkCover NSWSafeWork NSW's Certification Unit Phone: 131 050.

Civil Contractors Federation (CCF)

Phone: (02) 9009 4000 Email: <u>mtearle@civilcontractors.comccfnsw@civilcontractors.com</u> Website: <u>www.civilcontractors.com</u> Website: <u>www.civilcontractors.com</u>

Demolition and Contractors Association (DCA) NSW Phone: (02) 8586-3555 Email: <u>demolitionassn@bigpond.com</u> Website: http://demolitioncontractorsassociation.com.au

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LOCAL GOVERNMENT NSW

Phone: (02) 9242 4000 Email: <u>lgsa@lgsa.org.au</u> Website: <u>www.lgsa.org.au</u>

NSW OMBUDSMAN

Phone: (02) 9286 1000 Toll free (outside Sydney metro): 1800 451 524 Email: <u>nswombo@ombo.nsw.gov.au</u> Website: <u>www.ombo.nsw.gov.au</u>

TRAINING PROVIDERS (NON-EXHAUSTIVE LIST)

TAFE NSW

Phone: 1300 131 499131 601 Website: www.tafensw.edu.au

Housing Industry Association (HIA)

Phone: (02) 9978 3333 Website: <u>http://hia.com.au</u>

Local Government Training Institute Phone: (02) 4922 2333

Website: www.lgti.com.au

Comet Training

Phone: (02) 9649 5000 Website: <u>www.comet-training.com.au/site</u>

Masters Builders Association (MBA)

Phone: (02) 8586 3521 Website: www.masterbuilders.com.au

Asbestos Removal Contractors Association NSW (ARCA)

Phone: (02) 8586 3555 Website: www.asbestosremovalcontractorsassociation.com.au

WORKCOVER NSWSAFEWORK NSW

WorkCoverSafeWork NSW Information Centre Phone: 131 050 WorkCover NSWSafeWork NSW – Asbestos/Demolition Hotline Phone: (02) 8260 5885 Website: www.workcover.nsw.gov.au/www.safework.nsw.gov.au/



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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 that may be away from other general waste and controls incorporated to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

Wollongong Waste and Resource Recovery Park at Kembla Grange currently does not accept asbestos waste for disposal. There are no waste facilities that accept asbestos waste for landfill disposal within the Wollongong region. Asbestos waste must be taken to a waste facility that may lawfully accept that type of waste. The nearest waste facilities that may lawfully accept asbestos waste for landfill disposal for residents of the Wollongong region are the Lucas Heights Waste Management Centre and the West Nowra Recycling and Waste Facility.

Lucas Heights Waste Management Centre, New Illawarra Road, Lucas Heights, phone 1300 651 116.

West Nowra Recycling and Waste Facility, Flat Rock Road, Nowra, phone (02) 4429 3374.

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/waste/asbestos/index.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. The EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.



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APPENDIX G – ASBESTOS-RELATED LEGISLATION, POLICIES AND STANDARDS

- Australian Standard AS 2601 2001: The demolition of structures
- Contaminated Land Management Act 1997
- How to manage and control asbestos in the workplace: Code of practice (catalogue no WC03560) published by WorkCover_SafeWork NSW
- How to safely remove asbestos: Code of practice (catalogue no WC03561) published by WorkCoverSafeWork NSW
- Demolition work code of practice 2015 (catalogue no. WC03841)
- Code of practice for demolition work published by Safe Work Australia, 2012
- 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 200514
- 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.



COUNCIL POLICY

APPENDIX H – AGENCIES ROLES AND RESPONSIBILITIES

NSW ORGANISATIONS

Department of Planning and Infrastructure (DP&I) and the Building Professionals Board (BPB)Environment (DPE)

The DP&<u>E</u>'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&I 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.

The BPB which reports to the Minister for Planning and Infrastructure also has a role in the management of asbestos. The BPB's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role and this includes education in relation to managing asbestos. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: www.bpb.nsw.gov.au.

Dust Diseases Authority Board (DDAB)

The DDAB 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 DDBA'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; and
- information and education.

Environment Protection Authority (EPA)

The 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 2005<u>14</u>. Clauses <u>77 through to 8142</u> of the <i>Protection of the Environment Operations (Waste) Regulation 2005<u>14</u> sets out the special requirements relating to the transportation and disposal of asbestos waste.*

The 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, 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.

The EPA is responsible for assisting councils in fulfilling their regulatory responsibilities. The 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*.



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Heads of Asbestos Coordination Authorities (HACA)

The HACA is chaired by the Chief Executive Officer of $\frac{WorkCover NSWSafeWork NSW}{NSW}$ with senior officials from the –

- Department of Planning and InfrastructureEnvironment
- Department of IndustryTrade and Investment, Regional Infrastructure and Services
- Office of Local Government
- Dust Diseases BoardAuthority
- Environment Protection Authority
- Local Government NSW
- Ministry for Police and Office of Emergency ManagementServices
- Ministry of Health

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 WorkCoverSafeWork NSW website www.workcover.nsw.gov.auwww.safework.nsw.gov.au.

Local Government NSW (LGNSW)

Local Government NSW is the peak body for councils in NSW. LGNSW represents <u>452all NSW</u> general purpose councils, <u>42-the</u> special purpose councils and the NSW Aboriginal Land Council.

Local Government NSW represents the views of these councils by:

- presenting councils views to governments;
- promoting Local Government to the community; and
- providing specialist advice and services.

Local Government NSW holds annual conferences where members are able to vote on issues affecting Local Government. The Annual Conferences are the supreme policy making events.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, Local Government NSW commenced a project funded by <u>WorkCoverSafeWork</u> NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: <u>www.lgnsw.org.au/policy/asbestos-model-policy</u>.

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.



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The Geological Survey of NSW prepared the state-wide mapping of naturally occurring asbestos (NOA) in NSW for the Heads of Asbestos Coordination Authorities.

NSW Ministry of Health

The NSW Ministry of Health does not have express statutory responsibilities for managing asbestos-related risks and incidents in NSW. The Ministry provides an expert advisory service to other governmental agencies on public health issues. This service may include technical information or assistance to prepare public health information bulletins.

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog body. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

Office of Fair Trading and the Building Professionals Board (BPB)

NSW Fair Trading safeguards the rights of all consumers and advises business and traders on fair and ethical practice. NSW Fair Trading provides services directly to individuals and businesses to create a fair, safe and equitable marketplace.

NSW Fair Trading is establishing a Loose-Fill Asbestos Implementation Taskforce responsible for overseeing and implementing the NSW Government Voluntary Purchase and Demolition Program for properties containing loose-fill asbestos insulation. The Loose-Fill Asbestos Implementation Taskforce will be in place until work is completed on the purchase and demolition of all properties that choose to participate in the Program.

The Building Professionals Board (BPB) is now part of Fair Trading and oversees building and subdivision certification. The BPB's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: www.bpb.nsw.gov.au.

Office of Local Government

The Office of Local Government is responsible for local government across NSW. The Office's organisational purpose is to 'Strengthen Local Government' and its organisational outcome is 'Fit for the future councils leading strong communities'.

The Office has a policy, legislative, investigative and program focus in matters ranging from Local Government finance, infrastructure, governance, performance, collaboration and community engagement. The Office strives to work collaboratively with the Local Government sector and is the key adviser to the NSW Government on Local Government matters.

WorkCover NSWSafeWork NSW

WorkCoverSafeWork NSW is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. WorkCoverSafeWork 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.

WorkCoverSafeWork NSW administers work health and safety, injury management, return to work and workers compensation laws, and manages the workers compensation system. WorkCoverSafeWork 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 WorkCoverSafeWork NSW website provides a wide range of asbestos resources, support networks and links at: www.workcover.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspxwww.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos.



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NATIONAL ORGANISATIONS

Asbestos Safety and Eradication Agency

The Asbestos Safety and Eradication Agency was established in 2013 to provide a national focus on asbestos issues which go beyond workplace safety to encompass environmental and public health issues. The agency's objective is to eliminate asbestos-related disease in Australia.

The agency has broad functions under its legislation, including:

- reporting on the implementation of the National Strategic Plan on Asbestos Awareness and Management (NSP); reviewing and amending the NSP as required and promoting the NSP
- providing advice to the Minister about asbestos safety
- liaising with all levels of government, agencies or bodies about the implementation of the NSP; as well as asbestos safety in general; and
- commissioning, monitoring and promoting research about asbestos safety.

The agency administers the National Asbestos Exposure Register which was created to record the details of members of the community who may have been exposed to asbestos. Registration forms are online at https://www.asbestossafety.gov.au/national-asbestos-exposure-register.

The agency also maintains a national database for asbestos disposal facilities, which members of the public can search to identify their nearest facility that accepts asbestos waste, available online at https://www.asbestossafety.gov.au/search-disposal-facilities.

Councils interested in finding out more about the agency, updating information listed on the disposal database, or receiving information, flyers or brochures for distribution within the LGA should contact the agency at enquiries@asbestossafety.gov.au.

National Association of Testing Authorities (NATA)

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT Phone: (02) 9736 8222 National Toll Free: 1800 621 666 Website: <u>www.nata.asn.au</u>

Environmental Health Committee (enHealth)

The Environmental Health Committee (enHealth) is a subcommittee of the Australian Health Protection Committee (AHPC). enHealth provides health policy advice, implementation of the National Environmental Health Strategy 2007-2012, consultation with key players, and the development and coordination of research, information and practical resources on environmental health matters at a national level.

Website: www.health.gov.au/internet/main/publishing.nsf/content/ohp-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 53171300 551 832 Email: info@safeworkaustralia.gov.auinfo@swa.gov.au Website: www.safeworkaustralia.gov.au



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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

Further details are provided in the Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government, 2011 (NSW Government).

Emergency Management

	Scenario	Lead Organisation	Other Regulators
	Emergency response	Emergency services	Fire and Rescue (Hazmat) WorkCover NSWSafeWork 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 WorkCover NSW<u>SafeWork NSW</u>
	Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local council EPA WorkCover NSW<u>S</u>afeWork NSW
	Remediation not requiring a licensed removalist	Local council	Principal Certifying Authority WorkCover NSWSafeWork NSW (workers)
	Remediation requiring licensed removal work	WorkCover NSWSafeWork NSW	Local council Principal Certifying Authority
	Clearance Certificate issued by an Asbestos Assessor	WorkCover NSWSafeWork NSW	Principal Certifying Authority



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Residential Settings

	Scenario	Lead Organisation	Other Regulators
	Safe management of asbestos including: identification in situ management removal requirements disposal requirements	Local council Private Certifiers	WorkCover <u>SafeWork</u> NSW EPA
	Site contaminated due to past uses	Local council	WorkCover NSWSafeWork NSW EPA
	Licensed removal work required	WorkCover NSWSafeWork NSW	Local council Private Certifiers
	Removal does not require a licensed removalist	Local council Private Certifiers	WorkCover NSWSafeWork 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 WorkCover NSW 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	WorkCover <u>SafeWork NSW</u> (worksites) EPA and Local council (non-	
	Waste transported by vehicle	EPA	WorkCoverSafeWork 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	Australian Customs and Border Protection ServiceDepartment of Immigration and Border Protection	WorkCover NSWSafeWork NSW Department of Education, Employment-and Workplace Relations



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Workplaces

Workplaces				
	Scenario	Lead Organisation	Other Regulators	
	Asbestos installed/supplied after 2003 (illegally)	WorkCover NSWSafeWork NSW	Australian Customs and Border Protection Service Australian Competition and Consumer Commission (Imported Goods)	
	Risks to the health of workers	WorkCover NSWSafeWork NSW		
	Asbestos management and asbestos going to be removed	WorkCover NSWSafeWork NSW Department of Trade and Investment, Regional Infrastructure and Services		
	Risks to the health of the public from worksites	WorkCover NSWSafeWork NSW (Risks to workers) Local council (Risks to the wider public) Department of Planning and Infrastructure (part 3A approvals) EPA (Protection of the Environment		
	Waste stored temporarily on-site at worksites	WorkCover NSWSafeWork NSW		
	Transport or waste disposal issues	EPA	WorkCover NSWSafeWork NSW Local council	
	Asbestos contaminated clothing going to a laundry	WorkCover NSWSafeWork NSW	EPA Local council	
	Contaminated land not declared under the <i>Contaminated Land</i> <i>Management Act 1997</i>	Local council	EPA	
	'Significantly contaminated' land declared under the <i>Contaminated Land Management Act</i> 1997	EPA	Local council	



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APPENDIX J – ASBESTOS CONTAINING MATERIALS

Some asbestos containing materials found in New South Wales domestic settings (non-exhaustive list)

Asbestos Containing Materials	Approximate Supply Dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing/lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbletone decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	During the 1960s and 1970s, pure loose-fill asbestos was sold as ceiling insulation for residential and commercial premises. A Canberra based company known as 'Mr Fluffy' installed insulation in at least 1,000 homes in the ACT and is also understood to have installed insulation into homes in NSW.Supplied from 1968 – 1978 by a Canberra contractor and believed to be generally restricted to houses in the Australian Capital Territory with some materials supplied to the Queanbeyan area and some south coast towns
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

Adopted by Council: [Date]



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Sources: NSW Government, 2011, Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government.

NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015) www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf___(accessed April 2016).



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Asbestos Containing Materials that May be Found in Various Settings (Non-Exhaustive List)

Α

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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в

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

С

Cable penetration insulation bags (typically Telstra)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

Cement render

Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas)

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

Е

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

Adopted by Council: [Date]



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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

н

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

М

Mastik Millboard between heating unit and wall Millboard lining of switchboxes Mortar

Ρ

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



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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

т

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 No 2: Guidelines for local government on asbestos, 2005 (Victorian Department of Human Services).

<u>NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015)</u> www.fairtrading.nsw.gov.au/biz res/ftweb/pdfs/Tenants and home owners/Loose Fill Abestos Taskforce Report.pdf (accessed April, 2016).



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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: any amount of friable asbestos or asbestos containing material any amount of asbestos containing dust any amount of non-friable asbestos or asbestos containing material
Class B	 Can remove: any amount of non-friable asbestos or asbestos containing material Note: A Class B licence is required for removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m² of non-friable asbestos or asbestos containing material. asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of asbestos containing dust associated with the removal of asbestos containing dust associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.
No licence required	 Can remove: up to 10 m² of non-friable asbestos or asbestos containing material asbestos containing dust that is: associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material not associated with the removal of friable or non-friable asbestos and is only a minor contamination

An asbestos removal contractor's licence can be verified by contacting WorkCover NSWSafeWork NSW's Certification Unit on telephone 131 050.



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SUMMARY SHEET		
Responsible Division	Environmental Strategy and Planning	
Date adopted by Council		
Date of previous adoptions	27 October 2014	
Date of next review	October 2017	
Legislative or other requirement for review DELETE THIS WHOLE ROW IF NOT APPLICABLE	[List review timeframe and Act, policy or review requirement]	
Responsible Officer	Environment Assessment Officer	
Authorised by	Director Planning and Environment – Future City and Neighbourhoods	





ASBESTOS COUNCIL POLICY

ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

BACKGROUND

This policy has been developed in order to -

- 1 State Council's commitment to and responsibilities for safely managing asbestos.
- 2 Provide information for the local community and the wider public on safely managing asbestos.

OBJECTIVE

The main objectives of this policy are to -

- 1 Outline the role of Council and other organisations in managing asbestos.
- 2 Outline Council's relevant regulatory powers.
- 3 Outline Council's approach to dealing with sites contaminated by asbestos and emergencies or incidents.
- 4 Outline general advice for residents on renovating homes that may contain asbestos.
- 5 Outline Council's development approval process for developments that may involve asbestos and conditions of consent.
- 6 Outline waste management and regulation procedures for asbestos waste in the Wollongong Local Government Area.
- 7 Outline sources of further information.

POLICY STATEMENT

This policy states Council's commitment to and responsibilities for safely managing asbestos and provides information for the local community and the wider public on safely managing asbestos.

For the management of asbestos risks within Council, Council has developed its own internal guidelines, plans and procedures separate to this policy.



ASBESTOS

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STATEMENT OF PROCEDURES

INTRODUCTION

Wollongong City 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. In the Wollongong Local Government Area it is not known exactly how many homes could contain asbestos, however it is estimated there would be thousands. Many industrial buildings would also contain 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 Wollongong Local Government Area (LGA); and
- 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);
- regulation of activities (non-work sites); and
- 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; and
- sources of further information.



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1.2 Scope

This policy applies to the Wollongong LGA.

The policy provides information for the local community and the wider public. Roles and responsibilities of different agencies are described in Appendix H. 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 and non-friable (bonded) asbestos 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; and
- Additional guidance material listed in Appendix B.

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 of 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; and
- safe removal and disposal of minor quantities of asbestos containing materials;

through an ongoing asbestos awareness program.

Educational information and website links for educational materials can also 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*); and
- 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.

Waste facilities that are licensed to accept asbestos waste are listed in Appendix F.

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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
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2005
- 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.



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Table 1: Situations in which Council has a regulatory role in managing asbestos¹

Issue	Council's Role	Section of Policy
Contaminated land	 Record known asbestos site contamination on section 149 certificates where practicable and for Council workplaces, record on Council's asbestos register. Notify stakeholders of land use planning policy requirements relating to contamination. Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of SafeWork NSW). 	
Development assessment	 Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. Ensure compliance with development conditions. Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9. 	Section 9
Demolition	 Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>. Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i> 	
Emergencies and incidents	• Regulate the clean-up of asbestos waste following emergencies where sites are handed over to the Council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean-up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i> .	
Residential premises	 Respond to any public health risks (risks to Council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW). Respond to public health risks posed by derelict properties or asbestos materials in residential settings. 	Section 9
Waste	 Manage waste facilities in accordance with environmental protection legislation. Respond to illegal storage, illegal dumping and orphan waste. Regulate non-complying transport of asbestos containing materials. 	Section 10

¹Refer also to Appendix I – Scenarios Illustrating Which Agencies Lead a Response in NSW.

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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; and
- procedures for identifying and managing asbestos containing materials in Council premises.

For the management of asbestos risks within Council, Council has developed its own internal guidelines, plans and procedures separate to this policy.

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.

ASBESTOS IN THE LOCAL GOVERNMENT AREA: INFORMATION FOR THE COMMUNITY.

5 NATURALLY OCCURRING ASBESTOS

Council is not aware of any naturally occurring asbestos in the Wollongong LGA.

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 the tasks undertaken, the hours Council employees have spent undertaking those tasks and the 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.



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Council has internal guidelines, plans and procedures for the management of Council workplaces contaminated with asbestos.

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 149(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 149(2), it may also inform applicants of any further information available under section 149(5). Council may also use section 149(5) certificates to record other information, particularly anything else of a factual nature about contamination which Council deems appropriate (such as details of land history, assessment, testing and remediation).

Council records can only indicate known contaminated sites. Any site may potentially be contaminated.

Council may issue notices to land owners or occupiers requiring information about land it has reason to believe may be contaminated by asbestos using section 192 and section 193 of the *Protection of the Environment Operations Act* 1997.

6.3 Duty to Report Contaminated Land

A person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination (under section 60 of the *Contaminated Land Management Act 1997*). Situations where this is required are explained in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

The EPA will inform Council of contaminated land matters relating to the LGA as required under section 59 of the *Contaminated Land Management Act* 1997.

6.4 Derelict Buildings

Concerns regarding potential health risks from derelict properties may be directed to Council. Derelict properties include abandoned buildings, fire damaged buildings and otherwise dilapidated buildings. Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, this poses a potential risk to public health.

Council may respond to derelict properties that pose a demonstrable public health risk using a range of regulatory tools according to the particular circumstances.

Council may issue a clean-up notice or prevention notice and compliance cost notice as noted in section 6.1.

Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under section 121B 2(c) 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 (under section 121M of the *Environmental Planning and Assessment Act* 1979). If a person fails to comply with the terms of an order, Council may act under section 121ZJ of 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.



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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 asbestos removalist 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); and
- 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); and
- any other measures recommended by an occupational hygienist following assessment of the situation.



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8 COUNCIL'S PROCESS FOR CHANGING LAND USE

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

State Environmental Planning Policy No 55 – Remediation of Land states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Managing sites contaminated with asbestos material is addressed in section 6.

9 COUNCIL'S PROCESS FOR ASSESSING DEVELOPMENT

This section applies to development applications assessed under the *Environmental Planning and Assessment Act* 1979 and complying development applications assessed under the *State Environmental Planning Policy (Exempt and Complying Development Codes)* 2008 or Council's complying codes (see section 9.5.2). This includes alterations and additions to residential development, which may include internal work as well as extensions to the existing main structure, or changes to outbuildings, sheds or garages.

This section also covers renovations that do not require development consent or a complying development certificate. Development consent is not required to maintain an existing structure. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but is categorised as exempt development under the *Environmental Planning and Assessment Act 1979* and does not require development consent. In these instances, Council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

9.1 Responsibilities for Approving Development

Council is the consent authority for the majority of development applications in the LGA. The Joint Regional Planning Panel (JRPP) is also consent authority for certain local or regional development. Council may have representation on the JRPP.

Council or the JRPP may impose conditions of consent and a waste disposal policy to a development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Either Council or a private certifier may assess a complying development certificate. Where a private certifier is engaged to assess a complying development certificate, the private certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe removal and disposal of asbestos.

This also applies to the demolition of buildings. Certifiers are able to issue a complying development certificate under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Further information on demolition is provided in section 9.4.

When a private certifier issues a complying development certificate and is appointed as the Principal Certifying Authority for the development it is the certifier's responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2000* (clause 136E). Compliance is covered in section 9.7.

9.2 Providing Advice to Home Owners, Renovators and Developers

Council is committed to providing information to minimise the risks from asbestos in the LGA through an ongoing asbestos education program. 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



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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 149 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).

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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; and
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the NSW *Work Health and Safety Regulation 2011*).

In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace.

All licensed asbestos removal must be:

- supervised by a supervisor named to SafeWork NSW; and
- 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.



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9.5 Exempt or Complying Development

9.5.1 Exempt development

Exempt development does not require any planning or construction approval if it meets the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

This means that there is no ability for Council or a private certifier to impose safeguards for the handling of asbestos through conditions of development consent. However, Council advises that all asbestos removal work should be carried out in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no WC03561).

9.5.2 Complying development

The *Environmental Planning and Assessment Regulation 2000* (clause 136E) outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

Applications for complying development certificates must include details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be disturbed, repaired or removed in carrying out the development (under Schedule 1 part 2 of the *Environmental Planning and Assessment Regulation 2000).*

Where more than 10 square metres of non-friable asbestos is to be removed, a contract evidencing the engagement of a licensed asbestos removal contractor is to be provided to the principal certifying authority. The contract must specify the landfill site lawfully able to accept asbestos to which the removed asbestos will be delivered.

If the contract indicates that asbestos will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (catalogue no WC03561). In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then SafeWork NSW would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to Council as outlined in section 11.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 outlines the requirements for the applicant to notify their neighbours that works may include asbestos removal.

Further requirements to inform other persons of licensed asbestos removal are described in section 467 of the NSW *Work Health and Safety Regulation 2011* as noted in section 9.4.1 of this policy.

9.6 Development Applications

If a proposed building does not meet the requirements of exempt or complying development then the alternative planning approval pathway is a development application (DA). A DA can only be approved by a local council, the JRPP or, for very large, State-significant development proposals, the State Government. A development application needs to be prepared and it will be assessed in accordance with the requirements of relevant environmental planning instruments and the development standards established by council. Council may undertake a site inspection as part of the DA assessment.

9.6.1 Pre-development application advice regarding asbestos

Council's pre-DA service enables proponents to discuss asbestos-related issues with Council prior to lodging a DA, if the issue is raised. Council may inform applicants of this policy, fact sheets or websites. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos including those with building materials from prior to 2004.



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9.6.2 Conditions of consent

Council has a number of standard development consent conditions about asbestos that it applies when appropriate. Further information is provided in the *Guide to the Model Asbestos Policy*.

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, complying development certificates, occupation certificates and to carry out mandatory inspections. Council will not always be the principal certifying authority. When Council is not nominated as the principal certifying authority for a complying development certificate or development application, Council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between 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; and
- matters that are not preconditions to the issue of the occupation/subdivision certificate.

9.7.2 Compliance strategies

Illegal works include:

- works that are undertaken without a required development consent or complying development certificate; and
- works that are undertaken that do not comply with the conditions of the development consent or complying development certificate.

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

The Environmental Planning and Assessment Act 1979 empowers Council to issue orders to direct specific work be undertaken to comply with a development consent.

Council may need to issue an order under the *Local Government Act 1993* (section 124) to direct a person to 'do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition'.

Council may also issue a clean-up notice or prevention notice under the *Protection of the Environment Operations Act 1997* as outlined in section 6.1 of this policy.

Council conditions asbestos related demolition works to require developer to provide information and records regarding disposal of their asbestos related material.

Council's Enforcement Policy applies to the investigation and enforcement of all unlawful activity including asbestos related offences.

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 waste facility that may lawfully receive asbestos waste.



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If the disposal of asbestos waste is required, a licensed asbestos removal contractor should be contacted.

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 five tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

10.2 Handling Asbestos Waste for Disposal

The Code of practice on how to safely remove asbestos (catalogue no WC03561) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in section 4.8 of the Code).

10.3 Transporting Asbestos Waste

The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under clause 78 of the *Protection of the Environment Operations (Waste) Regulation 2014*:

- a any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and
- b if the waste consists of bonded asbestos material-it is securely packaged during the transportation, and
- c if the waste consists of friable asbestos material-it is kept in a sealed container during transportation, and
- d if the waste consists of asbestos-contaminated soils-it is wetted down.

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014.* The transport of asbestos waste in NSW must be recorded from the place of generation to its final destination. The waste tracking system is administered by the EPA. Operators that use the EPA's WasteLocate system will be in compliance with these requirements. Information about EPA's WasteLocate system can be found at: www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm.

An environment protection licence issued by the EPA is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.

It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under section 143 of the *Protection of the Environment Operations Act* 1997). Penalty notices may be issued for \$7,500 (to individuals) and \$15,000 (to corporations). NSW courts may impose penalties up to \$250,000 (for individuals) and \$1,000,000 (for corporations) found guilty of committing this offence.

10.4 Disposing of Asbestos Waste at Waste Facilities

Asbestos waste must be taken to a waste facility that may lawfully accept that type of waste.

Wollongong Waste and Resource Recovery Park at Kembla Grange currently does not accept asbestos waste. There are no waste facilities that accept asbestos waste for landfill disposal within the Wollongong region.

A small number of asbestos removal companies in the Wollongong Region (refer to the Yellow Pages – look under Asbestos Removal and Treatment) will, however, accept small quantities (under ten square metres) of non-friable asbestos waste under strict conditions of packaging and transport from members of the public. The companies store the asbestos waste before transporting it in bulk loads to a waste facility that may lawfully accept that type of waste.

The nearest waste facilities that may lawfully accept asbestos waste for landfill disposal for residents of the Wollongong region are the Lucas Heights Waste Management Centre and the West Nowra Recycling and Waste Facility.



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Persons delivering waste to a landfill site must comply with the following requirements -

- a 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.
- b 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.

Council's standard conditions of development consent about asbestos waste management require asbestos waste to be disposed of at a waste facility that can lawfully receive this type of waste and for a receipt to be retained.

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



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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 149 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 or works undertaken by a contractor in private or public places 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; or
- 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.

12 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; or
- act on advice from Council to minimise risks from asbestos.

13 IMPLEMENTING COUNCIL'S ASBESTOS POLICY

13.1 Supporting Documents

The implementation of this policy is supported by:

- Wollongong Development Control Plan 2009 Chapter E7: Waste Management and Chapter E21: Demolition and Asbestos Management;
- customer service procedures; and
- information about asbestos contained on Council's website and in Council's Customer Service System and Land Information System.

For the management of asbestos risks within Council, Council has developed its own internal guidelines and procedures separate to this policy, including the following:

- Contaminated Land Data and Documentation Procedures;
- Asbestos and Hazardous Material Management Procedure;
- Site specific asbestos registers;
- Standard operating procedures;
- Asbestos risk assessment form;
- Incident report form;
- Employee health monitoring plans;
- Maintenance and inspection schedules for Council owned assets; and



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• Training records (relevant to identifying, handling and removing of asbestos materials).

13.2 Communicating the Policy

This is a publicly available policy. The policy is to be made available via:

- Council's customer service centre;
- Council's website <u>www.wollongong.nsw.gov.au</u>; and
- Council's intranet site.

14 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.

15 REVIEW

This policy will be reviewed at the time of any relevant legislative changes, or may be reviewed at a minimum, every three years.

16 DISCLAIMER

This policy was formulated to be consistent with Council's legislative obligations and within the scope of Council's powers. This policy should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail.

This policy is based upon the *Model Asbestos Policy for NSW Councils* developed by the Heads of Asbestos Coordination Authorities to promote a consistent Local Government approach to asbestos management across NSW.

This policy does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this policy.



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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; and
- 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

 $(\underline{www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).$

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 one in three 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 131 050) 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. Council is not aware of any areas of naturally occurring asbestos within the LGA.

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.



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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; and/or
- 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); and/or
- 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; and/or
- ventilators internal and external.

Other places asbestos can be found are listed in Appendix J.



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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;
- bitumous 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; and/or
- 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 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); or
- 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 one metre of the surface).



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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 the air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: www.epa.nsw.gov.au/clm/publiclist.htm.

If land is contaminated but not determined to be 'significant enough to warrant regulation' then the *Contaminated Land Management Act 1997* does not apply. In such cases the provisions within the planning legislation and/or the *Protection of the Environment Operations Act 1997* may be the appropriate mechanism for management of such contamination.

Guidance on assessing land can be found in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act* 1997.

3 Potentially Hazardous Activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk.

Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

Members of the public could inadvertently disturb asbestos through activities including:

- renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials;
- sealing, painting, brushing and cleaning asbestos cement products;checking, removing or replacing ceiling insulation which contains asbestos;
- 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; or
- maintenance or servicing of materials from vehicles, plant or equipment.
- 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; or
- collection, transport and disposal of incorrectly disposed of materials.



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Asbestos contaminated sites could be inadvertently disturbed during:

road building;

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- site and construction work;
- other excavation activities; or
- 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; or
- extensive weathering and etching of unsealed asbestos cement roofs.

In addition, work that intentionally disturbs asbestos, such as sampling or removal, should be conducted by a competent person and in accordance with the relevant codes of practice and legislation.

4 Health Hazards

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body. The World Health Organisation has stated that concentrations of asbestos in drinking water from asbestos cement pipes do not present a hazard to human health.

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

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

Lung cancer can be caused by asbestos. Lung cancer is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure and most cases occurs 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 0.1 fibre/ml of air and the environmental standard is 0.01 fibre/ml in air.

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



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APPENDIX B – FURTHER INFORMATION

Aboriginal Communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA) http://www.epa.nsw.gov.au/illegaldumping/resources.htm

Asbestos Contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages <u>www.yellowpages.com.au</u>, or contact the Asbestos Removal Contractors Association NSW (ARCA) <u>www.arcansw.asn.au</u>, or by emailing: <u>email@arcansw.asn.au</u>.

An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW's Certification Unit on telephone 131 050.

Asbestos Waste

Advice about safely disposing of household asbestos waste can be found at: www.epa.nsw.gov.au/managewaste/house-asbestos.htm

Asbestos waste disposal facility search function on the Asbestos Safety and Eradication Agency website: www.asbestossafety.gov.au/search-disposal-facilities

Crackdown on Illegal Dumping: A Handbook for Local Government, 2008 (DECC) www.epa.nsw.gov.au/illegaldumping/resources.htm

Illegally Dumped Asbestos Clean Up Program (IDACUP): Council may become involved in clean up activities of illegally dumped asbestos waste. Where the responsible party is unknown, unavailable, unwilling (despite a legal obligation to do so) or unable to pay for clean up within the timeframe required to avoid or at least minimise harm to the environment or public health, Council may apply for funding under the IDACUP. Information about the IDACUP is available at www.environment.nsw.gov.au/grants/IDACUP.htm

Regional Illegal Dumping (RID) Squads: are regionally based teams that specialise in dealing with illegal dumping. The squads are funded by the EPA and the member local councils who opt to work together and pool resources to tackle illegal dumping.

RIDonline is a statewide illegal dumping database and reporting tool to assist councils and the EPA develop a comprehensive picture of the extent of illegal dumping in NSW. Members of the community can assist by reporting illegal dumping online through the RIDOnline App, available for the public to download in February 2016.

For more information on illegal dumping and safely disposing of asbestos waste visit the EPA website: www.epa.nsw.gov.au

Management of asbestos in recycled construction and demolition waste, 2010 (SafeWork NSW) www.safework.nsw.gov.au/ data/assets/pdf file/0017/18323/asbestos recycled construction demolition waste 2772.pdf

Contaminated Land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2015 (EPA) www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf

Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land, 1998 (Department of Urban Affairs and Planning and EPA)

www.epa.nsw.gov.au/resources/clm/gu_contam.pdf

Emergency Management

Guidance Material: Asbestos and Fire-damaged Buildings, 2015 (EPA) www.epa.nsw.gov.au/resources/waste/asbestos/150044-asbestos-fire-damaged-buildings.pdf

NSW Asbestos Emergency Plan: The NSW Asbestos Emergency sub plan details the specific arrangements for the coordinated funding and management of asbestos debris during and following a larger scale emergency, being an event that requires a significant and coordinated response, where the presence of asbestos containing material in the community poses a significant risk to public health and safety. www.emergency.nsw.gov.au/publications/plans/sub-plans/asbestos.html

Adopted by Council: [Date]



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Environmental Risk Assessment

Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia)

Available via email by contacting the enHealth Secretariat: enHealth.Secretariat@health.gov.au

Health

Asbestos and Health Risks Fact Sheet, 2007 (NSW Health) www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx

Further advice concerning the health risks of asbestos can be obtained from your local public health unit. Contact details for public health units may be found at: www.health.nsw.gov.au/Infectious/Pages/phus.aspx.

Renovation and Development

Asbestos: A guide for householders and the general public, 2013 (Commonwealth of Australia) www.health.gov.au/internet/main/publishing.nsf/Content/DA389D36697AE670CA257BF0001BAF53/\$File/asbestos-feb13.pdf

Choosing and working with a Principal Certifying Authority (PCA): A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board)

bpb.nsw.gov.au/sites/default/files/public/Finalbuildingappbroch.pdf

Asbestos Awareness website (Asbestos Education Committee) www.asbestosawareness.com.au

Practical Guidance

How to manage and control asbestos in the workplace: Code of practice (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

How to safely remove asbestos: Code of practice (catalogue no WC03561) published by SafeWork NSW www.safework.nsw.gov.au/ data/assets/pdf_file/0016/15217/how-to-safely-remove-asbestos-code-of-practice-3561.pdf

Tenants

Tenants rights fact sheet 26: Asbestos and lead, 2013 (Tenants NSW) www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php

Tenants – Housing NSW Tenants

Manage Asbestos Policy 2013 (Housing NSW) www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/manage-asbestos-policy



ASBESTOS

COUNCIL POLICY

APPENDIX C – DEFINITIONS

The terms used in the policy are defined as below, consistent with the definitions in the:

- How to manage and control asbestos in the workplace: Code of practice (catalogue no WC03560) published by SafeWork NSW
- How to safely remove asbestos: Code of practice (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

asbestos

- amphibole groups of rock forming minerals including the following: a actinolite asbestos
- 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 one or more of the minerals referred to in paragraphs (a) to (f)

means the asbestiform varieties of mineral silicates belonging to the serpentine or

means any material or thing that, as part of its design, contains asbestos.

containing material (ACM)	mound any matcher of anny trat, as part of its design, contains associes.
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	means:
work	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.



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certifying authority	means a person who is authorised by or under section 85A of the <i>Environmental Planning and Assessment Act 1979</i> to issue complying development certificates, or is authorised by or under section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue part 4A certificates.
Class A asbestos removal licence	means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.
Class A asbestos removal work	means the removal of friable asbestos which must be licensed under clause 485 of the <i>Work Health and Safety Regulation 2011</i> . 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, ten 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	means a certificate issued by either a local council or an accredited certifier for a complying development.
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; or
	f any other act, matter or thing referred to in section 26 of the <i>Environmental Planning</i> and Assessment Act 1979 that is controlled by an environmental planning instrument.
development application	means an application for consent under part 4 of the <i>Environmental Planning and Assessment Act 1979</i> to carry out development but does not include an application for a complying development certificate.

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emergency service	includes any of the following:	
organisation	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; and	
	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; or	
	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 <i>Work Health and Safety Regulation 2011</i> 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.	
ΝΑΤΑ	means the National Association of Testing Authorities, Australia.	

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NATA-accredited laboratory	means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.	
naturally occurring asbestos	means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.	
non-friable asbestos	means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.	
	Note: Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).	
occupational hygienist	means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).	
occupier	includes a tenant or other lawful occupant of premises, not being the owner.	
officer	means an officer as defined in the NSW Work Health and Safety Act 2011.	
orphan waste	means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.	
person conducting a business or undertaking	a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.	
personal protective equipment	means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.	
respirable	means an asbestos fibre that:	
asbestos fibre	a is less than three micrometres wide;	
	b more than five micrometres long; and	
	c has a length to width ratio of more than 3:1.	
specified VET	means:	
course	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; or	
	c part of a structure.	
volunteer	means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).	



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waste	inclu	ides:
	а	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
	b	any discarded, rejected, unwanted, surplus or abandoned substance; or
	С	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
	d	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
	e Envi	any substance prescribed by the regulations made under the <i>Protection of the tronment Operations Act 1997</i> to be waste.
waste facility		ns any premises used for the storage, treatment, processing, sorting or disposal of te (except as provided by the regulations).
worker		rson is a worker if the person carries out work in any capacity for a person conducting a ness or undertaking, including work as:
	а	an employee; or
	b	a contractor or subcontractor; or
	С	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
	е	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	any vess	orkplace is a place where work is carried out for a business or undertaking and includes place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, sel, aircraft or other mobile structure, and any waters and any installation on land, on the of any waters or floating on any waters.



ASBESTOS

COUNCIL POLICY

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



COUNCIL POLICY

APPENDIX E – RELEVANT CONTACTS

Wollongong City Council Phone: (02) 4227 7111 Fax: (02) 4227 7277 For the Hearing Impaired: 133 677 (Australian Communication Exchange) Email: council@wollongong.nsw.gov.au Web: www.wollongong.nsw.gov.au Mail: Locked Bag 8821, Wollongong DC NSW 2500

ASBESTOS-RELATED DISEASE ORGANISATIONS (NON-EXHAUSTIVE LIST)

Asbestos Diseases Foundation Australia Inc Phone: (02) 9637 8759 Helpline: 1800 006 196 Email: <u>info@adfa.org.au</u> Website: <u>www.adfa.org.au</u>

Asbestos Diseases Research Institute

Phone: (02) 9767 9800 Email: <u>info@adri.org.au</u> Website: <u>www.adri.org.au</u>

Australian Institute of Occupational Hygienists Inc

Phone: (03) 9336 2290 Email: <u>admin@aioh.org.au</u> Website: <u>www.aioh.org.au</u>

DUST DISEASES AUTHORITY

Phone: (02) 8223 6600 Toll Free: 1800 550 027 Email: <u>DDAenquiries@icare.nsw.gov.au</u> Website: <u>www.icare.nsw.gov.au</u>

ENVIRONMENT PROTECTION AUTHORITY (EPA)

Phone: (02) 9995 5000 Environment line: 131 555 Email: <u>info@environment.nsw.gov.au</u> Website: <u>www.epa.nsw.gov.au</u>

LICENSED ASBESTOS CONTRACTORS

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website: <u>www.yellowpages.com.au</u> or contact:

Asbestos Removal Contractors Association NSW (ARCA)

PO Box Q1882 Queen Victoria Building NSW 1230 Email: info@arca.net.au Website: www.arcansw.asn.au

Verification of an asbestos removal contractor's licence can be checked by contacting SafeWork NSW's Certification Unit Phone: 131 050.

Civil Contractors Federation (CCF) Phone: (02) 9009 4000 Email: <u>ccfnsw@civilcontractors.com</u> Website: <u>www.ccfnsw.com</u>

LOCAL GOVERNMENT NSW

Phone: (02) 9242 4000 Email: <u>lgsa@lgsa.org.au</u> Website: <u>www.lgsa.org.au</u>

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NSW OMBUDSMAN

Phone: (02) 9286 1000 Toll free (outside Sydney metro): 1800 451 524 Email: <u>nswombo@ombo.nsw.gov.au</u> Website: <u>www.ombo.nsw.gov.au</u>

TRAINING PROVIDERS (NON-EXHAUSTIVE LIST)

TAFE NSW

Phone: 131 601 Website: <u>www.tafensw.edu.au</u>

Housing Industry Association (HIA) Phone: (02) 9978 3333 Website: http://hia.com.au

Local Government Training Institute Phone: (02) 4922 2333 Website: www.lgti.com.au

Comet Training Phone: (02) 9649 5000 Website: <u>www.comet-training.com.au/site</u>

Masters Builders Association (MBA) Phone: (02) 8586 3521 Website: www.masterbuilders.com.au

SAFEWORK NSW

SafeWork NSW Information Centre Phone: 131 050 SafeWork NSW – Asbestos/Demolition Hotline Phone: (02) 8260 5885 Website: www.safework.nsw.gov.au/



ASBESTOS

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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 that may be away from other general waste and controls incorporated to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

Wollongong Waste and Resource Recovery Park at Kembla Grange currently does not accept asbestos waste for disposal. There are no waste facilities that accept asbestos waste for landfill disposal within the Wollongong region. Asbestos waste must be taken to a waste facility that may lawfully accept that type of waste. The nearest waste facilities that may lawfully accept asbestos waste for landfill disposal for residents of the Wollongong region are the Lucas Heights Waste Management Centre and the West Nowra Recycling and Waste Facility.

Lucas Heights Waste Management Centre, New Illawarra Road, Lucas Heights, phone 1300 651 116.

West Nowra Recycling and Waste Facility, Flat Rock Road, Nowra, phone (02) 4429 3374.

Waste Management Facilities in Other Areas that Accept Asbestos Wastes

A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at: www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm.

Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

Always contact the landfill before taking asbestos waste to a landfill to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill. The EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.



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APPENDIX G - ASBESTOS-RELATED LEGISLATION, POLICIES AND STANDARDS

- Contaminated Land Management Act 1997
- How to manage and control asbestos in the workplace: Code of practice (catalogue no WC03560) published by SafeWork NSW
- How to safely remove asbestos: Code of practice (catalogue no WC03561) published by SafeWorkNSW
- Demolition work code of practice 2015 (catalogue no. WC03841)
- 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.



COUNCIL POLICY

APPENDIX H – AGENCIES ROLES AND RESPONSIBILITIES

NSW ORGANISATIONS

Department of Planning and Environment (DPE)

The 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.

The BPB which reports to the Minister for Planning and Infrastructure also has a role in the management of asbestos. The BPB's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role and this includes education in relation to managing asbestos. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: www.bpb.nsw.gov.au.

Dust Diseases Authority (DDA)

The DDA 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; and
- information and education.

Environment Protection Authority (EPA)

The 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.

The 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, 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.

The EPA is responsible for assisting councils in fulfilling their regulatory responsibilities. The 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.



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Heads of Asbestos Coordination Authorities (HACA)

The HACA is chaired by the Chief Executive Officer of SafeWork NSW with senior officials from the -

- Department of Planning and Environment
- Department of Industry
- Office of Local Government
- Dust Diseases Authority
- Environment Protection Authority
- Local Government NSW
- Office of Emergency Management
- Ministry of Health

The HACA group will improve the management, monitoring and response to asbestos issues in NSW by developing coordinated prevention programs. These programs include a comprehensive public awareness campaign to promote the safe handling of asbestos and help prevent the risk of exposure to asbestos-related diseases in the NSW community. Further information about the HACA can be found on the SafeWork NSW website www.safework.nsw.gov.au.

Local Government NSW (LGNSW)

Local Government NSW is the peak body for councils in NSW. LGNSW represents all NSW general purpose councils, the special purpose 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, Local Government NSW 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/policy/asbestos-model-policy.

NSW Department of Industry

The NSW Department of Industry, Skills and Regional Development (known as the NSW Department of Industry) leads the state government's contribution to making NSW:

- a fertile place to invest and to produce goods and services, and thereby
- create jobs and opportunities for our citizens

The NSW Department of Industry also has responsibilities for:

- skill formation and development to match industry demand
- partnering with stakeholders in stewardship and sustainable use of the state's natural resources; and
- supporting economic growth in the regions.

Within the Division of Resources & Energy in the Department, the Geological Survey of NSW teams of field geologists, geophysicists, mineral geoscientists and palaeontologists and geospatial specialists produce a range of maps. Geological mapping records the distribution of rock types and location of structures at or near the Earth's surface. The maps have applications to land use assessment, engineering construction, environmental management and natural hazard risk assessment.

The Geological Survey of NSW prepared the state-wide mapping of naturally occurring asbestos (NOA) in NSW for the Heads of Asbestos Coordination Authorities.

NSW Ministry of Health

The NSW Ministry of Health does not have express statutory responsibilities for managing asbestos-related risks and incidents in NSW. The Ministry provides an expert advisory service to other governmental agencies on public health issues. This service may include technical information or assistance to prepare public health information bulletins.



COUNCIL POLICY

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog body. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

Office of Fair Trading and the Building Professionals Board (BPB)

NSW Fair Trading safeguards the rights of all consumers and advises business and traders on fair and ethical practice. NSW Fair Trading provides services directly to individuals and businesses to create a fair, safe and equitable marketplace.

NSW Fair Trading is establishing a Loose-Fill Asbestos Implementation Taskforce responsible for overseeing and implementing the NSW Government Voluntary Purchase and Demolition Program for properties containing loose-fill asbestos insulation. The Loose-Fill Asbestos Implementation Taskforce will be in place until work is completed on the purchase and demolition of all properties that choose to participate in the Program.

The Building Professionals Board (BPB) is now part of Fair Trading and oversees building and subdivision certification. The BPB's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: www.bpb.nsw.gov.au.

Office of Local Government

The Office of Local Government is responsible for local government across NSW. The Office's organisational purpose is to 'Strengthen Local Government' and its organisational outcome is 'Fit for the future councils leading strong communities'.

The Office has a policy, legislative, investigative and program focus in matters ranging from Local Government finance, infrastructure, governance, performance, collaboration and community engagement. The Office strives to work collaboratively with the Local Government sector and is the key adviser to the NSW Government on Local Government matters.

SafeWork NSW

SafeWork NSW is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. SafeWork NSW works with the employers, workers and community of NSW to achieve safer and more productive workplaces, and effective recovery, return to work and security for injured workers.

SafeWork NSW administers work health and safety, injury management, return to work and workers compensation laws, and manages 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.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos.



ASBESTOS

NATIONAL ORGANISATIONS

Asbestos Safety and Eradication Agency

The Asbestos Safety and Eradication Agency was established in 2013 to provide a national focus on asbestos issues which go beyond workplace safety to encompass environmental and public health issues. The agency's objective is to eliminate asbestos-related disease in Australia.

The agency has broad functions under its legislation, including:

- reporting on the implementation of the National Strategic Plan on Asbestos Awareness and Management (NSP); reviewing and amending the NSP as required and promoting the NSP
- providing advice to the Minister about asbestos safety
- liaising with all levels of government, agencies or bodies about the implementation of the NSP; as well as asbestos safety in general; and
- · commissioning, monitoring and promoting research about asbestos safety.

The agency administers the National Asbestos Exposure Register which was created to record the details of members of the community who may have been exposed to asbestos. Registration forms are online at https://www.asbestossafety.gov.au/national-asbestos-exposure-register.

The agency also maintains a national database for asbestos disposal facilities, which members of the public can search to identify their nearest facility that accepts asbestos waste, available online at https://www.asbestossafety.gov.au/search-disposal-facilities.

Councils interested in finding out more about the agency, updating information listed on the disposal database, or receiving information, flyers or brochures for distribution within the LGA should contact the agency at enquiries@asbestossafety.gov.au.

National Association of Testing Authorities (NATA)

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT Phone: (02) 9736 8222 National Toll Free: 1800 621 666 Website: www.nata.asn.au

Environmental Health Committee (enHealth)

The Environmental Health Committee (enHealth) is a subcommittee of the Australian Health Protection Committee (AHPC). enHealth provides health policy advice, implementation of the National Environmental Health Strategy 2007-2012, consultation with key players, and the development and coordination of research, information and practical resources on environmental health matters at a national level.

Website: www.health.gov.au/internet/main/publishing.nsf/content/ohp-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: 1300 551 832 Email: <u>info@swa.gov.au</u> Website: <u>www.safeworkaustralia.gov.au</u>



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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

Further details are provided in the Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government, 2011 (NSW Government).

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



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5 September 2016

Residential Settings

Scenario	Lead Organisation	Other Regulators
 Safe management of asbestos including: identification in situ management removal requirements disposal requirements 	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		

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



Workplaces

COUNCIL POLICY

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</i> <i>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</i> <i>Management Act 1997</i>	Local council	EPA
'Significantly contaminated' land declared under the <i>Contaminated</i> Land Management Act 1997	EPA	Local council



ASBESTOS

COUNCIL POLICY

APPENDIX J – ASBESTOS CONTAINING MATERIALS

Some asbestos containing materials found in New South Wales domestic settings (non-exhaustive list)

Asbestos Containing Materials	Approximate Supply Dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing/lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s - 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbletone decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	During the 1960s and 1970s, pure loose-fill asbestos was sold as ceiling insulation for residential and commercial premises. A Canberra based company known as 'Mr Fluffy' installed insulation in at least 1,000 homes in the ACT and is also understood to have installed insulation into homes in NSW.
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

Adopted by Council: [Date]



ASBESTOS

COUNCIL POLICY

Sources: NSW Government, 2011, Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government.

NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015) www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants and home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed April 2016).



ASBESTOS

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Asbestos Containing Materials that May be Found in Various Settings (Non-Exhaustive List)
Α
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



COUNCIL POLICY

в

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

С

Cable penetration insulation bags (typically Telstra)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

Cement render

Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas)

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

Е

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 Adopted by Council: [Date]



COUNCIL POLICY

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

н

Hairdryers: insulation around heating elements Header (manifold) insulation

L

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

Μ

Mastik Millboard between heating unit and wall Millboard lining of switchboxes Mortar

Ρ

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



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ASBESTOS

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

т

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 No 2: Guidelines for local government on asbestos, 2005 (Victorian Department of Human Services).

NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015) www.fairtrading.nsw.gov.au/biz res/ftweb/pdfs/Tenants and home owners/Loose Fill Abestos Taskforce Report.pdf (accessed April, 2016).



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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: any amount of friable asbestos or asbestos containing material any amount of asbestos containing dust any amount of non-friable asbestos or asbestos containing material
Class B	 Can remove: any amount of non-friable asbestos or asbestos containing material Note: A Class B licence is required for removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m² of non-friable asbestos or asbestos containing material. asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of asbestos containing dust associated with the removal of asbestos containing dust associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.
No licence required	 Can remove: up to 10 m² of non-friable asbestos or asbestos containing material asbestos containing dust that is: associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material not associated with the removal of friable or non-friable asbestos and is only a minor contamination

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on telephone 131 050.



1<mark>98</mark>

ASBESTOS

COUNCIL POLICY

SUMMARY SHEET		
Responsible Division	Environmental Strategy and Planning	
Date adopted by Council		
Date of previous adoptions	27 October 2014	
Date of next review	October 2017	
Legislative or other requirement for review DELETE THIS WHOLE ROW IF NOT APPLICABLE	[List review timeframe and Act, policy or review requirement]	
Responsible Officer	Environment Assessment Officer	
Authorised by	Director Planning and Environment – Future City and Neighbourhoods	



File: ESP-100.14.054 Doc: IC16/100185

ITEM 8 EXHIBITION OF PROPOSED NAMING OF PAUL MASON JONES RESERVE - SANDON POINT

The adopted Plan of Management for Sandon Point and McCauley's Beach supported a proposal to erect a sign and name a portion of the reserve in honour of Paul Mason Jones. Council subsequently received a request from the Paul Mason Jones Committee to progress the naming proposal in accordance with its Community Recognition Program and Naming of Community Facilities and Parks Policy.

In accordance with this policy, on 22 March 2016 Council's Executive Management Committee authorised the public exhibition of the proposed Paul Mason Jones Reserve as shown in Attachment 1 and a process of community engagement was undertaken between 6 June and 4 July 2016.

This report acknowledges the overwhelming support from the community for the naming of Paul Mason Jones Reserve.

RECOMMENDATION

- 1 In recognition of the late Paul Mason Jones and his extensive contribution to the local Sandon Point community, Council endorse naming a portion of Sandon Point Reserve as 'Paul Mason Jones Reserve'.
- 2 Council endorse the application to the Geographical Names Board of NSW to formally assign this section of reserve as 'Paul Mason Jones Reserve' under the Geographical Names Act 1996.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation

Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

ATTACHMENTS

- 1 Plan indicating the proposed location of the Paul Mason Jones Reserve
- 2 Engagement Report Proposed Naming of Paul Mason Jones Reserve
- 3 Naming of Community Facilities and Parks Management Policy

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

The adopted Plan of Management (PoM) for Sandon Point and McCauley's Beach supports the installation of a Paul Mason Jones Reserve sign subject to compliance with Council's Community Recognition Program Policy.

According to the information supplied by the Paul Mason Jones Reserve Committee, it was noted that Paul Mason Jones A.K.A "Jinxy" was the founding President of the Sandon Point Board Riders' Club and a past President of the Southern Pacific Board Riders' Club. He was tragically killed in a trucking accident in 1979 at the age of 27.

At the time, his passing stimulated a strong community desire to honour his life and contribution to the local community. A four year project was independently funded and undertaken by local volunteers to remediate and enhance the existing headland incorporating the relocation of the car park to its current position with minimal Council assistance.



In 2009, The Paul Mason Jones Committee submitted an application directly to the Geographical Names Board (GNB) which was subsequently placed on hold pending advice from Wollongong City Council. Council then advised the Paul Mason Jones Committee that any naming proposal could only be considered as part of the development of a PoM for Sandon Point.

The draft PoM was exhibited from August to October 2014. During this exhibition period, Council received a 700 person petition supporting the naming of portion of the reserve to 'Paul Mason Jones Reserve', Council did not receive any written objections to the proposal at this stage.

PROPOSAL

Council endorse naming portion of Sandon Point Reserve (Lots 7 and 8 DP 7813 Blackall Street, Bulli) as 'Paul Mason Jones Reserve'. This includes Council application at the NSW GNB to formally assign the portion of reserve as 'Paul Mason Jones Reserve'.

CONSULTATION AND COMMUNICATION

Given the significance of Sandon Point to the Aboriginal community, the naming proposal was considered at the Sandon Point Aboriginal Place Joint Management Agreement Partners meeting on 30 October 2015 and, again, at the meeting on 26 November 2015.

The Sandon Point Aboriginal Place Joint Agreement Partners supported the idea of the proposal proceeding in accordance with Wollongong City Council's Naming of Community Facilities and Parks Policy requirements.

Between 6 June to 4 July 2016, Council undertook a process of community engagement, advertising the proposed naming of the reserve via the Council pages of the Advertiser and Council's website. Key stakeholders were notified of the proposal and invited to provide comment, including:

- Paul Mason Jones Reserve Committee
- Sandon Point Aboriginal Place Joint Management Agreement Partners
- Neighbourhood Forum 3
- Sandon Point Board Riders
- Sandon Point Surf Lifesaving Club
- NIRAG
- Thirroul Village Committee
- Sandon Point Reserve Bushcare Group
- Sandon Point parkrun
- Illawarra Historical Society

A media release was distributed on 16 June 2016 and an on-site kiosk was conducted at Sandon Point Surf Club on Saturday 18 June 2016.

A total of 74 submissions were received with 73 of these submissions being supportive of the naming proposal. A significant number of the comments noted Paul Mason Jones' good character, contribution to the community and leadership within the local surfing community.

A number of respondents also felt the naming of a section of the reserve as a fitting acknowledgement of the achievements of the local community in the remediation of the reserve in honour of Paul's life.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan		Delivery Program 2012-2017	Annual Plan 2016-17
Strategy		5 Year Action	Annual Deliverables
4.1.1 Engagement activities by all levels of government are enhanced and improved to achieve diverse community representation and to encourage participation		Ensure an effective community engagement framework connects the community to Council decision	Resource and support a range of engagement options to provide advice across identified target groups



Additionally, the request to provide formal recognition of the late Paul Mason Jones has been reviewed in accordance with the requirements of Council's Community Recognition Program and Naming of Community Facilities and Parks Policy.

This policy requires Council to unanimously support the proposed naming and subsequently endorse a formal application to the Geographical Names Board of NSW.

FINANCIAL IMPLICATIONS

The cost of a park sign is estimated to be \$1,200 which will be sourced through current operational accounts.

CONCLUSION

Given the overwhelming support received from the community, it considered appropriate that Council endorse naming portion of Sandon Point Reserve (Lots 7 and 8 DP 7813 Blackall Street, Bulli) as 'Paul Mason Jones Reserve'. This includes Council application to the NSW GNB to formally assign the portion of reserve as 'Paul Mason Jones Reserve'.







Proposed Naming of Paul Mason Jones Reserve Sandon Point Reserve, Bulli Sandon Point Aboriginal Place Plan of Management Area - Sandon Point Paul Mason Jones Reserve (Proposed) Part of Road Reserve







PROPOSED NAMING OF PAUL MASON JONES RESERVE - SANDON POINT, BULLI

ENGAGEMENT REPORT

July 2016 Z16/150242





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Executive Summary

As part of the adoption of the Sandon Point Plan of Management in 2015, Council committed to exhibiting a proposal that identifies a specific section of Sandon Point Reserve to be named Paul Mason Jones Reserve (outside of the declared Sandon Point Aboriginal Place). This arose from a community campaign to recognise Paul Mason Jones' life and contribution to the local community. Council's Executive Management Committee authorised the exhibition of the area shown on the location map (Appendix A), which covers two lots (Lots 7 and 8 DP 7813 Blackall St, Bulli).

The naming proposal went on public exhibition from Monday 6 June to Monday 4 July 2016. A location map (Appendix A) was developed prior to the exhibition period and accompanied the notification letter (Appendix B), Frequently Asked Questions sheet (Appendix C) and feedback form (Appendix D) that was sent to all stakeholders. Key stakeholders included the Paul Mason Jones Reserve Committee, Sandon Point Aboriginal Place Joint Management Agreement Partners, Neighbourhood Forum 3, local residents, Sandon Point Board Riders, Sandon Point Surf Lifesaving Club, NIRAG, Thirroul Village Committee, Sandon Point Reserve Bushcare Group, Sandon Point parkrun and Illawarra Historical Society. Information was sent to the Customer Service Centre and Thirroul Library on 2 June 2016. Public notices were published in the Advertiser on 8 and 15 June 2016 2016. A media release was distributed on 16 June 2016. The community were invited to have their say via Council's website, Customer Service Centre, Thirroul Library or at the on-site kiosk at Sandon Point Reserve on Saturday 18 June.

A total of n=75 submissions were received; n=14 through Council's engagement website, n=56 via feedback forms, n=2 open submissions and n=3 group submissions. Respondents were overwhelmingly supportive of the proposal. Of the n=75 submissions received, n=74 submissions were supportive. A significant number of comments related to Paul Mason Jones' good character, that he was a respected community leader and that the remediated headland, continuation of the Sandon Point Board Riders' Club and his role as a past President of the Southern Pacific Board Riders' Club make the naming of the reserve a fitting recognition of his legacy. A number of respondents also felt that the naming would be an acknowledgment of all the hard work people did in Paul's name. Of the group submissions, n=1 was from NIRAG and n=1 was from Wadi Wadi Coomaditchie Aboriginal Corporation, both of which were supportive of the proposal. A late group submission from the Thirroul Branch of the Australian Labor Council was also supportive.

N=1 person objected to the proposal on the grounds that as Paul Mason Jones was only 27 years old when he died, the proposal does not meet Council's Naming of Community Parks and Facilities Policy criteria that states that the person has to have had more than twenty years of service to the Wollongong region. This was addressed in Council's *Paul Mason Jones Reserve Community Recognition Policy Assessment* document, which was made available to stakeholders during the consultation period. Council's response in the assessment was that the community-driven works undertaken to remediate the headland and car park were carried out in his name, which the Wollongong community has benefitted from since 1983, a period well beyond twenty years. His impact on the local surfing community also endures. Numerous comments were made echoing this sentiment, with one saying, "Paul was an outstanding citizen whose contribution to the surfing community has been ongoing for almost 35 years! Sandon Point Boardriders is going strong - a

Z16/150242 Proposed Naming of Paul Mason Jones Reserve - Sandon Point, Bulli – Community Engagement Report



legacy of Paul Mason Jones", and another saying "I think it's very fitting that the reserve should be named in honour of someone who played a significant part in making Sandon Point what it is today."

Methodology

Methods	Details of Methods	
Internal		
Councillor information	Information was sent to the Lord Mayor and all Councillors prior to information being distributed to the community	
Project brief	An information brief, including the FAQ and map, was developed and distributed to Customer Service, Thirroul Library, Neighbourhood Forum 3 and the media team on 2 June 2016	
External		
Мар	A location map (Appendix A) was used during the exhibition to clearly show the proposed location and its proximity to Sandon Point Aboriginal Place	
Stakeholder letter	 A letter (Appendix B) was sent to stakeholders detailing the proposal. The FAQ, map, feedback form and link to the webpage was included. The Paul Mason Jones Reserve Committee was notified of the exhibition commencement on 27 May 2016 and sent information on 7 June 2016 Sandon Point Aboriginal Place Joint Management Agreement Partners and Neighbourhood Forum 3 were sent information on 2 June 2016 Local residents, Sandon Point Board Riders, Sandon Point Surf Lifesaving Club, NIRAG, Thirroul Village Committee, Sandon Point Reserve Bushcare Group, Sandon Point parkrun and Illawarra Historical Society were sent information on 6 June 2016 	
FAQ	An FAQ (Appendix C) addressing the proposed location, Paul Mason Jones' background information, Paul Mason Jones Reserve Committee, the process to name a reserve and the Reserve's Aboriginal heritage was created and provided to all stakeholders	
Feedback form	A feedback form (Appendix D) was created for those wishing to submit comments on the proposal. Reply-paid envelopes were provided with these at the engagement kiosk.	

Z16/150242 Proposed Naming of Paul Mason Jones Reserve - Sandon Point, Bulli – Community Engagement Report



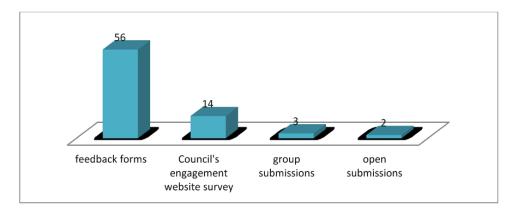
Methodology (continued)

Website	A Have Your Say webpage was created, which included an online survey,		
	Frequently Asked Questions and relevant documents available for download:		
	Community Recognition Program Policy		
	Naming of Community Facilities and Parks Policy		
	Sandon Point and McCauleys Beach Plan of Management		
	Extract from Sandon Point PoM - Appendix I - Information the Paul Mason		
	Jones Reserve Committee would like to share about Paul Mason Jones		
	Paul Mason Jones Reserve Community Recognition Policy Assessment		
	2015 Application from Paul Mason Jones Reserve Committee for naming Paul		
	Mason Jones Reserve		
Media release	A media release was sent out to notify the community of the proposal on 16 June 2016		
The Advertiser	A notice, including the location map, appeared in the Council column of The		
	Advertiser on 8 and 15 June 2016		
Social media	Messages were distributed via Council's social media channels to notify the		
	community of the proposal and on-site kiosk details		
Engagement	An on-site kiosk was held at Sandon Point Reserve on 18 June from 9-11am		
Kiosk	(Appendix E). Inclement weather saw the kiosk relocated to inside the Sandon		
	Point Surf Club. Signage and social media messaging informed the community of		
	the relocation. The boundary of the proposed area to be named Paul Mason Jones		
	Reserve was marked out by traffic cones, to provide the community with a visual demonstration of the proposed location.		
1			

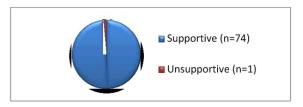


Results

All stakeholders and the wider community were invited to provide feedback on the proposal. A total of n=74 submissions were received; n=14 through Council's engagement website, n=56 via feedback forms, n=2 open submissions and n=2 group submissions.



Of the n=74 submissions received, n=73 submissions were supportive of the proposal. N=1 person objected to the proposal on the grounds that as Paul Mason Jones was only 27 years old when he died, the proposal does not meet Council's Naming of Community Parks and Facilities Policy criteria that states that the person has to have had more than twenty years of service to the Wollongong region.



Of the group submissions, n=1 was from NIRAG and n=1 was from Wadi Wadi Coomaditchie Aboriginal Corporation, both of which were supportive of the proposal.

Engagement Activity Results

Details of the number of participants for each engagement activity are presented in Table 1. All feedback received at the kiosk was supportive of the proposal.

Table 1: On-Site Kiosk Participation Results:

Engagement Activity	Participation
Number of people who visited the kiosk	15
Feedback forms submitted at the kiosk	10

Z16/150242 Proposed Naming of Paul Mason Jones Reserve - Sandon Point, Bulli – Community Engagement Report



Online Engagement

A total of n=14 submissions were received online, n=13 of which supported the proposal and n=1 that did not support it. Table 2 presents the statistics for the project page.

Table 2: Summary of Online Participation

Measure and Explanation	Usage
Aware – total number of visitors to the project page	128
Informed – total number of visitors who clicked a link, e.g. to download a document, view a photo or read the Frequently Asked Questions	61
Engaged – total number of participants who submitted a survey	14

Table 3: Informed Visitor Downloads and FAQ View Statistics

Туре	Engagement Tool Name	Visitors	Downloads/Views
Document	Sandon Point and McCauleys Beach Plan of Management	9	10
Document	2015 Application from Paul Mason Jones Reserve Committee for naming Paul Mason Jones Reserve	5	5
Document	Extract from Sandon Point PoM - Appendix I - Information the Paul Mason Jones Reserve Committee would like to share about Paul Mason Jones	3	3
Document	Community Recognition Program Policy	2	2
Document	Naming of Community Facilities and Parks Policy	1	1
Document	A3 Location Map (PDF)	1	1
Document	Paul Mason Jones Reserve Community Recognition Policy Assessment	0	0
Photo	Location Map (JPG)	9	11
FAQ	Frequently Asked Questions	20	21

Feedback Results

Tables 4 and 5 show the overall feedback results derived from submissions received via Council's engagement website, feedback forms, open submissions and group submissions. While most respondents only indicated whether or not they supported the proposal, some also included further qualitative comments, which are summarised in Table 5.

Table 4: Support for the Proposal

Respondents were asked "Do you support the proposal to name the two lots (Lots 7 and 8 DP 7813 Blackall St, Bulli) in Sandon Point Reserve to Paul Mason Jones Reserve?"

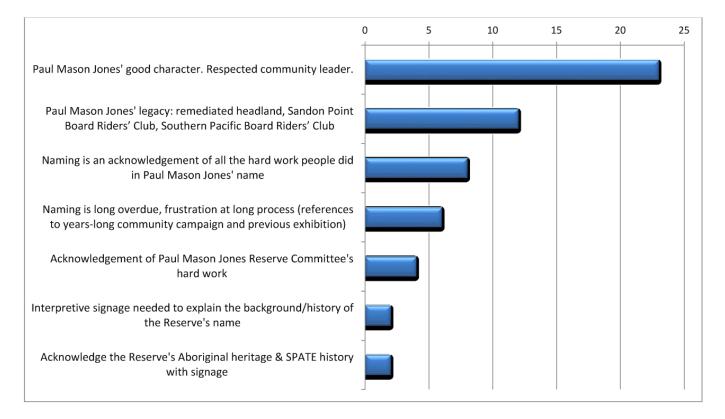
Options	No. of responses
Yes	74



No	1
Unsure	0



Table 5: Qualitative Feedback





Appendix A: Location Map





Appendix B: Notification Letter



WOLLONGONG CITY COUNCIL

Address 41 Burelli Street Wollongong • Post Locked Bag 8821 Wollongong DC NSW 2500 Phone [02] 4227 7111 • Fax [02] 4227 7277 • Email council@wollongong.nsw.gov.au Web www.wollongong.nsw.gov.au • xav xa 129 435 429 • 655 Repetered

«Owner» «StreetNoandAddress» «SuburbStatePostcode»

Your Ref

Our Ref

File

Date

[Click HERE and type their reference] Z16/119252 CCE-040.010.01.182 6 June 2016

Dear Resident/Owner

PROPOSED NAMING OF PAUL MASON JONES RESERVE - SANDON POINT, BULLI

«PAFBSP»

Council is pursuing a commitment made as part of the adoption of the Sandon Point Plan of Management in 2015, to exhibit a proposal that identifies a specific section of Sandon Point Reserve to be named Paul Mason Jones Reserve (outside of the declared Sandon Point Aboriginal Place). This arose from a community campaign to recognise Paul Mason Jones' life and contribution to the local community. Council's Executive Management Committee has authorised the exhibition of the area shown on the map below, which covers two lots (Lots 7 and 8 DP 7813).





Enclosed with this letter is a Frequently Asked Questions sheet with detailed information about the proposal, as well as a feedback form you can complete and send back to us if you want to let us know your thoughts on the proposal. For more information or other ways to have your say, visit Council's website, Customer Service Centre, Thirroul Library or come along to Council's on-site kiosk at Sandon Point Reserve on Saturday 18 June, 9am-11am. All feedback must be received by 5pm on Monday 4 July 2016.

Please contact Jennifer Lysle-van Dyk via email at <u>engagement@wollongong.nsw.gov.au</u> or phone (02) 4227 7111 should you require further information.

This letter is authorised by

Jodie Healy Engagement Coordinator Wollongong City Council Telephone (02) 4227 7111



Appendix C: Frequently Asked Questions



Frequently Asked Questions Proposed Naming of Paul Mason Jones Reserve – Sandon Point, Bulli

Council is pursuing a commitment made as part of the adoption of the Sandon Point Plan of Management in 2015, to exhibit a proposal that identifies a specific section of Sandon Point Reserve outside of the declared Sandon Point Aboriginal Place, to be named Paul Mason Jones Reserve. This arose from a community campaign to recognise Paul Mason Jones' life and contribution to the local community. If there is unanimous support, Council may endorse the submission of the name to the Geographical Names Board, who make the final decision on the proposal. We are inviting you to Have Your Say on this proposal. Feedback must be received by 5pm, Monday 4 July 2016

Which area does this proposal apply to?

Council is exhibiting a proposal to name two lots (Lots 7 and 8 DP 7813) Black all Street, Bulli, as the Paul Mason Jones Reserve. The two lots, as shown below, are to the south of the Sandon Point car park and outside of the declared Sandon Point Aboriginal Place.



Sandon Point Aboriginal Place Plan of Management Area -Paul Mason Jones Reserve Proposed Road Reserve

Who submitted the proposal?

A request to name part of the reserve was submitted to Council by the Paul Mason Jones Reserve Committee, under Council's Community Recognition Program.

Who is the Paul Mason Jones Reserve Committee?

The Committee is made up of local residents, life members of Sandon Point Surf Life Saving Club and Sandon Point <u>Boardriders</u>, Club, and a member of Paul's family. The Committee has been working with community groups for 9 years towards the naming of the reserve.

Who was Paul Mason Jones?

Paul Mason Jones A.K.A. "Jinxy" was the founding President of the Sandon Point Board Riders' Club and a past President of the Southern Pacific Board Riders' Club. and it was his dream to restore the headland at Sandon Point. Paul was tragically killed in a trucking accident in 1979 at the age of 27, and at the time, his passing stimulated a strong community desire to honour his life and contribution to the local community. A four year project was independently funded and undertaken by local volunteers to remediate and enhance the existing headland incorporating the relocation of the car park to its current position with minimal Council assistance. Appendix I of the Sandon Point Plan of Management contains information the Paul Mason Jones Reserve Committee provided about Paul Mason Jones and the restoration of the reserve. The Plan of Management and accompanying appendices can be read in full on Council's website and can also be emailed on request.

What is the background to this proposal?

On 23 February 2015, Council adopted a Plan of Management (<u>PoM</u>) for Sandon Point and McCauley's

www.wollongong.nsw.gov.au





Beach. The adopted <u>ReM</u> included Appendix 1: "Information the Paul Mason Jones Reserve Committee Would Like to Share about Paul Mason Jones." The proposal to recognise Paul Mason Jones was included in exhibited versions of the draft <u>ReM</u>, but did not nominate a specific area. A 700person petition supporting the idea was tabled at a Council meeting. Council did notreceive any written objections to the proposal. The adopted <u>ReM</u> supports the installation of a Paul Mason Jones Reserve sign subject to compliance with Council's Community Recognition Program Policy.

How do we formally recognise the contributions of local people?

Wollongong City Councils Community Recognition of individuals whose outstanding service has enriched the community of Wollongong. A written submission must be submitted to Council demonstrating the following;

- That the person has performed more than 20 years of service to the Wollongong community
- That the person has had a positive impact on the lives of the people within the community
- The person was considered an appropriate role model
- Written permission of their immediate family

Has the local Aboriginal community expressed support for this proposal?

The Paul Mason Jones Reserve Committee, in June 2009, received advice from the Illawarra Local Aboriginal Land Council that it supported the proposed naming. However, given the significance of Sandon Point to the Aboriginal community, the proposal was considered at the Sandon Point Aboriginal Place Joint Management Agreement Partners meeting on 30 October 2015 and, again, at the meeting on 26 November 2015. The Sandon Point Aboriginal Place Joint Management Agreement Partners supported the idea of the proposal proceeding in accordance with Wollongong City Council's Naming of Community Facilities and Parks Policy requirements. In other words, it was supported at the meetings that the naming proposal should be exhibited for public comment.

What work is being done on the installation of signage that acknowledges the Sandon Point Aboriginal Place?

Council is in the process of seeking an Aboriginal Heritage Impact Permit (AHIP) to install Council signage acknowledging the declared Sandon Point Aboriginal Place. An AHIP helps to manage potential harm to Aboriginal objects and places when Council is undertaking work in an area, in this case, the installation of Council signage. Council is working though Sandon Point Aboriginal Place Joint Management Partner meetings to progress Sandon Point Aboriginal Place signage.

How is the final decision made on whether or not this naming goes ahead?



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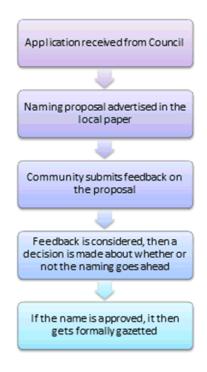


What happens next?

Council's role is to facilitate feedback from the community on the proposal and report back to the Geographical Names Board. The Geographical Names Board will reactivate the original application from the Paul Mason Jones Reserve Committee once Council has reported on the outcome of this consultation.

What is the process for naming a reserve?

The Geographical Names Board dictates the process:



How long will it take for the name to become official if it's approved by the Geographical Names Board?

It may take approximately 6 – 8 weeks for the Geographical Names Board to formally gazette the name. If approved, it may be the end of 2016 before the reserve has been officially named.

What might the signage look like?

The signage will follow the style guidelines set out in Council's Suburb and Park Signage Style Guide and meet other requirements related protecting Aboriginal Culture and Heritage, given the significance of Sandon Point. The design would be simple and similar to Council reserve and park signs in other locations.

Where can I get more information?

For information about the community consultation for this proposal, please call 4227 7111 or email engagement@wollongong.nsw.gov.au.

For information relating to the Geographical Names Board, visit <u>www.gnb.nsw.gov.au</u> to obtain fact sheets on *Commemorative Naming, Place Naming* and the *Guidelines for the determination of place names.*

How can I have my say?

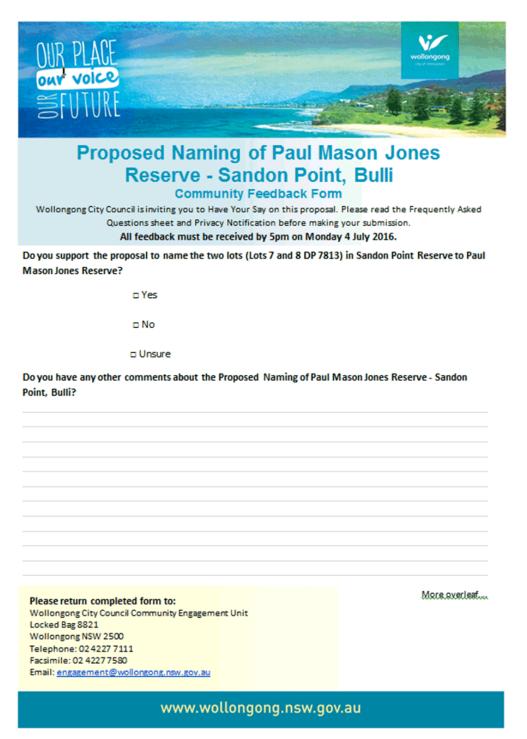
The easiest way to provide your feedback on the Proposed Naming of Paul Mason Jones Reserve is to complete a feedback form available on Council's website, Customer Service Centre, Thirroul Library or at the on-site kiosk at Sandon Point Reserve on Saturday 18 June, 9am-11am.

Visit <u>www.wollongong.nsw.gov.au</u> Email <u>engagement@wollongong.nsw.gov.au</u> Fax 02 4227 7580 For more information, please phone 4227 7111

www.wollongong.nsw.gov.au



Appendix D: Feedback Form





OUR PLACE			entre	
SEVIURE				
If there is insufficient room for your comme	ents, please attach a	any additional sheets t	o this feedback	form.
PLEASE TELL US A LITTLE ABOUT YOURSELF				
Question 1: In which suburb do you live?				

Question 2: Your age (please tick category)

18 years 19-25 years 26-35 years □ 66-75 years □ 76+ years

36-45 years 46-55 years

56-65 years

If you would like a reply to your submission and to be kept informed of progress, please fill in the section below:

Name:	
Address:	
Suburb:	Email:

Privacy Notification: The purpose for seeking your submission on advertised matters is to better assist Council in its decision making processes. The intended recipients of your submission are officers within Council and those granted lawful access to the information. Your submission, Council will be unable to contact you further. If your submission relates to a development proposal or other relevant planning application, Council is required to disclose on its website all relevant details of political donations or gifts made by you, including your name and address. In limited circumstances, you mayaply for suppression of your personal information from a publicly accessible register. Further information is available on Council's website at www.wollongong.nsw.gov.au/pages/privacy.aspx or by phoning Council on (02) 4227 7111

www.wollongong.nsw.gov.au

Z16/150242 Proposed Naming of Paul Mason Jones Reserve - Sandon Point, Bulli - Community **Engagement Report**

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Appendix E: On-Site Kiosk Photos

Proposed location marked out with traffic cones



Kiosk set up inside Sandon Point Surf Club







NAMING OF COMMUNITY FACILITIES AND PARKS (INCLUDING SPORTS GROUNDS AND NATURAL AREAS) MANAGEMENT POLICY

ADOPTED BY EXECUTIVE MANAGEMENT COMMITTEE: 20 MAY 2014

BACKGROUND

Council receives a number of requests to recognise the achievements and efforts of individuals and groups that have contributed significantly to the cultural and social aspects of the City of Wollongong.

This procedure relates directly to those requests received for the commemorative/recognition installations and the naming and renaming of Council owned and or controlled community facilities, parks, sportsgrounds and natural areas.

OBJECTIVE

The main objective of this procedure is to provide an opportunity for formal commemorative recognition for individuals and groups whose significant service has enriched the Wollongong region, or who have attained outstanding achievement in their field of endeavour.

POLICY STATEMENT

This policy and supporting procedures are in accordance with Council's Community Recognition Program policy which outlines the options to acknowledge the contributions and the achievements of individuals or groups associated with the city.

This policy extends to:

- Naming and renaming of Community Facilities, Parks, Sportsgrounds and Natural Areas; and
- Commemorative recognition installations in Community Facilities, Parks, Sportsgrounds and Natural Areas.

Wollongong Botanic Garden Public Dedications Policy is to be referred to in context with this policy for the facilitation of any commemorative recognitions through:

- Plaques;
- Tree Dedications; or
- Furniture Dedications.



NAMING OF COMMUNITY FACILITIES AND PARKS

MANAGEMENT POLICY

STATEMENT OF PROCEDURES

This procedure identifies the process to be followed and setting out of criteria for community requests for commemorative/recognition installations and the naming and renaming of Council owned and or controlled Community Facilities, Parks, Sportsgrounds and Natural Areas.

DEFINITIONS

Community Facilities: Council building managed and/or owned that is made available for the use by the general public including, but not limited to, community centres, halls, and libraries in addition to other fixed structures.

Parks: Community Land categorised as 'park' under the Local Government Act (1993) and Crown Land managed by Council as a park. Such land is primarily used for passive recreational activities.

Sportsgrounds: Community Land categorised as 'sportsground' under the Local Government Act (1993) and Crown Land managed by Council as a sportsground. Such land is primarily used for active recreational activities.

Natural Area: Community Land categorised as 'natural area (bushland, wetland, escarpment, watercourse, or foreshore)' under the Local Government Act (1993) and Crown Land managed by Council as a natural area.

Commemorative: Something that honours or preserves the memory of another.

Recognition: The acknowledgment of achievement, service, merit, etc.

Installations: 'Installations' where referred to in this policy, refers to assets including plaques, pavers, monuments, trees, furniture, sculptures and rocks.

1 Naming of Parks, Sportsgrounds and Natural Areas

Wollongong City Council follows the guidelines of the Geographical Names Board for the assignment of names to parks, sportsgrounds and natural areas within the Wollongong Local Government Area.

Council will consider the naming of parks, sportsgrounds and natural areas (including features within those) based on the following:

- A person's name;
- A group charitable, social/cultural community;
- Geographical relevance of the immediate area;
- Historical or cultural significance to the local area;
- Indigenous significance to the local area; or
- Botanical reference native to the area.
- a Criteria

Where a request is made to name parks, sportsgrounds and natural areas after a person it must be made posthumously.

The application must demonstrate that the person commemorated and the name chosen meets the following requirements:

- The person has had more than twenty years of service to the Wollongong region;
- Must relate to the place of residence or area of service;
- The person was of good repute and not likely to be the subject of controversy; and
- The person has made a significant contribution to the Wollongong region which has been formally recognised.

Council will only consider the naming of a park, sportsground or natural area upon receipt of a formal application in writing.

b Procedure

A written application with supporting evidence is to be received by Council. Once this has been received it will be considered and subject to a process of community consultation, with the final decision resting with Wollongong City Councillors.



NAMING OF COMMUNITY FACILITIES AND PARKS

MANAGEMENT POLICY

The procedure for naming a park, sportsground and natural area, is as follows:

- Provide a written application which includes the following information:
 - o Identify the name which is to be considered;
 - o Brief of the name and why Council should consider the application for the naming;
 - o Identify the individual or group's contribution to the Wollongong region;
 - Include letters of support;
 - if naming is that of a person, a letter of support from a family member must be included;
 - Outline the strong connection to the site; and
 - o Identify the proposed council parks, sportsgrounds or natural areas.

Please ensure your application also meets the criteria set out in the Geographical Names Board for Commemorative Naming <u>www.gnb.nsw.gov.au/place_naming</u>.

Once the application is received, the application will:

- Step 1: Be reviewed for existing names (formal and/or informal), common use names (including a visual check) and any other relevant checks that are deemed appropriate and required before being sent to Executive Management Committee (EMC) for consideration and approval.
- Step 2: If supported by the EMC a community consultation process will be undertaken.
- Step 3: Following consultation, a report is to be presented to Council and if supported unanimously, will require a formal Council resolution supporting the submission of the name to the Geographical Names Board in accordance with their guidelines.
- Step 4: Final notification of the application will be advised in writing once the Geographical Names Board approval is received.

1.1 Renaming of Parks, Sportsgrounds and Natural Areas

Renaming of existing parks, sportsgrounds or natural areas is to be avoided and will only be considered in the following exceptional circumstances:

- If the person/body/entity after which the park was named has been discredited, dishonoured or dissolved;
- The name has been duplicated elsewhere in the Wollongong Local Government Area; or
- The current name is a location name and has not been bestowed in the past.

Criteria 1a) and Procedure 1b) applies.

In the event that a facility is transferred to Council ownership it is the intention that consideration will be given to maintaining the existing name or common use name of that facility.

2 Naming of Community Facilities (Buildings)

An application for the naming of a facility and halls/rooms within these facilities can only be accepted for a new Council facility and is not applicable to the renaming of an existing facility.

Renaming will only occur under exceptional circumstances – refer to 2.1 Renaming of Community Facilities (Buildings).

a Criteria

Facilities should be named using the following guidelines:

- Geographical relevance of the immediate area;
- Historical or cultural significance to the local area;
- Indigenous significance to the local area; and
- Botanical reference native to the area.

Under no circumstance will a new community facility be named after an individual person.

b Procedure

A written application with supporting evidence is to be received by Council. Once this has been received it will be considered and subject to a process of community consultation, with the final decision resting with Wollongong City Councillors.



NAMING OF COMMUNITY FACILITIES AND PARKS

MANAGEMENT POLICY

The procedure for naming a facility is as follows:

- Provide a written application which includes the following information:
 - Identify the proposed Council facility to be named;
 - o Identify the name which is to be considered (include secondary options);
 - o Brief including the name and why Council should consider the application for the naming;
 - Include letters of support; and
 - o Outline the connection of the name to the site.

Once the application is received, the application will:

- Step 1: Be reviewed by Council's Executive Management Committee. This will include a review of the existing names (formal and/or informal), common use names (including a visual check) and any other relevant checks that are deemed appropriate and required.
- Step 2: If supported by the Executive Management Committee, a community consultation process will be undertaken.
- Step 3: Following consultation, a report is to be presented to Council and if supported unanimously, will require a formal Council resolution for approval.
- Step 4: Final notification of the application will be advised in writing.
- 2.1 <u>Renaming of Community Facilities (Buildings)</u>

Renaming of existing Community Facilities or rooms/halls within these facilities is to be avoided and will only be considered in the following exceptional circumstances:

- If there is a change of use of the facility or a change in the original intended use of the facility.; or
- If the organisation or group no longer exist or function.

Criteria 2a) and Procedure 2b) applies.

In the event that a facility is transferred to Council ownership it is the intention that consideration will be given to maintaining the existing name or common use name of that facility.

3 Commemorative Recognition Installations in Community Facilities, Parks, Sportsgrounds and Natural Areas

Wollongong City Council will only permit commemorative recognition installations in community facilities, parks, sportsgrounds and/or natural areas for individuals or groups in the following circumstances:

- Commemorative recognition installations at Wollongong Botanic Garden (refer to the separate Wollongong Botanic Garden Public Dedications Policy).
- Interpretive signage at a community facility, park, sportsground or natural area which is of historical significance.

Please note that Wollongong City Council does NOT PERMIT the spreading of ashes, or placement of personal items at a dedication at any of its parks, sportsgrounds and natural areas.



NAMING OF COMMUNITY FACILITIES AND PARKS

MANAGEMENT POLICY

SUMMARY SHEET		
Responsible Division	Community Cultural and Economic Development	
Date adopted by Executive Management Committee	20 May 2014	
Date of previous adoptions		
Date of next review	May 2017	
Prepared by	Public Relations Events Officer	
Authorised by	Manager Community Cultural and Economic Development	



File: GI-40.01.017 Doc: IC16/100186

ITEM 9 REQUEST FOR LEGAL ASSISTANCE - CONTRIBUTION TO LEGAL COSTS

Local Government NSW approved an application from Bathurst Regional Council to seek voluntary contributions towards legal expenses incurred in relation to recent NSW Court of Appeal proceedings involving that Council. The purpose of this report is to advise Council of that request and recommend a contribution be made.

RECOMMENDATION

Pursuant to section 356 of the *Local Government Act* 1993, Council resolves to grant financial assistance to Bathurst Regional Council in the amount of \$1,708.80 incurred in an appeal relating to the ability of a council to charge for services under a contract.

REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

ATTACHMENTS

There are no attachments for this report.

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

Council is in receipt of a request for a voluntary contribution to the legal costs of Bathurst Regional Council ("BRC") incurred in recent proceedings in the NSW Supreme Court and NSW Court of Appeal.

Pursuant to Council's Policy *Legal Cost Assistance to Local Government NSW*, requests for contributions are to be the subject of an advice from Legal Services to the Director Corporate and Community Services, thence to the General Manager, if supported by the Director, and thereafter to Council, pursuant to section 356 of the *Local Government Act* 1993 ("the Act").

The contribution sought is \$1,708.80.

The request relates to costs incurred by BRC in NSW Supreme Court proceedings *Trackcorp Adrenaline Pty Limited v Bathurst Regional Council* [2014] NSWCA 690 and *Adrenaline Pty Limited v Bathurst Regional Council* [2015] NSWCA 123.

In the Supreme Court proceedings, Trackcorp Adrenaline Pty Limited ("Adrenaline") sought repayment from BRC of moneys paid by Adrenaline for the use of the Mount Panorama motor racing circuit. Before the Supreme Court, Adrenaline argued that BRC had not complied with the requirements set out in the Act in setting the fees it charged, and thus retention of those fees by BRC was invalid.

Adrenaline were unsuccessful at first instance. It then appealed to the NSW Court of Appeal, who concluded that BRC (and, by extension, all NSW local councils) were not granted an independent power to charge for services provided, but must first comply with the relevant provisions of the Act. However, the Court did not order BRC to repay the moneys, finding instead that Adrenaline had received good consideration for the fees it had paid. The Court ordered that each party must pay their own costs.

The Court of Appeal decision in *Adrenaline* has direct relevance to Council's charging structures, and creates a legal precedent for all NSW local councils. Further, the matter is of significant interest to local



government, and provides useful insight on the powers and responsibilities of local government, particularly in the context of the current review of the Act.

CONSULTATION AND COMMUNICATION

The General Manager and Director Corporate and Community Services as per Council's policy *Legal Cost Assistance to Local Government NSW.*

PLANNING AND POLICY IMPACT

This report relates to the commitments of Council as contained within the Strategic Management Plans:

Wollongong 2022 Community Goal and Objective – This report contributes to the Wollongong 2022 Objective *Positive leadership and governance, values and culture are built upon* under the Community Goal *We are a connected and engaged community.*

FINANCIAL IMPLICATIONS

The contribution will be paid from the Legal Budget.

CONCLUSION

The matter is of significant interest to local government, and provides clarity and guidance in relation to the requirements before fees for services can be levied. It is recommended that the contribution sought be paid.



File: 05.04.01.180 Doc: IC16/100171

ITEM 10 PROPOSED RENEWAL OF LICENCE TO WOLLONGONG TOUCH ASSOCIATION INCORPORATED FOR PART OF AMENITIES BUILDING AND FIVE LIGHTING TOWERS AT THOMAS DALTON PARK

The existing licence for Wollongong Touch Association Incorporated for the amenities building and five lighting towers at part of Thomas Dalton Park, Pioneer Road, Fairy Meadow, being part of Lot 1 DP347972 and part Lot 2 DP347972 and part Lot 3 DP863756 expired on 31 July 2015 and has been holding over since that date.

Council is proposing to offer a 10 year term licence at this site.

RECOMMENDATION

- 1 Council provides approval to enter into a new licence agreement with Wollongong Touch Association Incorporated for a period of 10 years commencing on 1 August 2015.
- 2 Council delegate to the General Manager the authority to finalise and execute the licence agreement and any other documentation to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the licence agreement and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation

Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

ATTACHMENTS

- 1 Aerial plan of licensed area of Thomas Dalton Park of the amenities building showing licensed areas
- 2 Building plan of the amenities building showing licensed areas

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

Wollongong Touch Association Incorporated has held a licence continuously at this site since 1 August 1995. During this proposed licence term, Council requested the association to provide a copy of the hire agreement between the association and Pirates Baseball Club for use of the canteen during the baseball season. They were also required to provide a general hire agreement for those other users of the site including their hire fees for the canteen and lights.

PROPOSAL

Licensee/Lessee:	Wollongong Touch Association Incorporated
Address:	PO Box 2200 WOLLONGONG DC NSW 2500
Email:	admin@wollongongtouch.asn.au
Area to be Licensed:	Five lighting towers and part of the amenities building erected on Thomas Dalton Park, Pioneer Road, Fairy Meadow being part Lot 1 DP347972 and part Lot 2 DP347972 and part Lot 3 DP863756 including the Canteen and Storage Room,



	Officials Room 1 and Administration Room as showed hatched on the attached aerial plan and building plan.
Permitted Use:	Touch football and associated activities
Term of Licence	Ten (10) Years
Date of Commencement of Licence:	1 August 2015
Date of Termination of Licence:	31 July 2025
Rental:	\$640.00 per annum (including GST) as per Council's fee and charges for Community and Sporting Groups.
Review of Rental:	Annually on each anniversary of the licence in accordance with Council's Fees and Charges for Community and Sporting Groups.
Interest Rate:	The rate specified for the time being under section 566 of the Local Government Act 1993.
Outgoings:	The Licensee is to be responsible for 100% in relation to the property licensed including electricity, telephone, gas, and water usage sewerage and garbage removal.
	The Licensee shall be responsible for payment of land tax (if applicable) for the property.
Insurance:	The Licensee is required to keep current an insurance policy covering:
	• Public and products liability in an amount not less than \$20million (for each accident or event).
	The policies must note the interest of the Council as owner of the property and must cover the Licensor and the Licensee and their employees, agents and invitees.
	The Licensee must provide evidence of the maintenance of the policy on each anniversary of the commencement date or on request of the Licensor.
Sub-Licence:	The Licensee is required to enter into a formal sub-licence with the Pirates Baseball team to enable this Club to use the canteen facilities when not in use by the Licensee for the term of the Licence.
	The Licensor requires that the sub-licence contains all the terms and conditions of this original licence agreement including but not limited to:
	• The holding of public liability insurance in an amount not less than \$20million for each accident or event.
	Council reserves the right to approve the terms of any sub-licence and the Licensee cannot terminate any sub-licence without Council's written approval.
	The Licensee shall permit others to have access to the area under licence. The Licensee may charge a reasonable fee to cover the costs of such use. In the event that this fee cannot be agreed upon by both parties, Council reserves the right to set this fee.
Maintenance Conditions:	 The Licensor must maintain essential services to the licensed property and is responsible for maintenance of a structural nature to the maintenance to the amenities building as outlined in the Licensed Building Maintenance Responsibility Schedule.
	2. The Licensee must maintain the property in its condition as the commencement date and promptly do repairs needed to keep it in that condition. The Licensee is responsible for those items as indicated in the attached Licensed Buildings Maintenance Schedule. All works undertaken must be carried out by a licensed contractor in accordance with the relevant Australian Standard, or, if a relevant Australian Standard does not exist, to the highest quality of workmanship as



approved by Wollongong City Council.

Special Conditions: The Licensee must use the property for the purpose of conducting touch football and associated activities as well as cooperation with the Licensor and management of booking the sports fields contained within Thomas Dalton Park to schools and other sporting and recreational organisations and not for any other purpose.

Lighting Towers: The Licensor is responsible for maintenance of the lighting poles/towers from the Distribution Board up to the choke/ballast as per the Licensed Sportsgrounds Maintenance Responsibility Schedule.

The Licensee is permitted to use the five (5) licensed lighting towers and is responsible for payment for power consumption (electricity), the maintenance/replacement of the choke/ballast and of all light fittings and fixtures (such as globes) as per the Licensed Sportsground Maintenance Responsibility Schedule.

The Licensee is to advise the Property & Recreation Division of Council of any maintenance /repairs required to the poles or lights.

When carrying out any work on the lighting towers the Licensee must ensure no vehicles are driven within the boundaries of the designated playing fields.

The Licensee must not allow the light from the lighting towers to be directed so as to cause a nuisance to owners or occupiers of any adjoining land or to motorists on nearly roads.

Legal Costs: Licensee is to pay \$165.00 (including GST) for the preparation of the Licence Agreement in accordance with Council's Fees and Charges.

CONSULTATION AND COMMUNICATION

Property and Recreation Division - Recreation Services – requested copies of the hire agreements/sub-licence for the Pirates Baseball Club and general hire agreement for use of the canteen and lights.

Infrastructure Division – Buildings and Facilities Planning – no issues.

Environmental Strategy Planning – Community Land Management – no issues.

Pursuant to Section 46 and 47 of the Local Government Act 1993, the statutory advertising was carried out by placing a notice on the land, adjoining owners were notified and the proposed renewal of licence was advertised in The Advertiser edition of 29 June 2016. Council did not receive any submissions in this matter.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "5 We are a healthy community in a liveable city – 5.5. Participation in recreational and lifestyle activities is increased."

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2015-2016 – Manage Council's property portfolio including purchase, sale, leasing, easements and other encumbrances on Council lands.

RISK ASSESSMENT

The risk in accepting the recommendations of this report is considered low on the basis that all stakeholders have been consulted prior to the licence being proposed.

FINANCIAL IMPLICATIONS

Council will receive the Community and Sporting Groups annual rental in the amount of \$640.00 (including GST) in the first year of the licence with the annual rental reviewed each year in line with Council's Fees and Charges.

The club will also contribute \$165.00 (including GST) towards the legal licence preparation fee.



CONCLUSION

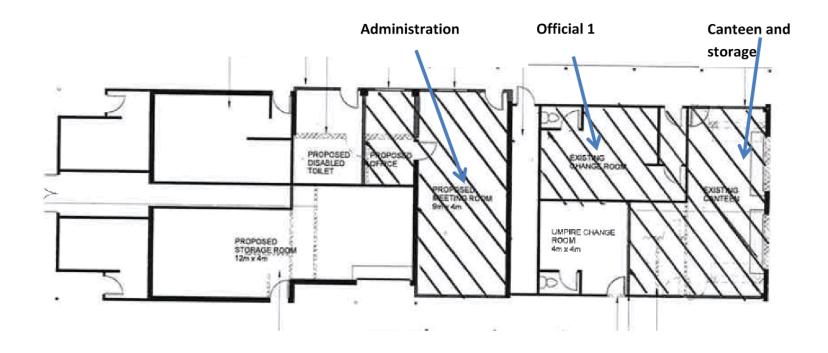
The granting of the licence to Wollongong Touch Association Incorporated will formalise the responsibilities for the club and Council in respect to the use of the buildings and lighting towers.













File: FI-230.01.233 Doc: IC16/100195

ITEM 11 TENDER T16/09 PROPOSED LICENCE OF BALD HILL KIOSK AND MOBILE FOOD VAN

This report recommends acceptance of a tender for the licence of Bald Hill Kiosk and Mobile Food Van in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulations 2005.

The kiosk is located inside the new amenities building/viewing platform being constructed at Bald Hill, Stanwell Tops. A mobile food van has been operating at the site for many years, however, as this new development also incorporates a kiosk, it was determined to go to tender to seek a licensee for both the kiosk and the mobile food van in this high profile site.

Two tenders were received and the report recommends Council accept the tender submitted by Bald Hill Company Pty Ltd.

RECOMMENDATION

- 1 In accordance with the Local Government (General) Regulations 2005, Clause 178 (1) (a), Council accept the tender submission of Bald Hill Company Pty Ltd for the licence to operate the Bald Hill Kiosk and Mobile Food Van in the sum of \$100,000.00 per annum (excluding GST) for a five year term.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

ATTACHMENTS

There are no attachments for this report.

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendations in this report satisfy the requirements of the OLG Guidelines – *Council Decision Making During Merger Proposal Periods.*

BACKGROUND

Tenders were invited for the licence to operate the new Bald Hill kiosk and a mobile food van at Bald Hill, Stanwell Tops, which is community land owned by Wollongong City Council.

Tenders were invited by the open method with a closing date on Tuesday, 5 July 2016.

The tender was advertised extensively and there was a wide range of interest (ie 20 parties downloaded the tender documentation), only two submissions were received by the closing date, both were complying.

The two tenders were scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Property and Recreation, Finance, Infrastructure, Human Resources, and Governance and Information Divisions.



The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria and weightings as set out in the formal tender documents:

- 1 Proposed annual rental payable to Council (exclusive of GST) in Australian Dollars \$ 40%
- 2 Demonstrated experience in operating a kiosk and mobile food van 25%
- 3 Variety of foods and drinks to be sold to suit a range of tastes and budgets 20%
- 4 Demonstrated Work Health and Safety Management System 10%
- 5 Demonstrated strengthening of the local economic capacity 5 %

Mandatory Criteria

- a) Financial capacity
- b) Commitment to provide a kiosk and mobile food van service for the visitors to Bald Hill
- c) Commitment to obtain the required insurances stated in the licence agreement
- d) Commitment to provide evidence of a current Mobile Food Van inspection/registration report from Wollongong City Council
- e) Commitment to provide evidence of Food Safety Supervisor certificate as per NSW Food Authority requirements
- f) Confirmation of acceptance of the terms and conditions of the draft licence agreement
- g) Two referees

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of five in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then uses the pre-determined weightings for each of the assessment criteria and multiplies them by the numerical score allocated for each assessment criteria to provide a total score out of five for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

Name of Tenderer	Ranking
Bald Hill Company Pty Ltd	1
Imagineer Collective Pty Ltd	2

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Imagineer Collective Pty Ltd offered a slightly higher rental but scored lower in the other assessment criteria.

Council also engaged a registered valuer to carry out a market rental determination of the subject property to determine a benchmark market rental.

Based on the Tender Assessment evaluation, the Tender Assessment Panel was satisfied that the recommended tenderer, Bald Hill Company Pty Ltd is capable of meeting the obligations under the licence.

Referees nominated by the recommended tenderer have been contacted by the chairperson of the Tender Assessment Panel and all expressed its satisfaction with the Bald Hill Company's ability to pay its debts in a timely manner and in accordance with its payment terms, and that it will provide a high standard and quality of foods at the kiosk and the mobile food van at Bald Hill.

The panel has completed due diligence in respect to the financial capacity of the successful tenderer and is satisfied it has the financial means to fitout the new building and to meet its obligations to Council under the lease.



PROPOSAL

The submission received from Bald Hill Company Pty Ltd, ranked Number 1, is considered to provide the best value to Council. The panel is satisfied, based on its previous experience in operating the current mobile food van at Bald Hill, as to its ability to operate the kiosk and mobile food van in compliance with the conditions of the draft licence agreement and therefore the proposal is as follows:

LICENSOR	Wollongong City Council
LICENSEE	Bald Hill Company Pty Ltd
COMMENCING DATE	1 October 2016
TERM	Five Years
TERMINATING DATE	30 September 2021
PERMITTED USE	Kiosk and Mobile Food Van
INITIAL RENT	\$100,000.00 per annum (plus GST)
RENT DUE DATE	Commencing date and thereafter monthly in advance for term of the Licence
RENT REVIEWS	Annually by current CPI on each anniversary of the commencing date
PUBLIC RISK INSURANCE	\$20 million Public and Products Liability Insurance.
	Damage or destruction from any cause to the Licensor's Improvements and contents including but not limited to plate glass.
	Workers' Compensation Insurance and all other insurances required by law or as reasonably required by the Licensor.
SECURITY DEPOSIT	Security deposit in the amount of three months' rental is required to be deposited with the NSW Small Business Commissioner and Personal Guarantors to be provided to guarantee to the Licensor that the Licensee will comply on time with the Licensee's obligations under the Licence

CONSULTATION AND COMMUNICATION

- 1 Members of the Tender Assessment Panel
- 2 Corporate Scorecard
- 3 Nominated Referees

Nominated referees were contacted and they provided verbal acknowledgement that Bald Hill Company Pty Ltd always paid their invoices with payment terms, bought and used good quality products and were excellent customers of both businesses.

Advertisements for the tender were placed in the Illawarra Mercury on 11 June 2016, The Advertiser on 15 June 2016, the Sydney Morning Herald on 11 June 2016 and the St George and Sutherland Leader on 15 June 2016.



Council also publicly gave notice of the proposed granting of the licence pursuant to the Local Government Act, 1993, and no submissions were received.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "2 – "We have an innovative and sustainable economy" and 2.1 "Local employment opportunities are increased within a strong local economy".

It specifically delivers on core business activities as detailed in the Property Services Plan 2016/2017 "Achieve market return on commercial leases".

RISK ASSESSMENT

The risk in in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

FINANCIAL IMPLICATIONS

Council will receive income of \$100,000.00 (plus GST) in the first year of the licence with the provision that the licence be reviewed annually by the Consumer Price Index.

CONCLUSION

Council endorse the recommendations of this report.

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File: IW-300.013 Doc: IC16/100170

ITEM 12 TENDER T16/08 - WHYTES GULLY LEACHATE TREATMENT SYSTEM OPERATIONS AND MAINTENANCE SERVICES

This report recommends acceptance of a tender for the operation and maintenance of the Leachate Treatment System at the Wollongong Waste and Resource Recovery Park (Whytes Gully) in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

The treatment of leachate from the Whytes Gully landfill is a requirement of the Environment Protection Licence that the site operates under. Council went out to tender for these services due to the pending expiry of the existing operation and maintenance agreement with the current contractor.

RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Innaco Pty Ltd for Whytes Gully Leachate Treatment System Operations and Maintenance Services, in the sum of \$107,200, excluding GST for the 18 month contract period.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of:Mark Roebuck, Manager City Works and ServicesAuthorised by:Mike Hyde, Director Infrastructure and Works - Community Assets and Liveable City

ATTACHMENTS

There are no attachments for this report.

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

Leachate is formed by rainwater percolating through the deposited waste in a landfill. The leachate has the potential to cause environmental harm if not managed correctly. To ensure an appropriate environmental outcome is achieved City Works and Services implements a multi-staged biological treatment process that effectively removes contaminants to a level suitable to discharge to sewer in accordance with the sites Trade Wastewater Agreement with Sydney Water. The biological treatment process as recommended by the tender report will be operated and managed via a contract.

The contract has an eighteen (18) month duration. This period will sustain the routine operation and maintenance of the existing system until Council finalises an ongoing project that has the objective of designing and constructing a new best environmental practice leachate treatment system for Whytes Gully.

Tenders were invited by the open tender method with a close of tenders at 10:00 am on Tuesday 9 August 2016.

Three (3) tenders were received by the close of tenders and all tenders have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies



and Procedures and comprising representatives of the City Works, Project Delivery, Governance Information and Finance Divisions.

The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria and weightings as set out in the formal tender documents:

- 1) Cost to Council -50%;
- Demonstrated experience and satisfactory performance in undertaking projects of similar size and scope – 25%;
- 3) Demonstrated strengthening of local economic capacity 5%;
- 4) Staff qualifications and experience 10%;
- 5) Environmental Management, Quality, and WH&S and Risk Management;

policies and procedures - 10%'

The mandatory assessment criteria have been met by the recommended tenderer.

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Name of Tenderer	Ranking
Innaco	1
JPG	2
ECOtek Water Systems	3

PROPOSAL

Council should authorise the engagement of Innaco Pty Ltd to carry out the Whytes Gully Leachate Treatment System Operations & Maintenance Services in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the technical specification.

Referees nominated by the recommended tenderer have been contacted by the Tender Assessment Panel and expressed satisfaction with the standard of work and methods of operation undertaken on their behalf.

CONSULTATION AND COMMUNICATION

- 1 Members of the Tender Assessment Panel
- 2 Nominated Referees

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "We Value and Protect Our Environment".

It specifically delivers on core business activities as detailed in the Annual Plan 2016-17 to continue to deploy Council's Waste & Resource Recovery Strategy.

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RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

Due to the technical nature of the service provided via this tender the risk of the services is considered moderate based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented.

FINANCIAL IMPLICATIONS

It is proposed that the total project be funded from the following source/s as identified in the Annual Plan –

WGully Leachate Treatment Plant Operations 853500

CONCLUSION

The recommended tenderer has submitted an acceptable tender for this project and Council should endorse the recommendations of this report.



File: FI-230.01.195 Doc: IC16/100200

ITEM 13 TENDER T15/14 BUILDING CONDITION FUNCTIONALITY AUDIT

This report recommends the acceptance of a tender for the delivery of building condition and functionality audit of Council's buildings and shelters over three (3) years. The recommendation is based on a comprehensive review of the received tenders and outcomes of the numeric scoring method. The establishment of the data produced from the audit will enhance Council's capacity to forward plan both maintenance and capital works associated with buildings and shelters. It will also enable the establishment of and assessment against desired building service levels.

RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of SPM Assets Pty Ltd for the completion of Building condition and functionality inspection audits, in the sum of \$525,840.00, excluding GST, over three years.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of:Mike Dowd, Manager Infrastructure Strategy and PlanningAuthorised by:Mike Hyde, Director Infrastructure and Works - Community Assets and Liveable City

ATTACHMENTS

There are no attachments for this report.

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

Wollongong City Council owns/manages and controls around 741 buildings and 330 shelters/shade structures worth in total around \$600 Million.

These include:

- The 11 Story Administration Building;
- 3 District Community Centres/Libraries;
- 21 Childcare/Children's Centre Buildings;
- 48 Community Facilities;
- 170 Sports Club Buildings and ancillary structures (BBQ's, shelters etc.);
- 58 Public Amenities;
- 2 Leisure Centres; and
- 83 Commercial/Lease Properties.

To enable the sustainable management of Council's buildings and shelters it is critical that we possess current, relevant and reliable information pertaining to the condition, function and remaining life of each building and the works necessary to address issues of condition, functionality and compliance. This information will be collected through the completion of building condition and functionality assessments

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carried out in accordance with Council's Building Condition Assessment Specifications (Z16/145305) over a 3 year period. The resultant information will assist Council in the planning and development of capital works and maintenance programs necessary to bring each building into conformance with legislative requirements and ensure they are fit for their intended purpose.

Tenders were invited by the open tender method with a close of tender at 10:00 am on Tuesday, 9 August 2016.

Six tenders were received by the close of tenders. All tenders have been reviewed and assessed against the nominated criteria by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Finance, Governance and Information, Library and Community Services, City Works and Services and Infrastructure Strategy and Planning Divisions.

The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria and weightings as set out in the formal tender documents:

- 1 Cost to Council 35%
- 2 Extensive demonstrated experience in the completion of building condition and functionality inspections for Local Government organisations that manages a diverse property portfolio, including properties which would be deemed sensitive, such as child care centres and/or are occupied under lease agreements–20% Split between;
 - a) Condition assessment 10%
 - b) Development of Property Quality Standards (PQS) 10%
- 3 Outline proposed methodology to be utilised for the completion of the audits with regards to the nominated criterion below 20%
 - a) The methodology proposed to be used for rolling up condition from sub-component to component and building level;
 - b) The proposed methodology for assessment of building performance against the nominated Service Standard;
 - c) The methodology for developing assessing the PQS outcomes; and
 - d) The methodology proposed to be used for determining Remaining Useful Life.
- 4 Staff nominated to deliver the contract and any nominated sub-contractors who will be utilised are suitably qualified and experienced with the undertaking of the works as specified– 10%
- 5 Demonstrated strengthening of local economic capacity 5%
- 6 Demonstrated commitment to social procurement principles 5%
- 7 Established workplace health and safety management system 5%

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment criteria to a satisfactory level by the Tender Assessment Panel.



Table 1: Summary of tenderers and resultant rankings determined by the Tender Assessment Panel.

TENDERER	RANK OF TENDER
SPM Assets Pty Ltd	1
GHD Pty Ltd	2
Cardno (NSW/ACT) Pty Ltd	3
Lycopodium Infrastructure Pty Ltd	4
Aegis Value Engineering Pty Ltd	5
Knowledge Asset Management Services Pty Ltd	6

PROPOSAL

Council authorise the engagement of SPM Assets Pty Ltd to carry out building condition and functionality inspection audits in accordance with the scope of works/technical specifications developed for the project. Due to the number of buildings/shelters, the audit program extend over three financial years. The recommended tenderer has satisfied the Tender Assessment Panel that they are capable of undertaking the specified works to a satisfactory standard. Referees nominated by the recommended tenderer have been contacted by the Tender Assessment Panel and have provided positive feedback to Council regarding both past and ongoing engagements conducting equivalent works.

CONSULTATION AND COMMUNICATION

Services and Property Divisions were engaged in the project scope's development. Throughout the tender process consultation occurred with the following:

- 1 Members of the Tender Assessment Panel
- 2 Nominated Referees of preferred tenderer

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "2 we have an Innovative and Sustainable Economy". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
4.4.2 Working together, services continually improve and offer best value for money	4.4.2.2 Deliver the Asset Management and improvement program 2012-17	Progressively implement the Asset Management Improvement program
5.3.2 Public facilities in key locations are clean & accessible	5.3.2.3 Use additional funds achieved through the financial sustainability review for renewal of major building projects as per capital program	Accelerate delivery of building renewal and maintenance programs through allocation of additional funds

RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures.

FINANCIAL IMPLICATIONS

It is proposed that the contract will be funded over three consecutive financial years. Funding will be sourced from the 2016/17, 2017/18 and 2018/19 Operational Budget - 5712/13 Building Maintenance.

CONCLUSION

SMP Assets Pty Ltd has been deemed, by the Tender Assessment Panel, to be the most suitable tender to achieve the projects objectives. The resultant information will enhance Council's capacity to strategically and sustainably manage its buildings maximising life spans and meeting functionality requirements.



File: CP-914.05.001 Doc: IC16/100205

ITEM 14 APPLICATION FOR WORKS ON ROAD/FOOTPATH - 2016-2017 FEES AND CHARGES

This report seeks approval for an amended fee structure in relation to the Application for Works in the Road Reserve and Damage Deposit for Works in the Road Reserve - Section 138 Roads Act 1993.

There was a delay in finalising the structure of these fees for the 2016-2017 Fees and Charges document so a request is made that these changes be advertised outside of the standard process.

RECOMMENDATION

The amendments to the 2016-2017 Fees and Charges for the Application for Works in the Road Reserve and Damage Deposit for Works in the Road Reserve - Section 138 Roads Act 1993, be placed on public exhibition for 28 days.

REPORT AUTHORISATIONS

Report of: Mark Riordan, Manager Development Assessment and Certification Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods

ATTACHMENTS

There are no attachments for this report.

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

Not Applicable.

BACKGROUND

Council currently charges an Application Fee, Rental and Damage Deposit for works on its Roads and Footpaths. The Damage Deposit is refundable depending on a satisfactory inspection. In the event of damage being done to Council's asset, the deposit is retained to an amount that is commensurate with the damage that has occurred. Application Fees and Damage Deposits under Category A account for approximately 80% of deposits collected. Instances of damage are negligible within this category. In the last 5 years there have been no instances where Council has been required to utilise a damage bond for the type of works within category A.

Category, B, C and D cover a range of higher order development types for which a deposit will be required. This amount is dependent on the extent and nature of the work.

The proposed fees and charges structure will provide consistency for the development industry and will also streamline the application process for both customers and Council.

Further to this, the amount currently collected under Category A does not cover the cost of inspection required to release the deposit. As a result, deposits in this category have continued to grow over time as there is little incentive for Council or its customers to refund or recover the deposit.

PROPOSAL

It is proposed that the amended Fees and Charges as outlined below be placed on public exhibition for 28 days.



All Fees and Charges are set at the maximum and can be adjusted in accordance with Council's Discount and Waiver Policies	Pricing Structure Code	GST Applies (Y/N)	Fees & Charges 2016/2017 (GST Inclusive, if applicable)
DEVELOPMENT ASSESSMENT			
APPLICATION FOR WORKS IN THE ROAD RESERVE OPEN OR OCCUPY - SECTION 138 OF THE ROADS ACT 1993			
Rental Category A - Up to 5m Occupation zone	Market	No	\$94.75
Rental Category B - Up to 10m Occupation Zone	Market	No	\$189.50
Rental Category C - Up to 25m long Occupation Zone	Market	No	\$473.75
Rental Category D - Site Specific Job, or larger scale jobs greater than 25m in length	Market	No	Rental amount will be based on site specific requirements at a rate defined in Council's Fees and Charges under "Rental - per linear metre length"
Damage Deposit for Works in the Road Reserve Open or Occupy - Section 138 Roads Act 1993			
Deposit refundable upon satisfactory inspection. Any damage may result in deposit not being refunded. Retained amount will be costed on Council's Fees and Charges for "Reinstatement of Road and Footpath Surfaces"			
Rental Category A - Up to 5m Occupation zone	Market	No	\$0.00
Rental Category B - Up to 10m Occupation Zone	Market	No	\$2,025.00
Rental Category C - Up to 25m long Occupation Zone	Market	No	\$3,375.00
Rental Category D - Site Specific Job, or larger scale jobs greater than 25m in length	Market	No	Damage Deposit amount based on Council's Fees and charges for "Reinstatement of Road and Footpath Surfaces"

CONSULTATION AND COMMUNICATION

Finance Division

Development, Assessment and Certification Division

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal '*We are a connected and engaged community*'. It specifically delivers on the following:

Community Strategic Plan	Delivery Program	Annual Plan 2016-17
	2012-17	
Strategy	5 Year Action	Annual Deliverables
4.4.5 Finances are managed effectively to ensure long term financial sustainability	4.4.5.7 Review and increase fees and charges to achieve a minimum of \$500,000 to ensure the financial sustainability of service provision	5 Year action complete – no current year deliverable

RISK ASSESSMENT

Instances of damage are negligible within this category so the risk is considered low.

FINANCIAL IMPLICATIONS

The streamlining of this fee structure, particularly in relation to Category A, will remove the requirement of a damage deposit for smaller, high turnover jobs which are estimated at approximately 80% of deposits collected. This removes the necessity for DAC to inspect the area prior to refunding the deposit and for Finance to provide refunds and manage stale deposits creating efficiency for Council.

It is noted that there will be a considerable exercise for DAC and Finance to clean up legacy deposits relating to Category A.

CONCLUSION

The proposed amendment to this fee structure aims to reduce the administrative burden of collecting deposits under Category A. It is expected that this can be achieved within acceptable risk parameters.



File: FI-914.05.001 Doc: IC16/100194

ITEM 15 JULY 2016 FINANCIALS

The overall result for the month of July is favourable compared to phased budget for the key indicators. The Operating Result (pre capital) is favourable by \$1.9M and the Funds Result shows a favourable variance compared to the phased budget of \$1.3M.

The budget has been phased using a combination of month end cut off dates, prior year patterns and specific timing where available that may not fully reflect actual expenditure patterns particularly in the early months of the year.

The Cash Flow Statement at the end of the period indicates that there is sufficient cash to support external restrictions.

Council has expended \$3.7M on its capital works program representing 3.7% of the annual budget. The year to date budget for the same period was \$3.3M.

RECOMMENDATION

- 1 The financials be received and noted.
- 2 Proposed changes in the Capital Works Program be approved.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Manager Finance

Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

ATTACHMENTS

- 1 Income and Expense Statement July 2016
- 2 Capital Project Report July 2016
- 3 Balance Sheet July 2016

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

This report presents the Income and Expense Statement, Balance Sheet and Cash Flow Statement for July 2016. Council's current budget has a Net Funding (cash) deficit of \$0.1M, an Operating Deficit [Pre Capital] of \$0.03M and a capital expenditure of \$101.6M. At the end of July, Council remains on target to the operational components of this result.

The following table provides a summary view of the organisation's overall financial results for the year to date.



FORECAST POSITION		Original Budget	Revised Budget	YTD Forecast	YTD Actual	Variation
KEY MOVEMENTS		1-Jul	29-Jul	29-Jul	29-Jul	
Operating Revenue	\$M	262.0	262.0	20.8	20.7	(0.1)
Operating Costs	\$M	(262.1)	(262.1)	(20.9)	(18.9)	2.0
Operating Result [Pre Capital]	\$M	(0.0)	(0.0)	(0.1)	1.8	1.9
Capital Grants & Contributions	\$M	32.9	32.9	2.5	1.1	(1.5)
Operating Result	\$M	32.9	32.9	2.4	2.9	0.5
Funds Available from Operations	\$M	61.8	61.8	5.0	6.7	1.7
Capital Works		101.6	101.6	3.3	3.7	(0.4)
Contributed Assets		-	-	-	-	-
Transfer to Restricted Cash		-	-	-	-	-
Funded from:						
- Operational Funds	\$M	61.8	61.8	5.0	6.7	1.7
- Other Funding	\$M	47.1	47.1	1.3	1.3	(0.0)
Total Funds Surplus/(Deficit)	\$M	(0.1)	(0.1)	3.0	4.3	1.3

Financial Performance

The July 2016 Operating Result [pre capital] shows a positive variance compared to budget of \$1.9M. This variation is largely the timing of expenditure and delivery of projects some of which are funded from restricted cash.

The Operating Result that includes capital grants and contributions has been impacted by the combination of West Dapto developer contributions (\$1.1M) and the timing of receipt of capital grants for capital works. The West Dapto developer contribution income budget is based on expected lot releases and an increased contribution rate that is currently subject to IPART approval. The variance in income at the end of July is due mainly to lower lot releases than phased budget with pricing impact estimated to be only \$60K.

Funds Result

The Total Funds result as at 29 July 2016 shows a positive variance of \$1.3M. The positive variation in the operating result has been offset by lower expenditure on externally funded operational projects (\$0.6M) and increased expenditure on Council funded capital works (\$0.4M) compared to phased budget.

Capital Budget

As at 29 July 2016, Council had expended \$3.7M or 3.7% of the approved annual capital budget of \$101.6M.

Liquidity

Council's cash and investments decreased during July 2016 to holdings of \$140.6M compared to \$154.0M at the end of June 2016. This reflects normal trends for this time of the year as Council awaits the first rate instalment in August.



CASH, INVESTMENTS	& AVAILAB	LE FUNDS	
	Actual 2015/16	Original Budget 2016/17	Actual Ytd 29 July 2016
	\$M	\$M	\$M
Total Cash and Investments	154.0	133.7	140.6
Less Restrictions: External Internal Total Restrictions Available Cash	75.3 55.3 130.6 23.5	88.8 37.6 126.4 7.3	75.6 55.6 131.2 9.4
Adjusted for : Current payables Receivables Other Net Payables & Receivables Available Funds	(34.9) 22.9 2.9 (9.1) 14.4	(23.6) 23.0 4.6 4.0 <u>11.3</u>	(23.9) 28.4 4.9 9.4 <u>18.8</u>

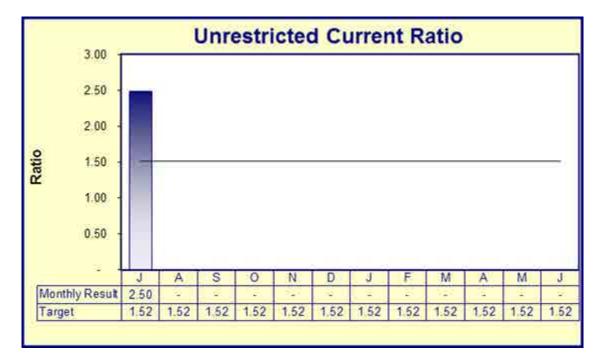
The available funds position excludes restricted cash. External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations. Internal restrictions are funds that Council has determined will be used for a specific future purpose.

Based on the end of year results for 2015-16, the adjusted Available Funds forecast is within Council's Financial Strategy target of 3.5% to 5.5% of Operational Revenue [pre capital]. Based on the Adopted 2016-17 Annual Plan, the target Available Funds is between \$9.2M and \$14.4M for year ending 30 June 2017. The actual Available Funds at 29 July 2016 are impacted by the favourable result for the previous year and the progress of planned expenditure to date.

Council resolved during August to transfer \$2.6M, equivalent to the net improvement in the funds result from the 2015-16 financial year, to restricted cash for Strategic Projects. This will reduce the Available Funds and will increase the internal restrictions by the same amount.

The Unrestricted Current Ratio measures the cash/liquidity position of an organisation. This ratio is intended to disclose the ability of an organisation to satisfy payment obligations in the short term from the unrestricted activities of Council. Council's current ratio is above the Local Government Benchmark of >2:1, however, the strategy is to maximise the use of available funds for asset renewal by targeting a lean unrestricted current ratio.





Receivables

Receivables are the amount of money owed to Council or funds that Council has paid in advance. At July 2016, receivables totalled \$28.4M, compared to receivables of \$32.3M at July 2015. Fluctuations relate to the timing of rates payments which are accrued before the actual payments are due and a high level of prepayments (shown as 'Other' on the Balance Sheet) reflecting payments made in advance.

Payables

Payables (the amount of money owed to suppliers) of \$23.9M were owed at July 2016 compared to payables of \$27.8M in July 2015. The difference in payables relate to goods and services and capital projects delivered but not yet paid for and timing of the Financial Assistance Grant payments.

Debt

Council continues to have financial strength in its low level of borrowing. The industry measure of debt commitment is the Debt Service Ratio that measures the proportion of revenues that is required to meet annual loan repayments.

Council's Financial Strategy includes provision for additional borrowing in the future and Council will consider borrowing opportunities from time to time to bring forward the completion of capital projects where immediate funding is not available. In 2009-10, Council borrowed \$26M interest free to assist in the delivery of the West Dapto Access Plan. Council has also been successful in securing loan funds under the Local Government Infrastructure Renewal Scheme (LIRS) of \$20M in 2012-13 and \$4.3M in 2013-14 that will be used over a five year period to accelerate the Citywide Footpaths and Shared Path Renewal and Missing Links Construction Program and building refurbishment works for Berkeley Community Centre, Corrimal Library and Community Centre and Thirroul Pavilion and Kiosk respectively. A further \$15M was drawn down in 2014-15 under Round Three of the LIRS program that provides a subsidy of 3% that will be used to support the West Dapto Access – Fowler's Road to Fairwater Drive project.

Council has approval to draw down a further \$5.5M as an additional part of Round Three of the LIRS Program and is currently finalising the draw down. This amount will support the West Dapto Access – Fowler's Road project.

Council's Debt Service Ratio forecast for 2016-17 is approximately 3.5%, which is still below Council's target of 4% and remains low in comparison to the Local Government's benchmark ratio of <10%. It is noted that non-cash interest expense relating to the amortisation of the income recognised on the West Dapto Access Plan Loan is not included when calculating the Debt Service Ratio.



Assets

The Balance Sheet shows that \$2.5B of assets are controlled and managed by Council for the community as at 29 July 2016. The 2016-17 capital works program includes projects such as the West Dapto Access strategy, Helensburgh Tip Rehabilitation, land acquisitions, civil asset renewals including roads, car parks and buildings and purchase of library books. At the end of July, capital expenditure amounted to \$3.7M.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal '*We are a connected and engaged community*'. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-17	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
4.4.5 Finances are managed effectively to ensure long	4.4.5.1 Effective and transparent financial	Provide accurate and timely financial reports monthly, quarterly and via the annual financial statement
term financial sustainability	management systems are in place	Continuous Budget Management is in place, controlled and reported
Sustainability		Manage and further develop compliance program
		Monitor and review achievement of Financial Strategy

CONCLUSION

The results for July 2016 are generally within projections over a range of financial indicators. These results represent one month's transactions and are not necessarily indicative of annual performance. The results compared to budget for the early months of the year can be distorted by the phasing methodology applied to the budget compared to actual project and program progress.



WOLLONG			ICIL	
T Juy	y 2016 to 29 Ju 2016/17 Orginal Budget \$'000	11y 2016 2016/17 Current Budget \$'000	2016/17 YTD Budget \$'000	2016/17 Actual YTD \$'000
Inc	come Staten	nent		
Income From Continuing Operations				
Revenue:				
Rates and Annual Charges	184,035	184,035	14,622	14,627
User Charges and Fees	33,594	33,594	2,646	2,739
Interest and Investment Revenues	4,253	4,253	346	406
Other Revenues	10,205	10,205	778	729
Grants & Contributions provided for Operating Purposes	29,961	29,961	2,388	2,239
Grants & Contributions provided for Capital Purposes	32,947	32,947	2,540	1,085
Total Income from Continuing Operations	294,994	294,994	23,319	21,826
Expenses From Continuing Operations				
Employee Costs	117,960	117,960	9,160	8,884
Borrowing Costs	4,131	4,131	328	344
Materials, Contracts & Other Expenses	89,066	89,066	7,002	5,212
Depreciation, Amortisation + Impairment	64,840	64,840	5,491	5,491
Internal Charges (labour)	(12,352)	(12,352)	(981)	(906)
Internal Charges (not labour)	(1,566)	(1,566)	(124)	(106)
Total Expenses From Continuing Operations	262,079	262,079	20,876	18,918
- Operating Results From Continuing Operations	32,916	32,916	2,443	2,908
Net Operating Result for the Year	32,916	32,916	2,443	2,908
Net Operating Result for the Year before Grants &				
Contributions provided for Capital Purposes	(31)	(31)	(96)	1,822
NET SURPLUS (DEFICIT) [Pre capital] %	11.2%	11.2%	10.5%	13.3

Net Operating Result for the Year before Grants & Contributions provided for Capital Purposes	(31)	(31)	(96)	1,8
NET SURPLUS (DEFICIT) [Pre capital] %	11.2%	11.2%	10.5%	13

Fu	nding Stateme	nt		
Net Operating Result for the Year	32,916	32,916	2,443	2,908
Add back :				
- Non-cash Operating Transactions	78,451	78,451	6,538	6,761
- Restricted cash used for operations	15,013	15,013	1,169	689
- Income transferred to Restricted Cash	(52,636)	(52,636)	(4,195)	(2,520)
- Payment of Accrued Leave Entitlements	(11,943)	(11,943)	(949)	(1,122)
- Payment of Carbon Contributions	0	0	0	0
Funds Available from Operations	61,801	61,801	5,007	6,716
Advances (made by) / repaid to Council	0	0	0	0
Borrowings repaid	(7,285)	(7,285)	0	0
Operational Funds Available for Capital Budget	54,516	54,516	5,007	6,716
CAPITAL BUDGET				
Assets Acquired	(101,627)	(101,627)	(3,326)	(3,731)
Contributed Assets	0	0	0	0
Transfers to Restricted Cash	0	0	0	0
Funded From :-				
- Operational Funds	54,516	54,516	5,007	6,716
- Sale of Assets	1,743	1,743	44	0
- Internally Restricted Cash	21,770	21,770	196	186
- Borrowings	0	0	0	0
- Capital Grants	11,065	11,065	389	522
- Developer Contributions (Section 94)	6,008	6,008	172	129
- Other Externally Restricted Cash	5,620	5,620	511	455
- Other Capital Contributions	850	850	0	7
TOTAL FUNDS SURPLUS / (DEFICIT)	(55)	(55)	2,993	4,285



Manager Project Delivery Division Commentary on July 2016 Capital Budget Report

As at 29 July 2016, year to date expenditure was \$3.7M of the approved capital budget of \$101.6M. This value is \$0.4M more than the initial forecast expenditure of \$3.3M for this period.

The following table summarises the proposed changes to the total Capital Budget by transfer of budget between programs and reduction or introduction of various types of external or loan funding. These changes result is a net reduction of \$1.5M in the overall capital budget to \$100.1M.

Program	Major Points of change to Capital Budget
Traffic Facilities	Introduce RMS funding for multiple existing and new projects. Reallocate \$38.5K of budget from Contingency to Traffic Facilities Program
Road Works	Introduce \$575K of R2R funding for multiple existing projects.
	Reallocate \$100K of budget from Crematorium/Cemetery – Upgrades & Renewal to Road Works Program.
	Re-phase -\$75K of RMS funding from Roadworks Program
Footpaths	Reallocate \$150K of Section 94 funding from Cycle/Shared Path Program to Footpaths Program. Reallocate \$505K from Commercial Centre Upgrades – Footpaths and Cycleways Program to Footpaths Program
Cycle/Shared Paths	Re-phase \$3M of Strategic Projects funding for Grand Pacific Walk Project to future year due to closure of Bulli Pass in 2016-17.
	Introduce R.M.S. funding for existing and new projects
Commercial Centre Upgrades – Footpaths and Cycleways	Re-phase \$495K of LIRS 1 funding for existing project. Reallocate \$505K to Footpaths Program from Commercial Centre Upgrades – Footpaths and Cycleways Program
Floodplain Management	Reallocate \$42K of Stormwater Levy funding from Floodplain Management Program to Stormwater Management Program
Stormwater Management	Reallocate Stormwater Levy funding to Stormwater Management Program from Floodplain Management Program
Administration Buildings	Reallocate \$125K of budget from Community Buildings to Administration Buildings
Community Buildings	Introduce \$33k of funding from Community Building Partnerships Program. Reallocate \$1M of budget to Public Facilities (Shelters, Toilets etc) from Community Buildings Program. Reallocate \$125K of budget from Community Buildings to Administration Buildings Reallocate \$300K from Capital Budget Contingency to Community Buildings Program.
Public Facilities (Shelters, Toilets etc)	Reallocate \$1M of budget from Community Buildings Program to Public Facilities (Shelters, Toilets etc)
Crematorium/Cemetery – Upgrades & Renewal	Reallocate \$100K of budget to Roadworks Program from Crematorium/Cemetery – Upgrades & Renewal. Reallocate \$20K of budget from Contingency to Crematorium/Cemetery – Upgrades & Renewal.
Recreation Facilities	Reallocate \$300K from Capital Budget Contingency to Recreation Facilities Program
Sporting Facilities	Introduce \$55K of funding from Sports Priority Reserve
Beach Facilities	Reallocate \$85K of budget from Treated Water Pools Program to Beach Facilities Program.
Rock/Tidal Pools	Reallocate \$450K of budget from Capital Budget Contingency to Rock/Tidal Pools Program
Treated Water Pools	Introduce funding from Community Building Partnerships Program. Reallocate \$215K of budget from Capital Budget Contingency to Treated Water Pools Program
Capital Project Contingency	Reallocate budget to Traffic Facilities (\$38.5K), Community Buildings (\$300K), Recreation Facilities (\$300K), Rock/Tidal Pools (\$450K), Treated Water Pools (\$300K) and Crematorium/Cemetery – Upgrades & Renewal (\$20K) Programs



	C		PROJECT eriod ended 29		Т		
	\$'0	00	\$'000			\$'00	D
	CURRENT	BUDGET	WORKING B	UDGET		VARIAT	ION
ASSET CLASS PROGRAMME	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING	YTD EXPENDITURE	EXPENDITURE	OTHER FUNDING
Roads And Related Assets							
Traffic Facilities	700	(550)	1,675	(1,486)	165	975	(936)
Public Transport Facilities Roadworks	271 12,720	(20) (3,600)	271 13,315	(20) (4,095)	(0) 683	0 595	0 (495)
Bridges, Boardwalks and Jetties	1,940	(100)	1,940	(100)	119	0	(100)
TOTAL Roads And Related Assets	15,631	(4,270)	17,201	(5,701)	966	1,570	(1,431)
West Dapto							
West Dapto Infrastructure Expansion	9,296	(8,826)	9,296	(8,826)	71	0	(0)
TOTAL West Dapto	9,296	(8,826)	9,296	(8,826)	71	0	(0)
Footpaths And Cycleways							
Footpaths	3,953	(1,000)	4,608	(1,150)	407	655	(150)
Cycle/Shared Paths	9,485	(6,285)	6,740	(3,540)	166	(2,745)	2,745
Commercial Centre Upgrades - Footpaths and Cyclewa	5,615	(1,995)	4,615	(1,500)	350	(1,000)	495
TOTAL Footpaths And Cycleways	19,053	(9,280)	15,963	(6,190)	923	(3,090)	3,090
Carparks							
Carpark Construction/Formalising	350	0	350	0	31	0	0
Carpark Reconstruction or Upgrading	1,221	0	1,221	0	123	(0)	0
·			1,011	·	100	·	Ū
Stormwater And Floodplain Manageme		(500)	0.600	(500)		(40)	(0)
Floodplain Management Stormwater Management	2,550 1,650	(560) (550)	2,508 1,692	(560) (550)	3 55	(42) 42	(0) (0)
Stormwater Treatment Devices	250	(175)	250	(175)	30	(0)	0
TOTAL Stormwater And Floodplain M	4,450	(1,285)	4,450	(1,285)	88	(0)	(0)
Buildings							
Cultural Centres (IPAC, Gallery, Townhall)	1,100	0	1,100	0	3	(0)	0
Administration Buildings Community Buildings	950 12,704	0 (1,960)	1,075	0 (1,993)	10 513	125 (792)	0 (33)
Public Facilities (Shelters, Toilets etc.)	720	(170)	1,720	(170)	6	1,000	0
TOTAL Buildings	15,474	(2,130)	15,807	(2,163)	531	333	(33)
Commercial Operations							
Tourist Park - Upgrades and Renewal	750	0	750	0	o	(0)	0
Crematorium/Cemetery - Upgrades and Renewal Leisure Centres & RVGC	210 150	0	130 150	0	5	(80) 0	0
TOTAL Commercial Operations	1,110	0	1,030	0	5	(80)	0
Parks Gardens And Sportfields							
Play Facilities	1,250	(50)	1,250	(50)	(0)	(0)	0
Recreation Facilities	1,495	(833)	1,795	(833)	330	300	0
Sporting Facilities Lake Illawarra Foreshore	805 150	(290)	860 150	(345) 0	136	55 (0)	(55) 0
TOTAL Parks Gardens And Sportfield	3,700	(1,173)	4,055	(1,228)	467	355	(55)
Beaches And Pools							
Beach Facilities	575	0	660	0	1	85	0
Rock/Tidal Pools	1,210	0	1,660	0	82	450	0
Treated Water Pools	1,190	0	1,415	(10)	134	225	(10)
TOTAL Beaches And Pools	2,975	0	3,735	(10)	216	760	(10)



	C		PROJECT		T		
	\$'00	00	\$'000			\$'00)
	CURRENT	BUDGET	WORKING BI	UDGET		VARIAT	ION
ASSET CLASS PROGRAMME	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING	YTD EXPENDITURE	EXPENDITURE	OTHER FUNDING
Natural Areas							
Natural Area Management and Rehabilitation	525	(250)	525	(250)	1	(0)	0
TOTAL Natural Areas	525	(250)	525	(250)	1	(0)	0
Waste Facilities							
Whytes Gully New Cells	6,790	(6,790)	6,790	(6,790)	15	0	(0)
Whytes Gully Renewal Works Helensburgh Rehabilitation	795 4,129	(795) (4,129)	795 4,129	(795) (4,129)	0	0	0 0
TOTAL Waste Facilities	4,129	(11,714)	4,129	(4, 129)	15	0	(0)
		1					
Fleet Motor Vehicles	1,783	(940)	1,783	(940)	0	(0)	0
TOTAL Fleet	1,783	(940)	1,783	(940)	0	(0)	0
	1,100	(010)	11.00	(010)	•	(0)	·
Plant And Equipment							
Portable Equipment (Mowers etc.) Mobile Plant (trucks, backhoes etc.)	355 3,000	(53) (750)	355 3,000	(53) (750)	(0) 9	(0) (0)	0 (0)
Fixed Equipment	320	0	320	0	(0)	(0)	0
TOTAL Plant And Equipment	3,675	(803)	3,675	(803)	8	(0)	(0)
Information Technology							
Information Technology	1,160	0	1,160	0	26	0	0
TOTAL Information Technology	1,160	0	1,160	0	26	0	0
Library Books							
Library Books	1,194	(66)	1,193	(66)	194	(0)	0
TOTAL Library Books	1,194	(66)	1,193	(66)	194	(0)	0
Public Art							
Public Art Works	200	0	200	0	8	0	0
Art Gallery Acquisitions	110	0	110	0	0	0	0
TOTAL Public Art	310	0	310	0	8	0	0
Emergency Services							
Emergency Services Plant and Equipment	1,800	0	1,800	0	0	0	0
TOTAL Emergency Services	1,800	0	1,800	0	0	0	0
Land Acquisitions							
Land Acquisitions	2,943	(2,825)	2,943	(2,825)	48	0	0
TOTAL Land Acquisitions	2,943	(2,825)	2,943	(2,825)	48	0	0
Non-Project Allocations							
Capital Project Contingency	2,984	0	1,575	0	0	(1,409)	0
Capital Project Plan	280	0	280	0	9	0	0
TOTAL Non-Project Allocations	3,264	0	1,855	0	9	(1,409)	0
Loans							
West Dapto Loan LIRS Loan	0	(2,900) (594)	0	(2,900) (594)	0	0	0
	0	(004)	0	(004)	0		
TOTAL Loans	0	(3,494)	0	(3,494)	0	0	0



	WOLLONGONG CITY	COUNCIL	
		Actual 2016/17 \$'000	Actual 2015/16 \$'000
	BALANCE SHEET		
	CURRENT ASSETS	as at 29/07/16	as at 30/06/16
-	CONTENT AGGETO		
	Cash Assets Investment Securities	98,750 31,727	112,276 31,663
	Receivables	28,359	22,916
	Inventories	6,043	6,028
	Other	4,924	2,924
	Total Current Assets	169,802	175,807
	NON-CURRENT ASSETS		
_			
	Non Current Cash Assets	10,085	10,085
	Property, Plant and Equipment Investment Properties	2,281,786	2,283,578
	Westpool Equity Contribution	4,775 1,310	4,775 1,310
	Intangible Assets	1,042	1,042
	Total Non-Current Assets	2,298,997	2,300,789
	TOTAL ASSETS	2,468,800	2,476,596
_	CURRENT LIABILITIES		
	Current Payables	23,899	34,894
	Current Provisions payable < 12 months	16,926	16,998
	Current Provisions payable > 12 months	37,858	37,858
	Current Interest Bearing Liabilities	6,690	6,690
	Total Current Liabilities	85,373	96,439
	NON-CURRENT LIABILITIES		
	Non Current Interest Bearing Liabilities Non Current Provisions	34,001 44,188	33,940 44,031
	Total Non-Current Liabilities	78,189	77,970
	TOTAL LIABILITIES	163,562	174,410
	NET ASSETS	2,305,238	2,302,186
	EQUITY		
	Accumulated Supplus	1 400 750	1 499 000
	Accumulated Surplus Asset Revaluation Reserve	1,190,750 983,310	1,188,229 983,310
	Restricted Assets	131,177	130,647
	TOTAL EQUITY	2,305,238	2,302,186



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ITEM 16 STATEMENT OF INVESTMENTS - JULY 2016

This report provides an overview of Council's investment portfolio performance for the month of July 2016.

Council's average weighted return for July 2016 was 3.48% which was above the benchmark return of 2.18%. The result was primarily due to the positive marked to market valuation of the Floating Rate Notes, CBA Zero coupon Bond and the NSW Treasury Corp Growth Facility. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity.

RECOMMENDATION

Council receive the Statement of Investments for July 2016.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Manager Finance Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

ATTACHMENTS

- 1 Statement of Investments July 2016
- 2 Investment Income Compared to Budget 2016-2017

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

Council is required to invest its surplus funds in accordance with the Ministerial Investment Order and Division of Local Government guidelines. The Order reflects a conservative approach and restricts the investment types available to Council. In compliance with the Order and Division of Local Government guidelines, Council adopted an Investment Policy on 19 October 2015. The Investment Policy provides a framework for the credit quality, institutional diversification and maturity constraints that Council's portfolio can be exposed to. Council's investment portfolio was controlled by Council's Finance Division during the period to ensure compliance with the Investment Policy. Council's Governance Committee's role of overseer provides for the review of the Council's Investment Policy and Management Investment Strategy.

Council's Responsible Accounting Officer is required to sign the complying Statements of Investments contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

Council's investment holdings as at 29 July 2016 were \$141,102,780 (Statement of Investments attached) [31 July 2015 \$140,218,560].

During July, Council posted a weighted average return of 3.48% (annualised) compared to the benchmark return of 2.18% (annualised Bloomberg Bank Bill Index). The result was primarily due to the positive marked to market valuation of the Floating Rate Notes, CBA Zero coupon Bond and the NSW Treasury Corp Growth Facility. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity.

At 29 July 2016, year to date interest and investment revenue of \$362,649 was recognised compared to the year to date budget of \$256,712.



Council's CBA Zero Coupon Bond recorded an increase in value for July of \$18,400. The valuation methodology used by Laminar (Council's investment consultants) discounts the bond using a margin for a straight four year CBA obligation but also considers the illiquidity premium, this being a restructured deal and there being limited bids on the security. As this bond gradually nears maturity, movements in interest rates and liquidity will have less of an impact on the securities valuation. While there will be short term fluctuations along the way, the investments valuation will gradually increase to its \$4M maturity value. Council's twelve floating rate notes had a net increase in value of \$42,440 for July.

Council holds two Mortgaged Backed Securities (MBS) recorded a net decrease in value of \$47,986 for July. These investments continue to pay higher than normal variable rates. While the maturity dates are outside Council's control, the investment advisors had previously indicated that capital is not at risk at that stage and recommended a hold strategy due to the illiquid nature of the investment.

The NSW T-Corp Long-Term Growth Facility recorded an increase in value of \$50,993 in July. The fluctuation is a reflection of the current share market volatility both domestically and internationally.

During the August 2016 RBA meeting, the official cash rate was cut by a further 25 points down, from 1.75% to a new record low of 1.50%. The RBA has advised that it would continue to assess the outlook and adjust policy as needed to foster sustainable growth in demand and inflation outcomes consistent with the inflation target over time. The current inflation rate is quite low and below target.

This report complies with Council's Investment Policy which was endorsed by Council on 19 October 2015. Council's Responsible Accounting Officer has signed the complying Statements of Investments contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal '*We are a connected and engaged community*'. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-17	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
4.4.5 Finances are managed effectively to ensure long	4.4.5.1 Effective and transparent financial	Provide accurate and timely financial reports monthly, quarterly and via the annual financial statement
term financial sustainability	management systems are in place	Continuous Budget Management is in place, controlled and reported
ouotainabiity		Manage and further develop compliance program
		Monitor and review achievement of Financial Strategy



WOLLONGONG CITY COUNCIL STATEMENT OF INVESTMENTS 29 July 2016

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DIRECT INVESTMENTS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
NAB Professional Maximiser	A-1+	-	8,982,932	11am	29/07/2016	29/07/2016	2.15%
NAB General Fund	A-1+	-	3,584,092	11am	29/07/2016	29/07/2016	2.15%
BWest	A1+	1,000,000	1,000,000	T/Deposit	04/04/2016	02/08/2016	3.00%
BWest	A1+	1,000,000	1,000,000	T/Deposit	06/06/2016	05/08/2016	2.85%
ANZ	A1+	2,500,000	2,500,000	T/Deposit	06/08/2015	06/08/2016	3.06%
NAB	A1+	2,500,000	2,500,000	T/Deposit	06/08/2014	08/08/2016	3.74%
CBA	A1+	2,000,000	2,000,000	T/Deposit	11/09/2015	09/08/2016	2.85%
ME	A2	2,500,000	2,500,000	T/Deposit	27/02/2015	22/08/2016	2.90%
CBA	A1+	2,000,000	2,000,000	T/Deposit	27/02/2015	22/08/2016	3.05%
BOQ	A2	2,000,000	2,000,000	T/Deposit	10/03/2016	09/09/2016	3.10%
IMB	A2	2,000,000	2,000,000	T/Deposit	11/09/2015	12/09/2016	2.80%
ME	A2	3,000,000	3,000,000	T/Deposit	18/01/2016	14/09/2016	3.10%
ME	A2	2,000,000	2,000,000	T/Deposit	18/01/2016	14/09/2016	3.10%
CBA	A1+	1,000,000	1,000,000	T/Deposit	23/12/2015	19/09/2016	2.97%
STG	A1+	1,000,000	1,000,000	T/Deposit	23/12/2015	19/09/2016	2.87%
NAB	A1+	1,000,000	1,000,000	T/Deposit	29/02/2016	30/09/2016	3.02%
NAB	A1+	1,000,000	1,000,000	T/Deposit	02/05/2016	04/10/2016	3.09%
SUN	A1	2,000,000	2,000,000	T/Deposit	06/06/2016	04/10/2016	2.95%
CBA	A1+	2,000,000	2,000,000	T/Deposit	09/05/2016	10/10/2016	2.72%
WBC	A1+	2,000,000	2,000,000	T/Deposit	24/04/2015	19/10/2016	2.90%
BEN	A2	1,500,000	1,500,000	T/Deposit	26/10/2015	25/10/2016	2.90%
BEN	A2	2,000,000	2,000,000	T/Deposit	29/09/2015	28/10/2016	3.00%
IMB	A-2	1,000,000	1,000,000	T/Deposit	01/07/2016	31/10/2016	2.70%
BWest	A1+	1,000,000	1,000,000	T/Deposit	03/02/2016	03/11/2016	2.85%
СВА	A1+	2,000,000	2,000,000	T/Deposit	23/12/2015	17/11/2016	2.97%
NAB	A1+	2,000,000	2,000,000	T/Deposit	18/01/2016	18/11/2016	3.01%
ME	A2	1,000,000	1,000,000	T/Deposit	25/02/2016	21/11/2016	3.00%
NAB	A1+	1,000,000	1,000,000	T/Deposit	29/02/2016	30/11/2016	3.00%
BWest	A1+	1,000,000	1,000,000	T/Deposit	07/12/2015	06/12/2016	2.90%
NAB	A1+	1,030,000	1,030,000	T/Deposit	17/12/2015	19/12/2016	3.03%
BEN	A2	2,000,000	2,000,000	T/Deposit	29/09/2015	22/12/2016	3.05%
BWest	A1+	2,000,000	2,000,000	T/Deposit	23/12/2015	22/12/2016	3.00%
BWest	A1+	1,000,000	1,000,000	T/Deposit	04/01/2016	03/01/2017	3.00%
ME	A2	2,000,000	2,000,000	T/Deposit	17/12/2015	16/01/2017	3.05%
SUN	A1	2,000,000	2,000,000	T/Deposit	23/12/2015	23/01/2017	3.00%
WBC	A1+	3,000,000	3,000,000	T/Deposit	31/07/2015	31/01/2017	2.74%
SUN	A1	2,000,000	2,000,000	T/Deposit	06/06/2016	31/01/2017	3.00%
BOQ	A2	2,000,000	2,000,000	T/Deposit	04/01/2016	03/02/2017	2.95%
IMB	A2	2,000,000	2,000,000	T/Deposit	28/08/2015	28/02/2017	2.80%
NAB	A1+	1,500,000	1,500,000	T/Deposit	31/08/2015	28/02/2017	2.79%
SUN	A1	2,000,000	2,000,000	T/Deposit	13/07/2016	10/03/2017	2.75%
BEN	A2	1,000,000	1,000,000	T/Deposit	11/09/2015	13/03/2017	2.90%
BOQ	A2	2,000,000	2,000,000	T/Deposit	26/02/2016	29/03/2017	3.00%
NAB	A1+	1,000,000	1,000,000	T/Deposit	29/02/2016	30/03/2017	2.95%
CBA	A1+	1,000,000	1,000,000	T/Deposit	23/03/2016	20/04/2017	2.88%
BWest	A1+	1,000,000	1,000,000	T/Deposit	23/03/2016	21/04/2017	2.85%
STG	A1+	2,000,000	2,000,000	T/Deposit	23/03/2016	24/04/2017	2.87%
SUN	A1	1,000,000	1,000,000	T/Deposit	23/03/2016	26/04/2017	2.85%
ME	A2	2,500,000	2,500,000	T/Deposit	18/02/2016	15/05/2017	3.13%
STG	A1+	1,500,000	1,500,000	T/Deposit	27/11/2015	25/05/2017	2.81%
SUN	A1	1,500,000	1,500,000	T/Deposit	27/11/2015	26/05/2017	2.81%
ME	A2	1,000,000	1,000,000	T/Deposit	23/12/2015	15/06/2017	3.15%
SUN	A1	1,500,000	1,500,000	T/Deposit	24/05/2016	23/06/2017	2.85%
STG	A1+	2,000,000	2,000,000	T/Deposit	27/05/2016	26/06/2017	2.70%
BEN	A2	2,000,000	2,000,000	T/Deposit	31/07/2015	31/07/2017	3.00%
BOQ	A2	3,000,000	3,000,000	T/Deposit	28/08/2015	28/08/2017	2.80%
BEN	A2	1,000,000	1,000,000	T/Deposit	11/09/2015	11/09/2017	2.95%
SUN	A1	2,000,000	2,000,000	T/Deposit	24/05/2016	24/11/2017	2.85%
CBA	A1+	2,000,000	2,000,000	T/Deposit	27/05/2016	27/11/2017	2.71%
Total	/hat	2,000,000	109,097,024	Treposit	21/03/2010	27/11/2017	2.7 270
iutai			103,037,024				



WOLLONGONG CITY COUNCIL STATEMENT OF INVESTMENTS 29 July 2016 continued

Bond and Floating Rate Note Securities

DIRECT INVESTMENTS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
Commonwealth Bank Australia zero coupon							
bond with a \$4M face value	A-1+	2,000,000	3,784,800	BOND	21/01/2008	22/01/2018	
CBA	AA-	1,000,000	1,003,080	FRN	19/10/2015	19/10/2018	2.72%
CUA	BBB+	3,000,000	3,010,290	FRN	01/04/2016	01/04/2019	3.56%
Westpac	AA-	3,000,000	3,034,350	FRN	11/03/2016	10/05/2019	3.00%
Greater Bank Ltd	BBB+	2,000,000	2,010,020	FRN	07/06/2016	07/06/2019	3.59%
Bendigo Bank	A-	1,000,000	994,920	FRN	16/09/2015	17/09/2019	2.93%
NAB	AA-	3,000,000	2,995,950	FRN	24/06/2015	03/06/2020	2.80%
Bendigo Bank	A-	2,000,000	1,998,760	FRN	18/08/2015	18/08/2020	3.09%
SUN Corp	AA-	1,500,000	1,505,550	FRN	20/10/2015	20/10/2020	3.18%
NAB	AA-	1,000,000	1,009,710	FRN	05/11/2015	05/11/2020	3.12%
SUN	AA-	2,000,000	2,013,180	FRN	12/04/2016	12/04/2021	3.35%
AMP	A+	2,000,000	2,019,480	FRN	24/05/2016	24/05/2021	3.35%
Westpac	AA-	3,000,000	3,023,220	FRN	03/06/2016	03/06/2021	3.17%
EMERALD A Mortgage Backed Security *	AAA	683,599	522,605	M/Bac	17/07/2006	21/08/2022	2.45%
EMERALD B Mortgage Backed Security *	AA	2,000,000	1,300,080	M/Bac	17/07/2006	21/08/2056	2.75%
Total			30,225,995				

Managed Funds & Other

Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Purchase Date	Monthly Return (Actual)	Annualised % p.a.	FYTD (Actual)
Tcorp Long Term Growth Facility Trust	N/A	1,131,841	1,779,759	13/06/2007	2.95%	34.73%	34.73%

Investment Body	Face Value			Security	
Southern Phone Company		2			shares
	TOTAL INVI	STMENTS	\$	141,102,780	

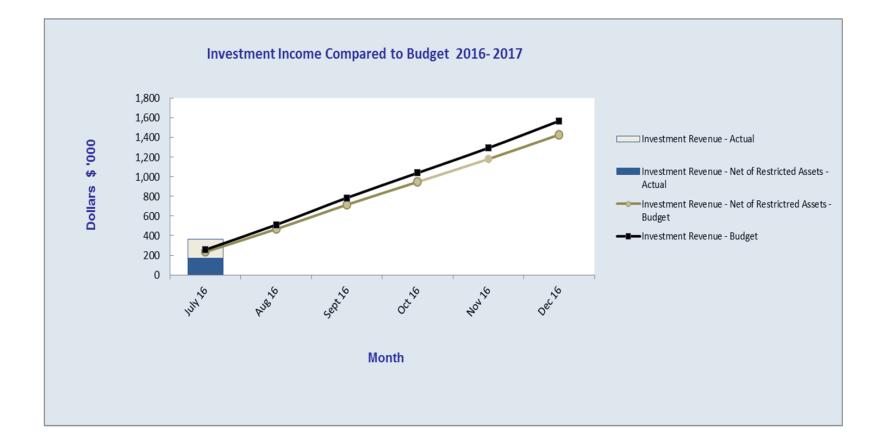
* The maturity date provided is the weighted-average life of the security. This is the average amount of time that will elapse from the date of security's issuance until each dollar is repaid based on an actuarial assessment. Assessments are carried out on a regular basis which can potentially extend the life of the investment. Current assessments anticipate an extension of life of the investment.

This is to certify that all of the above investments have been placed in accordance with the Act, the regulations and Council's Investment Policies.

Brian Jenkins RESPONSIBLE ACCOUNTING OFFICER









File: IW-911.01.152 Doc: IC16/100177

ITEM 17 CITY OF WOLLONGONG TRAFFIC COMMITTEE - MINUTES OF MEETING HELD 10 AUGUST 2016

A meeting of the City of Wollongong Traffic Committee was held on 10 August 2016.

Items 1 - 8 and items 11 - 12 have been adopted by Council through delegated authority.

Items 9 - 10 of the meeting must be determined by Council and are recommended to Council for approval for the temporary regulation of traffic on public roads for works or events by independent parties.

RECOMMENDATION

In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meeting held on 10 August 2016 in relation to the Regulation of Traffic be adopted.

REPORT AUTHORISATIONS

Report of:Mike Dowd, Manager Infrastructure Strategy and PlanningAuthorised by:Mike Hyde, Director Infrastructure and Works - Community Assets and Liveable City

ATTACHMENTS

- 1 Standard Conditions for Road Closures
- 2 Station Street, Thirroul St Michael's Annual School Fete
- 3 'Thunder Run' Motorbike Event Sunday 30th October 2016

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines – *Council Decision Making During Merger Proposal Periods.*

BACKGROUND

REGULATION OF TRAFFIC

9 THIRROUL

Station Street – St Michael's Catholic School Annual Fete - Saturday 22 October 2016

Background:

As in previous years, the St Michael's Catholic School Community is proposing to close a one way section of Station Street, Thirroul in order to hold their Annual Fete. Providing signs and barriers are installed in Lawrence Hargrave Drive on the approaches to the intersection with Station Street, the proposed closure will be workable.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed road closure be approved subject to the submitted traffic management plans (Attachment 2) the provision of signs and barriers within Lawrence Hargrave Drive and Council's Standard Conditions for Road Closures. (Attachment 1).

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10 WOLLONGONG

Endeavour Drive – 'Thunder Run' Motorbike Event – Sunday 30 October 2016

Background:

Council has been contacted by The Sound Campaign who are organising the 2016 Harley Owners Group event in Wollongong. There will be a number of separate events organised for owners and the general public over the weekend of $28^{th} - 30^{th}$ October 2016.

The only part which involves traffic controls and road closures is the 'Thunder Run' to be held on Sunday 30th October. It is proposed to start the event at Flagstaff Hill with a procession of motor bikes – up to 2000 participants – which will end at Stuart Park, North Wollongong. The procession part of the event requires approval from NSW Police and NSW Roads and Maritime Services as it is a moving vehicle event.

The plans included traffic controls at the Bus Terminus on Marine Drive however the Meeting agreed that the route services could be relocated to Burelli Street, immediately west of Harbour Street for the day on 30 October 2016.

The first commercial Cruise Ship will also arrive in Port Kembla on 30 October 2016 and event organisers will be free to manage coach services in the Marine Drive Terminus.

The Council component involves traffic controls at the end of Cliff Road to manage the entry of the motor bikes into Stuart Park at the end of the event and the closure of Endeavour Drive at the start of the 'Thunder Run'. The road closure for Endeavour Drive takes effect from 6am to 1pm on Sunday 30th October 2016.

PROPOSAL SUPPORTED UNANIMOUSLY

The road closure of Endeavour Drive be approved subject to:

- a The submitted traffic management plans (Attachment 3) where the traffic controls are to be deleted for the Marine Drive Bus Terminus.
- b Council's Standard Conditions for Road Closures (Attachment 1).
- c A proviso that the organisers obtain permission from NSW Police and NSW Roads and Maritime Services for the 'Thunder Run' between Flagstaff Hill Wollongong to Shellharbour and return to Stuart Park North Wollongong on Sunday 30 October 2016.
- d The temporary signs be installed in Burelli Street, immediately west of Harbour Street to provide for a route service bus terminus on Sunday 30 October 2016.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal under the objective Community Goal 6 – We have sustainable, affordable and accessible transport.

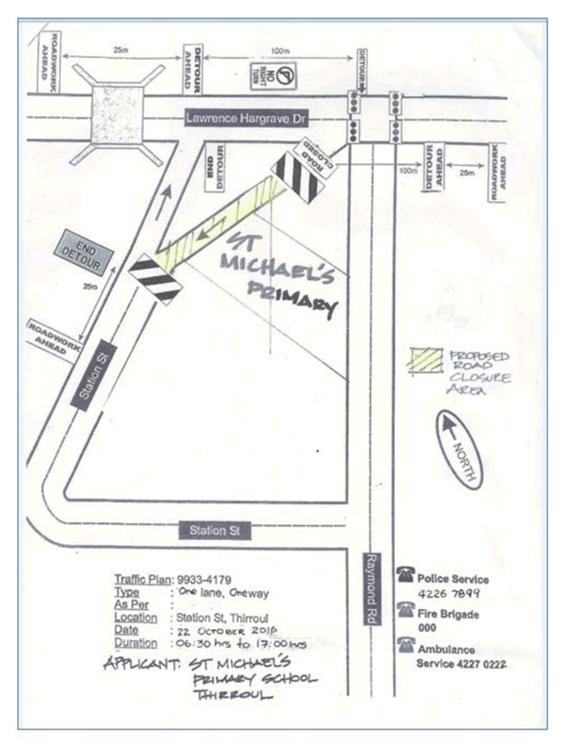
It specifically delivers on core business activities as detailed in the Transport Services Plan 2016 – 2017.



Attachment 1 - Standard Conditions for Road Closures

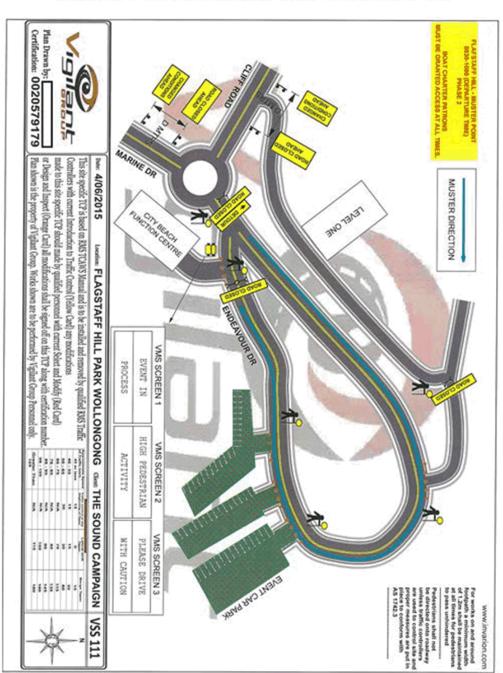
	Standard Conditions for Road Closures For Special Events and Work Related activities Within Council Road Reserves.	
	llowing approval by Wollongong City Council, road closures are subject to the additional Council nditions:	
1.	The Applicant must complete the Council form 'Application to Open and Occupy or Underbore a Roadway or Footpath' (Refer to Checklist below – relates to Section 138 of the Roads Act.)	
2.	NSW Police Approval: The Applicant must obtain written approval from NSW Police, where required under the Roads Act.	
3.	If the Road Closure is within 100m of any traffic control signals or on a 'State Classified Road' the Applicant must obtain a Road Occupancy Licence (ROL) from NSW Roads & Maritime Services (RMS).	
4.	The Applicant must advise all affected residents and business owners within the closure area of the date/s and times for the closure, at least 7 days prior to the intended date of works.	
5.	The Applicant must advise Emergency Services: Ambulance, Fire Brigade and Police, Taxi and Bus Companies of the closure dates and times in writing, 7 days prior to the intended date of works. The Applicant must endeavour to minimise the impact on bus services during the closure.	
6.	Traffic Management Plan: The closure must be set up in accordance with the approved Traffic Management Plan (TMP) prepared by an appropriately qualified traffic controller, a copy of whose qualifications must be included with the submitted TMP.	
7.	Traffic Management Plan Setup: The Traffic Management Plan must be set up by appropriately qualified traffic control persons or the NSW Police.	
8.	Access to properties affected by the road closure must be maintained where possible. Where direct access cannot be achieved, an alternative arrangement must be agreed to by both the applicant and the affected person/s.	
9.	Public Notice Advertisement: The Applicant must advertise the road closure in the Public Notices section of the local paper, detailing closure date/s and times at least 7 days prior to the closure.	
10	Public Liability Policy: The Applicant must provide Council with a copy of their current insurance policy to a value of no less than \$20 million dollars to cover Wollongong City Council from any claims arising from the closure.	
Check		
	Completed Council Form: 'Application to Open and Occupy or Underbore a Roadway or Footpath'.	
Requir	red information as shown below MUST be attached:	
	A copy of the letter from the Traffic Committee authorising the closure	
	The Traffic Management Plan (TMP)	
	The Road Occupancy Licence (ROL) if required	
	Written approval from NSW Police	
	Public Liability Insurance	
Applic	ations may be lodged in the Customer Service Centre located on the Ground Floor of Council's	
Admini	stration Building, 41 Burelli Street Wollongong between 8.30am and 5cm Monday to Friday.	ſ





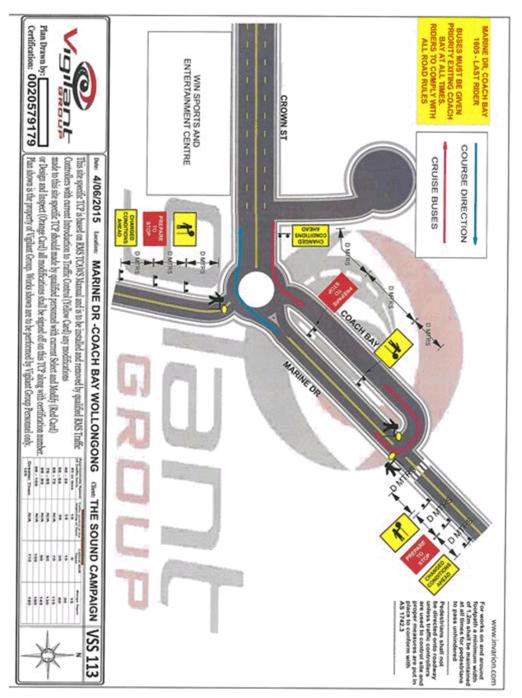
Attachment 2 - Station Street, Thirroul - St Michaels Annual School Fete





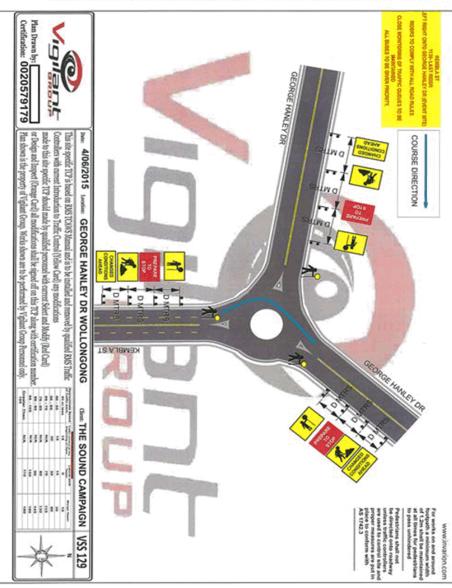
Attachment 3 - 'Thunder Run' Motorbike Event - Sunday 30th October 2016 - 1 of 4





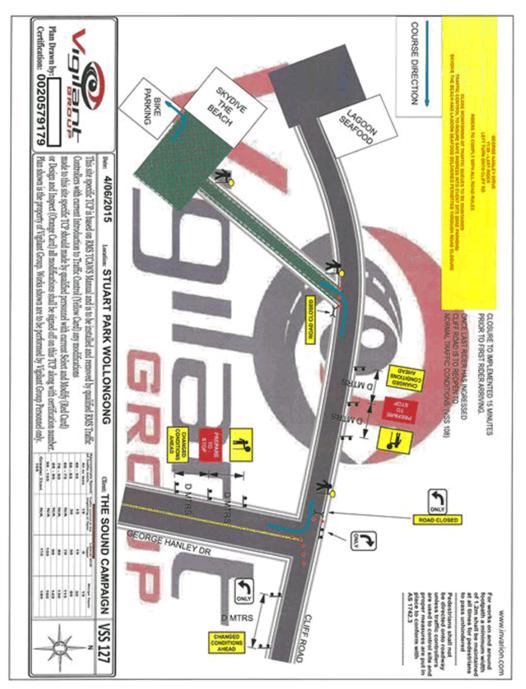
Attachment 3 - 'Thunder Run' Motorbike Event - Sunday 30th October 2016 - 2 of 4





Attachment 3 - 'Thunder Run' Motorbike Event - Sunday 30th October 2016 - 3 of 4





Attachment 3 - "Thunder Run" Motorbike Event - Sunday 30th October 2016 - 4 of 4



File: GI-80.12.020 Doc: IC16/100218

ITEM 18 BI-MONTHLY TABLING OF RETURNS OF DISCLOSURES OF INTEREST AND OTHER MATTERS

The Local Government Act 1993 requires the General Manager to table all Returns of Disclosures of Interest lodged by persons nominated as designated persons. Returns are submitted to Council on a bi-monthly basis.

RECOMMENDATION

Council note the tabling of the Returns of Disclosures of Interest as required by Section 450A of the Local Government Act 1993.

REPORT AUTHORISATIONS

Report of: Kylee Cowgill, Manager Governance and Information Authorised by: Greg Doyle, Director Corporate and Community Services - Creative, Engaged and Innovative City

ATTACHMENTS

1 Returns of Disclosures of Interests and Other Matters (to be tabled).

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - Council Decision Making During Merger Proposal Periods.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "We are a connected and engaged community". It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2015-16.