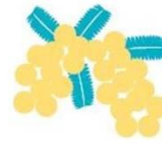


Cootamundra-Gundagai Regional Council



PO Box 420
COOTAMUNDRA NSW 2590
Email: mail@gundagai.nsw.gov.au

Cootamundra Area: Ph: 02 6940 2100
www.cootamundra.nsw.gov.au

Gundagai Area: Ph: 02 6944 0200
www.gundagai.nsw.gov.au

TABLED DOCUMENTS

ORDINARY COUNCIL MEETING

10 OCTOBER 2016

Joint Organisations:

Getting the boundaries right



SEPTEMBER 2016

Why are we building Joint Organisations?

Joint Organisations are a vital part of the NSW Government's plan to strengthen councils and communities.

A network of robust, connected Joint Organisations (JOs) will provide a forum for councils, State agencies and others to come together at a regional level to work on shared priorities. This will help to deliver important regional projects, delivering better outcomes for communities.

We are working with councils to develop a shared model for JOs. This model has been built through consultation and the experiences of five Pilot regions, which trialled options for the model during 2015.

JOs will work with local councils and State agencies to develop new ways of working together and with others, and a real commitment to change from everyone involved.

What will they do?

JOs will undertake three core functions:

- regional strategic planning and priority setting
- intergovernmental collaboration
- regional leadership and advocacy

The Office of Local Government recently consulted on a proposed model through the paper, *Joint Organisations: Towards a new model for regional collaboration*. That paper in turn reflected feedback in response to an initial paper, *Joint Organisations: Emerging Directions*, released in October 2015.

There has been positive feedback and strong support to date. An independent evaluation has confirmed that JOs can enhance regional strategic planning and intergovernmental collaboration to benefit regions.



Why are boundaries important?

Regional and rural councils will each be a voting member of a JO, providing a stronger voice for their local community at a regional level. In light of their unique circumstances, separate regional arrangements are being developed for Far West councils as part of the Far West Initiative.

Building a robust, reliable body for councils at a regional level will help to connect member councils' local plans and priorities with planning by other levels of government. It will also promote the active participation and commitment of all councils and agencies in each region. Clear boundaries will provide everyone with certainty and provide a basis to build the strongest possible relationships over time.

How big should Joint Organisations be?

While fifteen JOs were originally considered, the Government has yet to make a decision about the number of JOs or their final boundaries.

Our most recent feedback indicates that councils are open to considering forming part of a larger JO, perhaps with sub-regional arrangements. This would help to reduce resourcing costs for member councils and help to accommodate existing council relationships.

Which councils should work together?

Each JO will focus on delivering its three core functions through a shared model, helping to strengthen collaboration to deliver better community outcomes. As such, the boundaries will need to bring together members to fulfil those core functions for a specific region.

Importantly, councils will still be able to work with other councils outside their JO. This could be achieved by becoming an Associate (non-voting) member of another JO or simply continuing existing initiatives to deliver shared services, procurement, etc.

What are the boundary criteria?

The NSW Government has consulted councils on criteria for setting JO boundaries several times since releasing *Fit for the Future* in 2014. The final criteria, which are set out in the box below, have been generally supported by councils.

Each JO should

- ✓ align or 'nest' within strategic growth planning boundaries
- ✓ demonstrate clear **community of interest** between member councils and regions
- ✓ not adversely impact on other councils or JOs, for example, leaving too few councils to form a JO
- ✓ be based around a strong regional centre, where possible
- ✓ be of appropriate **scale and capacity** to partner with the NSW Government, Commonwealth Government and other partners.

What is a *community of interest*?

For the purposes of determining JO boundaries, a community of interest may exist where member councils and the local communities they serve share common or closely related interests and goals, are geographically connected, share similar social and cultural identities and the sense that they 'belong together' as part of a cohesive region. Community of interest also relates to the ways that councils are bound together by common planning and growth interests.

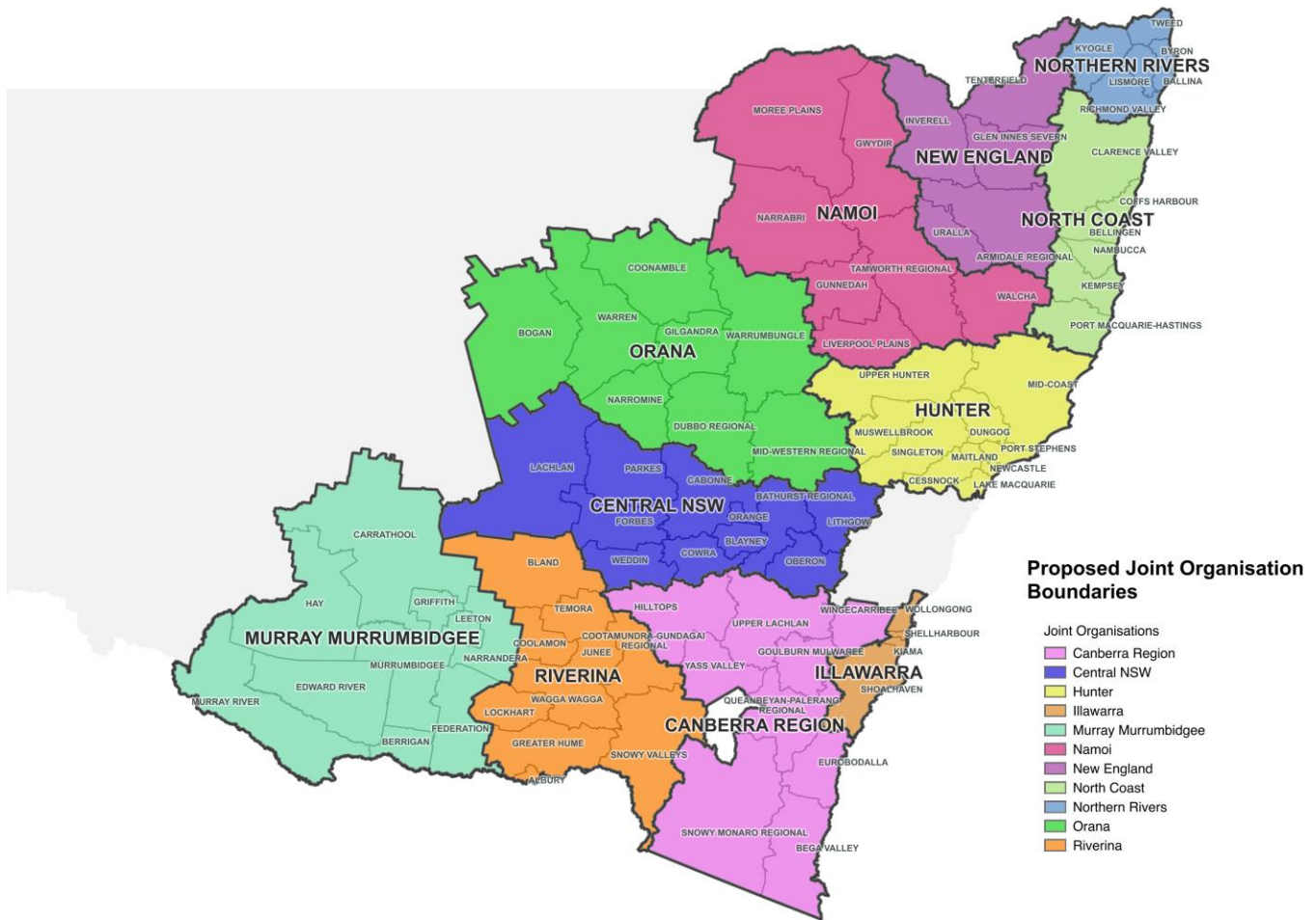
Why do JOs need *scale and capacity*?

Feedback received to date has emphasised that JOs need to be both viable and workable. They will need to promote consistent regional strategic planning, priority setting and collaboration.

JOs will also need to be capable of supporting member councils through coordinating optional functions such as sharing data, systems, staff, services, tools and expertise.

What are the proposed boundaries?

The proposed map below is based on the final boundary criteria and feedback to date. This is designed to be a basis for further discussion and consideration.



Have your say

All councils in regional and rural NSW are invited to provide feedback on the proposed map of JO boundaries by **5pm on Thursday 27 October 2016** via email to jointorganisations@olg.nsw.gov.au.

A decision on boundaries will then be made and the final members of each JO announced. It is intended that each JO will be proclaimed under the *Local Government Act 1993* to begin operation in early 2017.

Further information

Please contact the Joint Organisations Team at the Office of Local Government on 02 4428 4100 or via email at jointorganisations@olg.nsw.gov.au.

Gundagai Council



Cootamundra Office

Cootamundra Aerodrome Event Application Form

Section A- about your organisation

Name of organisation:

Southern Cross Gliding Club Inc.

Are you a not for profit organisation: Yes

Is the organisation incorporated? Yes

Does your organisation have an Australian Business Number?

Yes ABN: 94 155 239 950

Is the organisation registered for GST? Yes

Postal Address:

Street Number: N/A

Street: Aerodrome Road (off Macquarie Grove Road)

PO Box: 132

Suburb: Camden NSW

Post Code: 2570

Rates for the hire of the Main Aerodrome Runway \$1,010 per day (2016/17).

Rates for the hire of the Terminal Building are \$345 per day (2016/17).

Security deposit for each hire \$1,010 per booking (2016/17)

Users are required to identify and assess hazards, and to minimise as far as reasonably practicable the risk of injury or property damage.

Your organisation needs Public Liability insurance of \$20 million?

Please submit a copy to Council. – Attached Y

Does your organisation have driver insurance? No

Please submit a copy to Council.

Applicant organisation details

Contact Person: Mr.

Surname: Nixon

First name: Bill

Position held: Expeditions Officer

Contact Numbers- Business: 02 8883 4554

Mobile: 0419 478 557

Email: wnixon@bigpond.net.au

Section B: Event Details

Event Name: Cross Country Annual summer Camp

Proposed Event Date: from 26-12-16 to 15-1-17

Event Description: Describe activity and participants

The Annual Cross Country Gliding Camp is organised by our Club to enable experienced cross country pilots to carry out long distance flights and to train new pilots with limited or no cross country flight experience to fly long distances cross country. Approximately 10-12 gliders, one Piper Pawnee Tug plane and 30 (or more) pilots normally take part in our Club's Summer Cross Country Camp, which has been held at Cootamundra aerodrome on several occasions over recent years. Council has on past occasions waived runway hire charges and allowed our Club the use of the Terminal Building for a low fee to cover the cost of power and water used. We would appreciate if the same generous terms were extended once again to our not for profit organization. In return our club can offer local residents the opportunity to enjoy Air Experience Flights in one of our two seat gliders at a significant discount to the charges applicable for the same flights at Camden. Local businesses (motels, shops, restaurants and Clubs) also benefit from the extra business created by the influx of our members to your town.

Does your activity require CASA approval? No

Does your event require the closing of a runway? No

Times of activity or display: Start date and time: Daily 9:00 am

End date and time: Daily 8:30 pm

Types of aviation or vehicle activity (please tick item(s))

Aerobatics

Helicopter Rides

Joy Flights

Ultralight Aircraft

Parachuting

Vintage Aircraft

Gliding **X**

Balloon Flights

Model Aircraft

Motor Vehicle Tests -publicity

Motor Vehicle Competition

Motor Vehicle Display

Other (please describe): Air Experience flights on gliders

Has an event management plan been prepared? No:

If yes, please attach.

Information Regarding Safety and Risk Management

The Southern Cross Gliding Club Inc. operate under rules set by the GFA (in agreement with CASA) which comprehensively deal with Risk and Safety Management and our Club's Senior Instructor(s) present at the camp are responsible for following these rules and running a safe operation at all times.

Applicant Signature: 

- **Emergency Contacts:**
- **Council contact number during working hours is -69402100.**
- **Emergency after hours phone number is- 0429 278 956**
- **Hospital is located in Mackay Street (west end) -phone 69420444**
- **Medical Centre is located in Mackay Street (west end) -phone 69420222**
- **For Police, Ambulance and Fire -phone 000.**
- **SES -phone 132 500.**



Certificate of Insurance

QBE INSURANCE (AUSTRALIA) LIMITED
ABN 78 003 191 035

Aviation
Level 6, 2 Park St
Sydney
New South Wales 2000

Tel: +61 2 9375 4445
Fax: +61 3 8602 9911

Policy Number

Date Effective

02 Q62 0012696

31/01/16

Policy Type	Hangarkeeper's Liability Insurance Policy		
Insured	Southern Cross Gliding Club Inc		
Interested Parties			Nature of Interest
	Camden Airport Limited		Lessor
Period of Insurance	From 31/01/16 at 1600 hours to 31/01/17 at 1600 hours		
Currency	Australian Dollars		
Geographic Limits	Australia		

Sum Insured

CAMDEN AIRFIELD, CAMDEN


Deductibles	Section 1	\$1,000,000	Refer Attached Endorsement	
	Section 1			\$20,000,000

Applicable Endorsements

Asbestos Exclusion Clause
Competition And Consumer Act (2011)
Date Recognition Exclusion Clause (QBE 2000A)
Additional Endorsements
Year 2000 Write Back Wording

Important Notice: This certificate is for information purposes only and is not intended to disclose all terms and conditions associated with this contract of insurance. Please refer to the full policy documentation for further information.

Signed:


Graham Price
Business Relationship Manager

Date: 21/6/16



NSW RURAL FIRE SERVICE



Ken Trethewey
Cootamundra – Gundagai
Regional Council

P16

9/09/2016

Dear Ken

The NSW Rural Fire Service requests that as the aerodrome operator, the Cootamundra - Gundagai Regional Council formally requests the Aeronautical Information Service that a Notice to Airmen (NOTAM) be promulgated to effect the following:

During firefighting operations conducted from Cootamundra Aerodrome, Taxiway A be closed to all aircraft except firefighting aircraft. The closure will be made effective by the presence of firefighting aircraft on Taxiway A.

During firefighting operations the maximum takeoff weight permitted from Cootamundra Aerodrome is 7257 kg for firefighting aircraft. For all other aircraft, the 5700 kg limit remains in place.

Further, the Cootamundra - Gundagai Regional Council as the aerodrome operator requests that the Aeronautical Information Service leaves the NOTAM as specified above in place until information can be inserted into the En Route Supplement Australia (ERSA) to make the above instruction a permanent feature.

Thank you for your consideration and we look forward to hearing from you.

Your sincerely

Andrew Dillon
District Manager
South West Slopes Zone

Postal address

NSW Rural Fire Service
PO Box 40
HARDEN NSW 2587

Street address

NSW Rural Fire Service
Cnr East & Albury Streets
HARDEN NSW 2587

www.rfs.nsw.gov.au

T (02) 6386 3170
F (02) 6386 3537
E andrew.dillon@rfs.nsw.gov.au

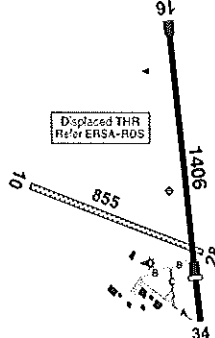
AIP Australia

10 NOV 2016

FAC YCTM - 1

COOTAMUNDRA
AVFAX CODE 2132

ELEV 1110



NSW
S 34 37.5 E 148 02.1 UTC +10 YCTM
AD OPR Cootamundra Shire Council, PO Box 420, Cootamundra, NSW, 2590. PH 02 6940 2100. FAX 6940 2127. REG

HANDLING SERVICES AND FACILITIES
Aero Refuellers AVGAS; Bowser accepts Aero Refuellers carnet card, MC, VISA (debit and credit). For information phone 02 6041 1599 (Office HR). South West Jet Fuel Pty Ltd: JET A1 PH 0408 692 512. CTC operator to check availability. Call out fees may apply after hours. VISA or MC.

APRONS AND TAXIWAYS
TWY A AVBL to ACFT up to Code B (See AIP ENR 1.1 Section 70)

AERODROME OBSTACLES
Power lines 1400 E of RWY 28 RWS end, 190FT AGL.

PHYSICAL CHARACTERISTICS

- | | | | | | |
|-------|-----|-----|------------------------------|--------|--------|
| 10/28 | 099 | 28c | Unrated. Grassed black clay. | WID 30 | RWS 90 |
| 16/34 | 162 | 46a | PCN 2 /F /B /650 (94PSI) /T | WID 18 | RWS 90 |
1. RWY 16/34 18(60), widens to 30(100) at N end. Not AVBL to ACFT ABV 5,700KG.
 2. RWY 10/28 and all grass areas not AVBL to ACFT ABV 5,700KG.
 3. RWY 34 - PERM 300M displaced THR indicated by 6 green inset lights.

AERODROME AND APPROACH LIGHTING

RWY 16/34 LIRL PAL 122.4
RWY edge light spacing: 16/34: 90M.

OTHER LIGHTING

TWY LGT: Blue edge.

ATS COMMUNICATIONS FACILITIES

FIA	MELBOURNE CENTRE	124.1	Circuit area (ARR/DEP EAST)
FIA	MELBOURNE CENTRE	134.65	4,000FT (ARR/DEP WEST)

LOCAL TRAFFIC REGULATIONS

Right Hand circuits required at NIGHT when OPR on RWY 34.

CTAF 126.7

CHARTS RELATED TO THE AERODROME

1. WAC 3456, 3457
2. Also refer to AIP Departure & Approach Procedures.

Information may be continued on the next page: PTO

Tabled Document 5

October 2016

Pages 11-37



COOTAMUNDRA GUNDAGAI REGIONAL COUNCIL Swimming Pool Operations Plan - 2016 -2017 Season

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Operations Plan - 2016 -2017 Season

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1. Introduction

This Operations Plan provides the instructions necessary for Pool Council Contractor and Council staff to administer the routine functions of its swimming pool facilities.

The aim of this Operations Plan is to provide facilities which promote a healthy lifestyle and social interaction for the residents and visitors of the Shire.

The Gundagai Shire Council & Mako's Maintenance and Engineering(MME) Swimming Pool Operations Plan takes into consideration all aspects of the operation and use of the pool complex and facilities and the roles and responsibilities of its patrons and staff.

1.1 Commencement

The Operations Plan commenced as of October 18 2013. It will receive annual reviews by Council and will remain in force until further notice.

1.2 Application

This Operations Plan applies to all swimming pools at the Gundagai Memorial Pool complex owned and maintained by Council.

This Operations Plan does not affect the operation of any Act or Regulation relating to the appropriate management of public swimming pools.

Practice Note 15 (produced by the NSW Department of Local Government) will provide guidance on any standard not specifically discussed in this Operations Plan.

1.3 Definitions

In this Operations Plan:

- i. "mass evacuation plan" means a plan designed to ensure the safe egress of large organised groups from the swimming pool grounds
- ii. "Council Contractors" is a pool operator who is also responsible for daily maintenance and general operations at the swimming pool and who has entered into an arrangement with Gundagai Shire Council.
- iii. "Lifeguard" is a pool attendant employed by MME to assist the Council Contractors and who is responsible for lifeguard duties and minor maintenance.

- iv. "WH&S" means Work Health and Safety
- v. "Code of Conduct" is signage provided at a pool which communicates to the public the standard of behaviour required on swimming pool grounds.

2. POOLS

Council aims to provide the following pool related facilities:

- i. A 50m swimming pool
- ii. A toddler's pool.
- iii. A 1m diving platform
- iv. A 3m diving platform
- v. A wading pool
- vi. A swing set within the pool grounds
- vii. Permanent shade cover x 3
- viii. Permanent electric BBQ

3. RECORD KEEPING

3.1 Records

- i. Council Contractors will ensure all records for the operation of swimming pools are legible and kept for the minimum period of time as per Council's record keeping policy.

3.2 Records to be maintained at the Pool

- i. A daily diary in which all incidents and events will be recorded.
- ii. An incident/accident log book.
- iii. A weekly booking calendar.
- iv. A daily log of attendance by the public.
- v. A daily inspection checklist.
- vi. Suspension and eviction forms.
- vii. Swimming pool user agreements.
- viii. Water analysis records.
- ix. Material Safety Data Sheets (MSDS) for all chemicals used to sanitize swimming water.
- x. Usage of chemicals to sanitize water.
- xi. Proper and complete records of all money received for admission to the pool, all hiring charges and a weekly record of all persons entering the grounds in accordance with section 4.1(m) and 10.4 of the Gundagai Swimming Pool Complex Operation Agreement.

4. WORK HEALTH & SAFETY

4.1 General Compliance

- i. Contractors will be required to submit qualifications and insurance details to Council and either comply with Council

- WH&S policies and procedures or have their own policies and procedures that are as thorough as Council procedures and policies. This will be clarified at the time of engagement.
- ii. All incidents are to be reported in accordance with Council WH&S procedure.
 - iii. All accidents are to be investigated and reported in accordance with Council WH&S procedure.
 - iv. All other organisations operating at the pool (see Section 5) that are covered by the NSW WH&S Act will have WH&S policies to a standard that meets the minimum required by the Act.

5. CLUBS, SCHOOLS, ORGANISATIONS

5.1 General

A swimming club, school or organisation wishing to utilise a swimming pool must (in addition to other more specific requirements explained in this document):

- i. have a current workers compensation policy if they employ any staff.
- ii. possess a public liability insurance policy (minimum value AUD\$20,000,000.00)
- iii. provide a completed Swimming Pool User Agreement with Council for approval prior to commencement of program.
- iv. ensure that the number of clients can be accommodated in the pool space provided by Council to conduct their intended activities
- v. provide all equipment associated with their activity. This includes kickboards, seats & stands for small children, balls, nets etc. and these items must be designed and approved for their intended purpose and be in good working order.
- vi. comply with all pool rules including strict adherence to the Code of Conduct and Prohibitions for Swimming Pools.
- vii. ensure that commercial activities and private swimming lessons are not undertaken at the pool complex without prior approval from Council.

5.2 Swim Clubs

- i. Council will allow the formation of one swim club at the pool complex. The swim club will be provided storage areas and pool bookings as determined by the Council Contractor. The current swim club at the pool will be the preferred swim club. No other swim club will be recognised whilst the existing swim club is in existence.
- ii. The Swim Club must
 - be incorporated and have a constitution
 - be run by an elected committee that consists of at least the following office bearers, President, Secretary, Treasurer.

COOTAMUNDRA GUNDAGAI REGIONAL COUNCIL Swimming Pool
Operations Plan - 2016 -2017 Season

- ensure that coaches hold a current AUSTSWIM Teacher of Swimming and Water Safety Certification and a current CPR Certificate.
- have public liability insurance to the value of \$20 million.
- provide a completed Swimming Pool User Agreement for approval by Council prior to the commencement of programs.
- provide and maintain their own equipment, the use of which must be approved by the Council Contractor.
- ensure sufficient supervision is provided to perform the custodial role of members under 12 years of age and not rely on the life guards to perform this role.
- notify the Council Contractor and Council Lifeguard on each occasion before underwater breath holding competitions (races) or training is conducted.
- In their User Agreement they must nominate a liaison person (i.e. committee member) to discuss operational matters in relation to the daily use of the pool. The aim of this requirement is to avoid confusion as to the Swimming Club's requirements during each swimming session and avoid the potential for harassment of Council pool staffs to occur.

5.3 Kiosk

- i. The kiosk will be operated by the Council Contractors in accordance of Section 8 and in particular Section 8.5 of the Gundagai Swimming Pool Complex Operation Agreement, and they shall ensure;
 - that staff be adequately trained in how to safely handle food and are capable of operating emergency equipment to suppress kitchen fires and respond to burn incidents.
 - induct staff to the workplace in accordance with the WH&S Act and keep records of inductions of training provided to kiosk staff.
 - participate in any emergency evacuation procedure for the pool.
- ii. The kiosk operator is required to notify the NSW Food Authority of their presence as required by the NSW Foods Act 2003.
- iii. The Council Contractors may from time to time allow other organisations to provide/sell food items as part of the organisations activities (i.e. Swimming Club BBQ's etc.). This must be done with prior approval from the Council Contractors.
- iv. Other than instances in 5.3 c) the Council Contractors will have exclusive access to the pool for the purpose of selling food.

5.4 Coaches

- i. Swimming coaches and instructors will only be provided a dedicated lane if they hold a current AUSTSWIM Teacher of Swimming and Water Safety Certification, a current CPR Certificate, public liability of \$20 million and a NSW Working

- with Children Check. Lanes must be booked in accordance with Section 9.
- ii. Lap training (requiring a dedicated lane) will not be permitted whilst the pool is booked by an organisation in accordance with Section 9. Lap swimmers may make an arrangement to share Swimming Club allocated lanes.
- iii. Parents or Guardians must escort children under 12 years old to and from Coaches/Instructors.

5.5 Schools

- i. It is the responsibility of the school to perform the custodial role of students. It is not the responsibility of the Council Contractors and Council Lifeguards. Schools should follow the guide lines and procedure set out by the Department of Education and Training.
- ii. A school must ensure it provides adequate supervision to school students attending the venue. Should school children be left without a teacher the children will be immediately required to vacate the water and the school will be contacted to arrange their collection. The Principal of the school or NSW Department of Education will be advised in writing of the event.
- iii. School children under the age of 12 are not permitted to enter pool grounds unless their supervising teachers are present.
- iv. Underwater breath holding competitions (races) may not be held by schools, nor permitted during free time by supervising teachers due to the risk of Hypoxic Blackout (Teachers wishing more information on this matter should refer to the Royal Life Saving Society Australia Fact Sheet – Hypoxic Blackout No.23 available at www.royallifesaving.com.au)
- v. It is compulsory for Schools to participate in any Mass Evacuation Plan implemented by the Council Contractors. This includes teachers taking specific roles in ensuring the pool premise is evacuated quickly and efficiently.
- vi. The Council Contractors and Council hold no liability for loss or damage to school and student's property and equipment. The attending school staff is responsible for the safe keeping of school and student's equipment. All school equipment and student's property is to be stored in a manner that does not impact on the Council Contractors or Councils employees performing their duties.
- vii. All schools must complete and submit a Swimming Pool User Agreement prior to the first use of the pool each season or entry will be refused.

6 RESTRICTIONS ON STAFF & OPERATIONS

- i. Whilst on duty Council Lifeguards will not be permitted to volunteer to facilitate (supervise) the running of a community event at the pool.

- ii. A Council Lifeguard is allowed to volunteer or participate in a community event at a pool where other Council Lifeguards have been rostered to provide supervision and operate pool plant and equipment.
- iii. Only trained and qualified Council staff, volunteers of Council and the Council Contractors will be permitted to operate swimming pool facilities and provide supervision of those Council facilities at the Council pool.

7 OPERATING HOURS

7.1 General

The following is standard for each swimming pool.

- i. The season commences in late October and closes in late March
- ii. The pool may open early for NSW Department Sport and Recreation learn to swim programs or other Council approved programs or events.
- iii. The pool will be closed Christmas Day and in November each year for the Snake Gully Cup.
- iv. The Swimming club will be accommodated on Thursday evenings from 6:00pm as per Appendix A of their user agreement.
- v. The Council Contractor has the discretion to change pool operating hours in cases of extreme heat or when the weather or pool is unsafe and requires closure. Notification to a senior Council staff member of any such change to operating hours will be documented.
- vi. Pool will be opened early to facilitate school swimming carnivals (but not regular school sport or PE classes) when booked in accordance with Section 9.

7.2 Specific Conditions on Hours

A pool may not open or may close early due to:

- i. Safety reasons e.g., lightning is imminent or forecast or a contamination event exists etc.
- ii. The Council Contractor has the authority to close any pool within the pool grounds.
- iii. The Council Contractor has the authority to close sections of the pool grounds.
- iv. The Council Contractor has the authority to extend the operating hours of the pool beyond the official closing time of the pool as stated in 7.1 v above.

7.3 Special Events or Family Evenings

- i. The application for dates to hold these events within advertised pool operating hours will be submitted in writing to the Council

COOTAMUNDRA GUNDAGAI REGIONAL COUNCIL Swimming Pool
Operations Plan - 2016 -2017 Season

- Contractors not less than 5 working days prior to the event and assessed for approval by the Council Contractors.
- ii. Special events or family evenings will be available for bookings provided the proposed events are biased towards fulfilling the needs of children generally and are family friendly. Examples include Blue Light Discos, Evenings Hosted by the Local Swimming Club which are open to the community (member drives) or fundraising evenings by Local Community Groups (such as but not limited too - Lions and Rotary). NSW Health or other Government Agencies are welcome to set up stalls or provide free services or information during the evening that may benefit the community.
 - iii. An admission charge to the pool cannot be levied by a group which is utilising the facility for a Special Event. An entry fee for an event / race (i.e. business house relay) is permissible provided it is at most a gold coin donation per participant for the event. Any such fee will be in addition to the normal admission charge.

7.4 Gundagai Swimming Pool Operating Hours

Season Commencement Date: 1st November 2014

Month	Day	Opening hours
November 1st – 28 February	Weekdays	6.30am - 8.00am 11.00am – Sunset
	Weekends	11.00am - Sunset
	Public Holidays	11.00am – Sunset
March 1 st - March 16 th	Weekdays	12.00 noon – Sunset
	Weekends	12.00 noon – Sunset

8 FEES

8.1 Evidence of Age

- i. Evidence of age can be requested as a condition of entry to the pool grounds (for the purpose of determining which fee to charge or to confirm they are a responsible adult for the purpose of attending minors).
- ii. Acceptable evidence of age will be a current "Proof of Age Card", Drivers Licence, or Australian Passport.
- iii. A person who cannot provide evidence will be charged the Adult entry fee or advised they cannot enter the grounds as a supervisor of persons under the age of 12 (as appropriate).

8.2 Fees

- i. Fees will be charged for pool entry and pool services in accordance with Council's current Fees and Charges.

9 BOOKINGS

9.1 General

- i. All bookings must include a completed Swimming **Pool User Agreement**. Swimming clubs are not exempt from the need to obtain Council's consent for events outside their hours stated in their user agreement.
- ii. A minimum of one calendar months' notice is required to book a swimming pool during or outside normal operating hours.
- iii. The General Manager or delegate, in consultation with the Council Contractors, may consider and approve applications for events outside the official operating hours of the pool.
- iv. The Council Contractor will assess each booking and where a conflict arises, the Council Contractor may need to cancel a booking in accordance with Section 9.2.
- v. Schools are to contact the Council Contractor prior to the commencement of the swimming season to book dates for annual swimming carnivals.

9.2 Cancellation of Bookings

- i. Council or MME will not provide compensation for an event cancelled by the Council Contractor, as Council does not charge rental fees for bookings.
- ii. The Council Contractor has the right to cancel or change bookings at any time.
- iii. Where a booking is cancelled, the Council Contractor will endeavour to provide an acceptable alternative, when such an alternative can be accommodated.
- iv. When there is conflict between bookings, the Council Contractor will attempt to negotiate an outcome that suits all.

9.3 Weekends

- i. Weekends are not available for the local swimming club for regular training as this time is allocated to the general public and to facilitate sporting events (triathlon's), lap swimming by members of the public and learn to swim classes for infants and young children.

10 MANAGING TARDINESS

- i. Where a swimming club, sporting club, school, organisation or individual does not vacate the pool or pool grounds by the required time, the General Manager or delegate or the Council Contractor may issue a tardiness notice in writing. Future bookings may be cancelled.
- ii. Neither refunds nor compensation will be paid where bookings have been cancelled due to tardiness.

11 CODE OF CONDUCT

As a condition of entry all patrons must adhere to the following Code of Conduct at all times whilst in attendance at the Gundagai Swimming Pool Complex.

11.1 Code of Conduct - Conditions of Entry

- i. follow all directions given by the Council Contractor or Council pool employees and not abuse them in any way
- ii. pay any fee for pool entry and pool services in accordance with Council's Fees and Charges.
- iii. comply with Section 12 - Activities Requiring Approval - All Pool areas
- iv. not swear
- v. wear appropriate swimming attire
- vi. not run on concrete areas
- vii. not "bomb" (jump on) other patrons
- viii. not obstruct the entry/exit points to a pool (including sitting on pool steps)
- ix. not interfere with any pool safety equipment
- x. follow all directions for the safe use of diving platforms
- xi. not enter pump rooms or chemical storage areas
- xii. not enter the Pool Managers office (except for the receipt of first aid or instruction)
- xiii. not enter the Kiosk
- xiv. adhere to the general Code of Conduct for swimming pools
- xv. ensure children under the age of 12 are accompanied by a responsible adult of 18 years of age or over.
- xvi. if requested provide evidence of age
- xvii. wear appropriate unsoiled bathing costumes at all times
- xviii. be unsoiled before entering a pool
- xix. all non-toilet trained children are required to wear a swimming nappy so as to comply with NSW Health regulations. Swimming nappies are available for purchase from the kiosk
- xx. not urinate or defecate anywhere other than in a public toilet
- xxi. not attempt to enter the swimming pool grounds whilst intoxicated or under the influence of illegal drugs, nor bring or consume alcohol or illegal drugs on pool grounds
- xxii. not cause or permit an animal that is under the person's control to enter or remain in swimming pool grounds
- xxiii. not smoke within pool grounds
- xxiv. not take photographs or make video (or electronic) recordings in the change rooms or pool grounds. This ruling is as a consequence of the Privacy and Personal Information Act. This ruling is in force unless there is written and express permission granted by parents in the context of swimming carnivals.
- xxv. not sit on, dive over or otherwise interfere with lane ropes.
- xxvi. not damage, deface, interfere with or alter swimming pool infrastructure
- xxvii. not obstruct any authorised person/employee of Council or contractor in performing their required duties

- xxviii. not enter the water if they have sores, open cuts or contagious infections/afflictions.

12 ACTIVITIES REQUIRING APPROVAL - ALL POOL AREAS

A person must not do any of the following within swimming pool grounds without either a written exemption from Council or the Council Contractor. Permission will not be unreasonably withheld. Offenders will be prosecuted under relevant State or Federal Law

- i. engage in trade or commerce nor distribute any circulars, advertisements, paper drawing or photographic material
- ii. bring or use inflatable devices such as air mattresses, domestic pool toys, or balls onto the grounds but excluding flotation devices or kickboards specifically designed as learn to swim aids
- iii. play or conduct any unapproved sport or contest
- iv. camp or reside on the land
- v. bring or leave any rubbish onto swimming pool grounds,
- vi. kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced, plant any tree, shrub, herbage or other plant without prior consent.

13 YOUNG CHILDREN

Excluding change rooms, all children must wear either:

- i. a clean (unsoiled) bathing costume or
- ii. a water proof nappy at all times when in the pool grounds

14 ABANDONED CHILDREN

Where a child (under the age of 12) is identified as abandoned at the pool (i.e. without the required supervision), the Council Contractor or a Council pool employee will firstly ensure the physical safety of the child (remove from the water) and then attempt to contact the parent(s) / legal guardian (via phone if a number is provided). Any child abandonment incident is to be recorded in the pool diary.

Children under 8 years old being dropped off for swimming lessons etc. must be escorted to the instructor and picked up from the instructor. This will be a condition of operation for the instructor.

If a parent is unable to be contacted by phone or refuses to collect the child or does not arrive within 30 minutes to collect the child the Council Contractor or Council Pool employee will contact either the NSW Police Service or Department of Community Services (DOCS) to arrange the transfer of the child into their custody.

The 24 hour contact number for DOCS is 13 2111.

15 AUTHORITY

15.1 The Council Contractor or MME pool employee on duty may:

- i. request a person to leave the swimming pool grounds at any time
- ii. implement a Suspension Order for temporary or permanent restriction of access into the swimming pool grounds.(Sample attached)
- iii. contact the Police or local school, if a student appears to be a truant from school and unaccompanied by an adult at the pool.

If a ban is applied upon a person who is supervising others, those being supervised must also leave the pool.

Any poorly behaved person may be banned from the swimming pool.

15.2 Refusal to comply

A patron refusing to comply with the directions of the Council Contractor or a Council pool employee will automatically be banned from entering the Gundagai Shire swimming pool grounds for the remainder of the pool season.

The Council Contractor or MME pool employees are to contact the NSW Police to arrange the forced removal of an offender.

15.3 Appeals

A person who wishes to appeal the imposition of a ban is entitled to write to Council for a review and state their reasons why the imposition of a ban is unfair.

A review will be conducted within 28 days of receipt of correspondence and the appellant notified of the outcome of the review in writing.

16 ROUTINE LANE ALLOCATION

16.1 General

The Council Contractor or MME pool employees on duty may decide to adjust lane allocations to suit pool use on a particular day. This will be based on the Council Contractor or employees' judgment of the current and likely numbers of swimmers. The Council Contractor or employees' decision is final. Harassment of the Council Contractor or Council pool employees (either as an individual or a group) with regard to lane allocation will not be tolerated. Those guilty of harassing the Council Contractor or a Council pool employee (i.e. challenging the Council Contractor or employees allocation of lanes after they considered their initial request to review the lane allocations) will be warned in writing that if harassment reoccurs during the swimming season the perpetrator will be banned for the season.

If, after asking the Council Contractor or MME pool employee to consider a reallocation of lanes, a pool user believes that lane allocations are not being properly monitored by the employee they should address their detailed concerns (date, time, numbers etc.) in writing to the General Manager or delegate.

It is expected that Swimming Club members will

- i. use the lanes allocated to the Swimming Club and
- ii. direct any questions in relation to the setup of the pool to the Council Contractor or MME pool employee through the nominated liaison person (see 5.2 ii).

Provision of at least one edge lane provides both the elderly and young swimmers with a quick point of respite in the event of fatigue.

Where lap swimming is provided for the general public the Council Contractor or MME pool employee may decide to grade each lane as slow, medium or fast.

16.2 Early Morning Sessions

- i. The early morning session is generally defined as the time from first opening until morning close, Monday to Friday (i.e. between 6:30am and 8am) from November 1st 2016 to February 28th 2017.
- ii. The available lanes will be allocated to the general public and the Swimming Club depending on the needs of each on the day. The standard arrangement will be determined based on the Swimming Club's written request at the beginning of each season. The Swimming Club will rope off pool lanes and the general public will use non-rope lanes.
- iii. Lap swimmers may be able to use Swimming Club lanes for individual training where the pool is sufficiently busy that no additional lap swimming lanes can be provided lap swimmers should consult with the Swimming Club if this situation occurs.

16.3 Daily Sessions

- i. The daily swimming sessions are as per Section 7.4 Gundagai Swimming Pool Operating Hours
- ii. An edge lane in a pool may be allocated for non-public use. The lane will be allocated to the local swimming club in preference to other users provided the club has sufficient numbers to warrant the exclusion of the lane or is conducting training which would be incompatible with other users.
- iii. Extra lanes adjacent to the lane allocated to a local swimming club can be added at the discretion of MME pool employees.

16.4 Weekends and Public Holidays

Weekends and public holidays at the Gundagai Swimming Pool are not available for training by a Swimming Club or squad coaches without Council Contractor consultation. Two lanes are to be set aside for public lap swimming on these days if required. Bookings for the following activities will be considered provided they are conducted in harmony with public lap swimming.

- i. the running of a regular triathlon
- ii. adult swim training
- iii. lifesaving courses
- iv. learn to swim classes for infants and young children (that does not require a dedicated lane).

Otherwise lane configuration at weekends will be determined by MME employees.

17 DIVING PLATFORMS

Safety is the paramount consideration when deciding to operate a diving platform. When the diving boards are open, the Council Contractor or MME Pool Employee will section off the diving area with either a lane rope or consistent verbal instruction and not allow swimmers into the diving area and directly supervise the boards.

When diving platforms are open, it will require a minimum of two staff to be on shift. Supervision levels will need to be increased in accordance to increases in patronage levels (see Supervision Levels)

A diving platform will be closed by the placement of a sign and/or barrier between the end of the board and the route which a person using a diving board correctly would normally enter. A person who uses a diving platform that has been closed will be asked to leave the pool and pool grounds immediately.

A person who uses a diving platform in a manner which endangers others will be asked to leave the pool and pool grounds immediately.

18 ACCESS FOR PEOPLE LIVING WITH A DISABILITY

18.1 Assistance

Staff will provide all reasonable assistance to enable access to the pool, by those living with a disability, to facilitate the enjoyment of the swimming pool facilities by all patrons.

18.2 Guide dogs

Trained guide dogs are permitted on swimming pool grounds.

19 EMERGENCIES

- i. The contact number for emergencies is 000.
- ii. The secondary contact number is either Council's main office during operating hours on 02 6944 0200 or Council's after hours on Call phone 0419 296 238 or 0419 684 112.
- iii. Refer to Response Plan manual for further details.

20 MASS EVACUATION PLANS

- i. Prior to any large event (e.g. a school carnival) the Council Contractor or Council pool employees will have prepared a mass evacuation plan.
- ii. Each completed mass evacuation plan will be submitted to Council's WHS & Risk Management Officer.
- iii. Refer to Response plan manual for further details.

21 EQUIPMENT

Chemical monitoring and injection equipment (pumps) for Council pools will be inspected by the Council Contractor or Council employees on a regular basis and faults reported to the General Manager or delegate.

22 ASBESTOS

- i. In the event of a fire the pool grounds are to be closed until clearance is obtained from a suitably qualified person that the area is safe.
- ii. For any other event which results in asbestos building products being disturbed, the Council Contractor or MME pool employee is to cordon off the area (minimum of 8m), advise their manager and (if qualified) follow the procedures for the collection and disposal of asbestos (as per the Work Cover publication Your Guide to Working with Asbestos).

23 ACCESS TO COUNCIL RESOURCES

The phone in the swimming pool grounds is for the use of the Council Contractor or Council staff only to conduct Council business.

24 DISPLAY OF THE CODE OF CONDUCT

The Code of Conduct will be displayed in a prominent place at the Pool.

25 SUPERVISION LEVELS

Statewide Mutual has issued a Guidance Note for Swimming Pool Operations. It has been identified that swimming facilities pose a major public risk following a number of serious injury. According to RLSSA there has been 80 people drowned in public swimming pools in the last 10 years, 25% were under the age of 5.

“Practice Note 15 – Water Safety” was developed by the NSW Department of Local Government, in 1998, to assist Councils in “exercising their water safety functions”. This document is regularly updated “to ensure that it reflects current knowledge levels, training standards and legislative requirements.”

The RLSSA has released the Guidelines for Safe Pool Operations which details operator’s responsibilities in operating a public pool including levels of supervision.

Council has conducted a Risk Assessment on Gundagai Memorial Swimming Pool, including supervision levels (Risk Assessment attached) taking into account Practice Note 15 and the RLSSA GSPO, and has determined its minimum supervision levels for safe pool operations.

25.1 Minimum Supervision Levels

One qualified lifeguard to be on duty at all times. Lifeguard to patron’s ratio is 1:100. When diving platforms are open they will be supervised by a dedicated lifeguard at all times. The supervising lifeguard, under no circumstances, is to have the additional responsibility of supervising any other pool users during this time.

25.2 Minimum Supervision Levels Exemptions

Low Patronage Pool. This guideline was established by the RLSSA for the supervision of swimming pools that consistently have low patronage. Low patronage is a venue that has fewer than 25 patrons in the water at any one time. During times of Low Patronage, it only requires one qualified Lifeguard in attendance at the pool. Direct supervisions of patrons in the pool is not required. If levels exceed 25 patrons in the water, the guideline does not apply.

For the operator to comply with this guideline, they would need to know the number of patrons in the facility at all times.

26. STAFF TRAINING

Council Contractor and MME pool staff will be required to undertake all necessary training to remain qualified and compliant with necessary legislation.

27. RISK MANAGEMENT

Council has recognized that the management of risk is an essential element of good management and impacts on every facet of Council activity.

Risk Management has been defined as the culture, processes and structures that are directed towards realizing potential opportunities whilst managing adverse effects. It is a process of continuous improvement that is to be embedded in all the practices and processes of Council.

Risk Management promotes communication between all stakeholders and improved information flow enhances the decision making process.

Council has used AS/NZS 4360:2004 Risk Management Standard and HB 436:2004 Risk Management Guidelines as the main source of guidance for the development, implementation, consultation and review of the Risk Management Program. The adoption of a risk management approach to the safe operation of Council swimming pools is a natural extension of the above philosophy. This means that risk assessments are constantly undertaken to identify hazards and risks that may have an adverse impact on the safe, efficient and economical operation of the aquatic facilities. The risk assessments are also carried out to identify opportunities to maximize the efficient and economical operation of the facilities, and the enhancement of the enjoyment of facility patrons, in particular, and the community in general. A risk management approach has been taken to identify and control hazards and risks relating to, but not limited to, the following major areas:

- Public Health
- Public Safety
- Public Liability
- Professional Indemnity
- Work Health & Safety and Return to Work Injury Management
- Emergency Management
- Asset Management
- Privacy
- Child Protection
- Plant and Equipment Operation
- Water Quality
- Staff Training and Development
- Knowledge and Records Management

COOTAMUNDRA GUNDAGAI REGIONAL COUNCIL Swimming Pool
Operations Plan - 2016 -2017 Season



COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

SUSPENSION ORDER

P.O. Box 420
Cootamundra NSW 2590
Ph.: 02 6940 2100

Date: _____

This Order advises you that _____
(person)

of _____ has been
(address)

suspended from the Gundagai Swimming Pool until _____
(date)

Reason for Suspension:

For the above person to be re-admitted after that date, the authority of the parent / or legal guardian is required.

Signed: _____ **Date:** _____
(Council Contractor or Pool Lifeguard)

I hereby authorise _____ to be re-admitted to the
Gundagai Swimming Pool after _____.

Signed: _____ **Date:** _____
(Parent/Guardian)

Note:

1. Any appeal to this suspension has to be made to the General Manager or delegate for variation.
2. The Council Contractor or Council Pool employee has no authority to revoke this suspension.

COOTAMUNDRA GUNDAGAI REGIONAL COUNCIL Swimming Pool
Operations Plan - 2016 -2017 Season



COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

EVICTON REPORT

To: General Manager or delegate

Date: _____

Time: _____

Person Evicted: Name: _____ Phone: _____

Address: _____

Reason for Eviction: _____

Police Called: Yes ☐ No ☐ Time of Arrival: _____

Police who attended: Name: _____ Ph.: _____

Name: _____ Ph.: _____

Employee who evicted person:

Name: _____ Position: _____

Signature: _____

Noted General Manager or delegate

Signature: _____ Date: _____

APPENDIX A

Weekly Check Sheet

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Week Commencing							
Defibrillator							
Battery							
Pads							
Oxy Viva							
Oxygen Cylinder							
Mask & Consumables							
First Aid Kit							
Spine Board & Straps							
Cervical Collar							
Poolside Rescue Equipment							
Sign							

Replace any missing stock

Report all equipment faults immediately to Pool Lessees or WHS & Risk Management Officer on 0419 141 041

Return completed check sheets to Councils WHS & Risk Management Officer every week.

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APPENDIX B**DAILY LOG SHEET****GUNDAGAI MEMEORIAL SWIMMING POOL**

Date _____

Pool Water Testing

TIME OF TESTING	Temp °C	<Insert POR range for this pool>	Free Chlorine mg/L DPD 1 (b)	Break point 0.0mg/L at the first test of the day	pH range 7.0-7.8	Total Alkalinity range 80- 200 mg/L	Cal. Hard mg/L	Corrective actions taken	Name of tester	Signature of tester
		Total Chlorine mg/L DPD 1+3 (a)	Combined Chlorine mg/L Total-Free (a-b)		pH	Total Alkalinity				
Daily Ave.										

Combined chlorine must not exceed 1 mg/L and should not be more than half the free chlorine

Water Balance

Using the water balance chart on reverse, calculate the Langelier Saturation Index (LSI). The ideal LSI is 0.2 and the range is -0.5 to 0.5.

$$LSI = pH + TF + CF + AF - 12.1$$

where:

TF = Temperature factor

CF = Calcium Hardness factor

AF = Alkalinity Factor

Calculated by (signature) _____

Cyanurate acid concentration (weekly measurement) _____ Date _____

Daily Maintenance Log Detail what was undertaken and at what time of the day.

Maintenance area	Maintenance undertaken	Time of maintenance	Signature

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Review by manager Data and corrective action to be reviewed by facility manager daily

Further action required or taken or other comments	Name of Manager	Signature of manager	Date

Water Balance Chart

Temperature (C°)	Temperature Factor	Calcium (Hardness)	Calcium Hardness Factor	Total Alkalinity	Alkalinity Factor
0	0.0	5	0.3	5	0.7
3	0.1	25	1.0	25	1.4
8	0.2	50	1.3	50	1.7
12	0.3	75	1.5	75	1.9
16	0.4	100	1.6	100	2.0
19	0.5	150	1.8	150	2.2
24	0.6	200	1.9	200	2.3
29	0.7	300	2.1	300	2.5
34	0.8	400	2.2	400	2.6
40	0.9	800	2.5	800	2.9
53	1.0	1000	2.6	1000	3.0

***|Change the Health Prescribed Operating Requirement (POR) levels so they are appropriate for the type of pool. This depends on if the pool is indoor or outdoor, the temperature and the type of disinfection used. See Public Health Regulation 2012, Schedule 1.**

Public Health Regulation 2012

Schedule 1 Requirements for public swimming pools and spa pools (Clause 15)

1 Definitions

In this Schedule:

bromine disinfected pool means a public swimming pool or spa pool that is disinfected with bromine.

chlorine disinfected pool means a public swimming pool or spa pool that is disinfected with chlorine.

combined chlorine means chloramines.

free available chlorine means chlorine that is not combined with any other chemical compound.

oxidation reduction potential system (or ORP system), in relation to a bromine or chlorine disinfected pool, means an electronic system that monitors and controls water quality by measuring the oxidation reduction potential in the water.

total chlorine level of the water in a chlorine disinfected pool means the total of the concentration of free available chlorine and combined chlorine.

2 Temperature

The temperature of the water must not exceed 38 degrees Celsius.

3 Disinfection

(1) A pool must be fitted with an automated or a continuous metered disinfectant dosing system.

(2) A pool must be disinfected with chlorine or bromine.

4 Chlorine disinfected pools

(1) This clause does not apply to a chlorine disinfected pool that is equipped with an ORP system.

(2) Except as provided by subclause (3), the concentration of free available chlorine in the water in a chlorine disinfected pool must be equal to or greater than the following:

- (a) for an outdoor public swimming pool—1.0 mg/L,
- (b) for an outdoor public swimming pool in which cyanuric acid is used—3.0 mg/L,
- (c) for an indoor swimming pool—2.0 mg/L,
- (d) for a spa pool—2.0 mg/L.

(3) The concentration of free available chlorine in the water in a chlorine disinfected pool in which the water has a pH level greater than 7.6 must be equal to or greater than the following:

- (a) for an outdoor public swimming pool—2.0 mg/L,
- (b) for an outdoor public swimming pool in which cyanuric acid is used—4.0 mg/L,
- (c) for an indoor swimming pool—3.0 mg/L,
- (d) for a spa pool—3.0 mg/L.



2144 Nangus Road

Nangus 2722

The General Manager

Gundagai Council

255 Sheridan Street

Gundagai 2722

Dear Sir,

We thank you for the opportunity to be the Leasee of the Gundagai Memorial Swimming Pool for the swim season of 2016/17 following on from the 2015/16 season.

We thoroughly enjoyed the last season although it wasn't without its challenges and good honest hard work. As we communicated to Mr McMurray and council during the season and at its completion the original tender amount that we received was compiled by us with little knowledge of actual hours required to maintain a healthy and functional aquatic environment. Now with the experience of last swimming season and a better understanding of the aging infrastructure of the pool behind us we would like to increase our original tender amount from \$28 000 to \$38 000 GST.

We realize that this increase is greater than the consumer price index increase that is documented within our contract from 2015 but we feel that it is a reasonable figure and hope that you can look favourably upon our request.

We thank you for your time and consideration.

Kayleen and Craig



GUNDAGAI OLYMPIC SWIMMING POOL COMPLEX

OPERATION AGREEMENT 2016/2017

This AGREEMENT is made on

BETWEEN Cootamundra Gundagai Regional Council ABN 46 211 642 339 ("Council")

AND CA & KM Makeham T/A Mako's Maintenance & Engineering ("the Contractor")

BACKGROUND

- A. The Council has agreed to engage the services of the Contractor to operate the Gundagai Swimming Pool Complex ("the Complex") during the Swimming Season pursuant to the terms and conditions of this agreement.
- B. The Contractor has agreed to operate the Complex during the Swimming Season pursuant to the terms and conditions of this agreement.

AGREEMENT

1. Definitions and Interpretations

1.1 In this agreement unless the context otherwise requires or permits:

- (a) **Building** means any building forming part of the Premises.
- (b) **Commencement Date** means 26th October 2016.
- (c) **Entry figures** means the number of people using the Premises.
- (d) **Gundagai Swimming Pool Complex** means the swimming, diving and wading pools, the kiosk, the dressing sheds and the grounds within the perimeter of the Premises.
- (e) **Law** includes any requirement of the statute, rule, regulation, proclamation, ordinance or by-law, present or future, and whether state, federal or otherwise.
- (f) **Operate** means the conduct and management of the Complex by the Contractor by the terms of this agreement.
- (g) **Premises** means the land contained in Folio Identifier 11/1128590.
- (h) **Public Authority** includes:
 - 1) any government in any jurisdiction, whether federal, state, territorial or local;
 - 2) any minister, department, office, commission, delegate, instrumentality, agency, board, authority or organisation of any government or in which any government is interested; and
 - 3) any provider of public utility services, whether statutory or not.
- (i) **Swimming Pool Operational Plan** means the Cootamundra Gundagai-Regional Council Swimming Pool Operations Plan 2016-2017 Season document.
- (j) **Swimming Season** ("Swimming Season") means from 22nd October 2016 to 12th March 2017.

- (k) **Further Swimming Seasons** ("Further Swimming Seasons") means the season October 2017 to March 2018 and October 2018 to March 2019.
- (l) **Swimming activities** means swimming lessons, recreational swimming and other similar activities that are usually carried out at a swimming pool
- (m) **Tendered Price** means the amount of \$33,000. (excluding GST) calculated weekly over the term (October 26th 2016 to March 12th 2017). This is payable by Council to the Contractor in the form of five monthly instalments being equal to \$1,500 per week equating to a monthly payment of \$6,000 (excluding GST). This is payable in the first week of the months of November, December, January, February and March for the management and operation of the Gundagai swimming pool for the Swimming Season. The balance of \$3,000 (excluding GST) to be paid in the first week of April following Council inspection and contractor compliance with the agreement conditions.
- (n) **Season Extensions** means the continuation of the operation of the complex outside the advertised closing date in March. The continuation may be caused by climatic conditions, patronage demand and increase in water temperature due to heating ability. Any season extension will require formal approval from the General Manager. In the event of a season extension the contractor will be granted payment from Council the equivalent weekly rate as calculated in point 1.1(m). The payments/s for any extension period will be paid following the closure.
- A reference to a party includes references to the party's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation), assigns, contractors, agents, employees, invitees and licensees.
 - A right of obligation of 2 or more persons gives that right or imposes that obligation jointly and severally.
 - A reference to a person includes a company, partnership, joint venture, association or statutory authority or other entity.
 - A reference to an association or body which has ceased to exist includes the organisation established in the place or the association or body to serve substantially the same purposes.
 - A reference to any statute, regulation, proclamation, and ordinance or by law includes all statutes, regulations, proclamations, ordinances or by laws varying, consolidation or replacing them and a reference to a statute includes all regulations, proclamations, ordinances by laws issued under that statute.
 - No rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this agreement or any part of it.
 - Where the day or last day for doing something or on which an entitlement is due to arise is not a business day, that day or last day will be the immediately following business day.
 - A reference to conduct includes any omission any statement or undertaking, whether or not in writing.

2. Purpose of Agreement

2.1 The Council will allow the Contractor to occupy and use the Premises for the purpose of operating the swimming pool in accordance with the Gundagai Swimming Pool Operations Plan (copy annexed); during the Swimming Season.

3. Council to Retain Legal Possession

3.1 This agreement does not give the Contractor any interest in the Premises or any part of it.

3.2 Legal possession and control of the Premises is at all times vested in the registered proprietor for the time being of the relevant land.

3.3 This agreement does not operate as a lease or any other tenancy agreement.

3.4 Nothing under this agreement creates a caveatable interest in the Premises in favour of the Contractor.

4. General Duties

4.1 During the term of this agreement the Contractor must:

- a) Comply with Council WH&S policies and procedures
- b) familiarise with and abide by the Swimming Pool Operations Plan (copy annexed);
- c) ensure that the conduct and operation of the Complex complies with the appropriate provisions of the Local Government Act 1993 and the regulations made thereunder or any other New South Wales Statute effecting the control and conduct of public swimming pools;
- d) keep the dressing sheds, kiosk, swimming, diving and wading pools open for use by patrons, and be in attendance, during such hours and days as the Council directs;
- e) monitor the safety of the persons using the pools and ensure minors are subject to active supervision;
- f) hold acceptable qualifications as directed by the Department of Local Government Water Safety Practice Note 15 (updated edition July 2012) and the Royal Life Saving Australia (RLSA) Guidelines for Safe Pool Operations, and undertake to do any necessary training required to remain qualified;
- g) ensure that all staff employed or engaged by the contractor are done so in accordance with an appropriate industrial award to guarantee payment and workplace conditions for all employees;
- h) ensure that any staff engaged at the complex by the contractor for the purpose of fulfilling the operation duties of this agreement and the Swimming Gundagai Swimming Pool Operation Agreement 2016-2017

Pool Operations Plan hold acceptable qualifications as required under the previous subclauses 4.1(f) and 8.2;

- i) Provide Council with the details and qualifications of all staff engaged by the contractor for the purpose of fulfilling the operation duties of this agreement and the Swimming Pool Operations Plan;
- j) supply at their expense the necessary labour required to vacuum the pool with the suction equipment provided by the Council at least once weekly;
- k) maintain the first aid room with all necessary medical supplies, which will be provided by the Council, including replacement items and resuscitation equipment;
- l) keep the gardens, grounds, trees, shrubs and bushes on the Premises in good condition and properly tended, watered and mown;
- m) not permit any disorderly conduct or offensive language on the Premises;
- n) exhibit in a prominent place on the Premises as the Council directs, a list of charges which the Contractor is authorised to charge;
- o) at all times observe and perform all rules and regulations that are from time to time made by the Council in relation to the Premises;
- p) keep proper and complete records of all money received from admission to the pool, all hiring charges and weekly record of all persons entering the grounds in a manner stipulated by the Council, and the Contractor will make records available for the Council's inspection and make copies as required;
- q) maintain and keep all improvements on the Premises in good and substantial repair and will thoroughly clean and keep tidy at all times to the satisfaction of the Council. The maintenance of the Premises undertaken by the Contractor should not exceed the standard expected of a general maintenance person, and does not include the performance of works normally executed by a qualified tradesperson;
- r) at the end of the Swimming Season close down the pool's kiosk and dressing rooms, thoroughly clean the swimming, diving and wading pools, the dressing rooms and kiosk, backwash and drain all filters, and clean all chemical lines installed on the Premises, to the satisfaction of the Council.

5. The Contractor's Covenants

5.1 The Contractor and his/her employees will:

- a. not do anything which might in any way:
 - (i) damage the Building or any part of it or any equipment, chattels or goods, whether they are the Council's property or not, which may be in the Building; or
 - (ii) be a nuisance, annoyance or obstruction to the staff on duty or any other user or tenant of any part of the Building or of any adjoining or nearby property;
 - (iii) not permit the Premises to be used for any purpose other than directly connected with swimming activities unless the approval of the Council has been obtained;
- b. not bring or leave in nor permit to be brought or left in the Premises any offensive, hazardous or dangerous substance;
- c. ensure the goodwill of any business conducted on the Premises, including the kiosk remain the property of the Council;
- d. ensure the goodwill of any business conducted on the Premises, including the kiosk remain the property of the Council;
- e. comply at their own expense with;
 - (i) all Laws; and
 - (ii) all orders, directions and demands given by or on behalf of any Public Authority relating to the Premises.

6. Expenses related to the Contractor

a. Wages

All cost associated with effective operation of the pool for the Swimming Season.

b. Consumables

All consumables related to the amenities, cleaning of the amenities. All activities related to the kiosk.

c. Grounds maintenance

The Contractor is required to provide a mower and edging equipment, and all fuels and oils to operate the equipment to perform the maintenance required under this agreement.

d. Insurance

The Contractor must take out and maintain:

- (i) Insurance for its own stock, plant and equipment;
- (ii) \$20,000,000 public liability insurance listing Cootamundra-Gundagai Shire Council as an interested party; and
- (iii) Appropriate workers compensation insurance for any of his/her employees or if exempt, proof of personal accident insurance

The Contractor will on request give to the Council, its employees or agent copies of all relevant insurance policies and receipts for premiums.

e. Advertising

All advertisements for pool opening hours and associated activities are the responsibility of the Contractor. The Contractor must notify Council in writing 7 (seven) days prior of any advertisements.

f. Telephone

Council will provide a Telstra landline connection to the facility to be located in the kiosk. Council will be responsible for all reasonable phone expenses undertaken for the operation of the pool.

g. General building maintenance

The Contractor is responsible for minor maintenance of the building including general wear and tear.

7. Closure and inspection of Premises

- 7.1 The Council may at any time close the Premises to make repairs, provided that this clause does not prevent the Contractor from seeking compensation as a result of the Council's action in closing the Premises.
- 7.2 The Contractor will permit any person appointed by the Council at any time to enter and inspect the Premises' fixtures, fittings, pumps, plant and other equipment.
- 7.3 The Contractor will at his/her own expense effect minor repairs as notified by the Council in writing.
- 7.4 The Contractor will submit a report to the Council at the conclusion of the Swimming Season outlining any repairs or improvements required to the Premises by the Council so that such works can be affected prior to the commencement of the next season.
- 7.5 The Council may at any time during the term close the Premises to the public for

special functions in which case at least 7 days' notice is to be given to the Contractor.

- 7.6 In the event of Clause 7.1 or Clause 7.5 occurring, Council will compensate the Contractor for each day the Premises are closed, at a rate equivalent to the daily Tendered Price.

8. Kiosk arrangement

- 8.1 The kiosk operator is required to notify the NSW Food Authority of their presence as required by the NSW Foods Act 2003.
- 8.2 The contractor will ensure that all staff engaged to work in the kiosk will have an appropriate food handling accreditation or be under the direct supervision of an appropriately qualified food handler.
- 8.2 The Contractor will at his/her own expense provide all plant, equipment, furniture and stock in trade to conduct the operation of the kiosk with the exemption of the dual door drink fridge.
- 8.3 The Contractor may from time to time allow other organisations to provide/sell food items as part of the organisations activities (i.e. Swimming Club BBQ's etc.). This must be done with prior approval from the Council.
- 8.4 Subject to Clause 8.2 the Contractor has the sole right to occupy the kiosk for the purpose of selling food.
- 8.5 The Contractor will provide sufficient additional personnel as necessary to operate the kiosk and collect admission fees.
- 8.6 The duties of supervising the safety of the pool patrons will not be neglected by the Contractor whilst operating the kiosk and the Contractor will ensure that their duties to supervise the pool users are adhered to at all times.

9 Opening times

- 9.1 The Contractor will keep the Premises open for the use of the public daily at times specified in Clause 9.5 and will not close the Premises at any time during those hours without the express approval of the Council.
- 9.2 The Council may require the Contractor to extend the hours if weather conditions permit.
- 9.3 A claim for additional payment itemising each time the Contractor is required by the Council to extend the hours may be submitted to the Council at the end of the Swimming Season for the Council's consideration.

- 9.4 The amount payable by the Council in Clause 9.3 will be limited to the daily hourly rate equivalent to the Tendered Price.
- 9.5 The minimum opening hours during the Swimming Season will be:

Month	Day	Opening Hours
October 26 th - March 4 th	Weekdays	6:30am – 8:00am (Mon,Wed,Fri Only) 11.30am –Sunset
	Weekends	11.30am – Sunset
	Public Holidays	11.30am – Sunset
March 4 th – March 12th	Weekdays	12.00 noon – Sunset
	Weekdays	12.00 noon - Sunset

- (a) Or at a time before sunset at the discretion of the Contractor;
- (b) At all necessary times for Learn to Swim campaigns, carnivals or other functions approved by the Council;
- (c) Morning swimming sessions may be provided at the discretion of the Contractor on Monday, Wednesday and Friday for use by swimming club trainers and/or general public (note: public is only allowed to use the pool for lap swimming);
- (d) The hours of opening may be extended by the Contractor at any time they feel patronage warrants.

10 Entry fees

10.1 The Contractor will charge the following fee during the Swimming Season:

Swimming Facilities –Entry Fees	2016/2017 Per person
Adult	\$5.50
Child/Pensioner	\$3.50
Non-swimming observer	\$1.00

Season Ticket	2016/2017
Family	\$220.00
Single Adult	\$110.00
Single Child/Pensioner	\$90.00

- 10.2 The entry fees are the maximum charges fixed for the season and any variation by way of concession or otherwise, may be mutually agreed up by the Council and the Contractor.
- 10.3 The entry fee will be collected and retained by the Contractor who will be responsible for obligations regarding GST.
- 10.4 The Contractor will provide the Council with weekly returns of the entry figures and fees.
- 10.5 The Gundagai Amateur Swimming Club is to have exclusive use of a portion of the Swimming Complex on days and times as agreed, provided that all club members have season tickets or pay normal entry fees.

11 Expenses covered by Council

11.1 Council and its employees, contractors, invitees and agents will pay:

a. Chemicals

All chemicals associated with the operations of the pool (Sodium hypochlorite, hydrochloric acid, sodium bicarbonate). All water testing equipment and tablets.

b. Electricity

All electricity charges incurred in respect of the Complex, including the kiosk.

c. Water

All water charges incurred in respect of the Complex, including water access charges and user charges for swimming pool and grounds maintenance.

d. Rates

Cootamundra-Gundagai Regional Council rates and charges in respect of the Premises.

e. Insurance

Building Insurance

f. Building Maintenance

Major building maintenance will be responsibility of Council, such as painting of building, roof or structure repairs, shade sail repairs.

g. Equipment maintenance

All equipment maintenance will be responsibility of Council including pump repairs, dosing equipment repairs and service, vacuum cleaners.

h. Telephone

Line rental and all reasonable phone expenses will be the responsibility of Council, but all other phone charges will be the responsibility of the Contractor in accordance with Clause 6(f).

i. First Aid & Safety Equipment

(a) Council will provide first aid & safety equipment. The Contractor will be responsible for upkeep and consumables used throughout the Swimming Season.

(b) Council will supply a defibrillator and oxyviva resuscitator to the contractor prior to the opening of each season.

- 11.2 The Council may enter into additional financial agreements by way of exchange of letters with the Contractor.

12 Indemnity and Release

- 12.1 The Contractor indemnifies the Council against losses, claims or actions, and costs of those claims or actions, by any person for:
- (a) damage to property, or
 - (b) for personal injury or

death, that result from:

(c) negligence, acts of omissions; or

(d) a breach of any condition of the agreement,

by the Contractor or by any person present on the Premises with Contractor's consent.

12.2 The Contractor must meet all claims whether made directly to them or against the Council.

12.3 The Contractor releases the Council from all claims or actions or costs arising from them in connection with those losses, damages, injuries or deaths unless they are caused by the negligence or wrongful act or wrongful omission of the Council.

13 **Council not Responsible for Theft**

13.1 The Council is not responsible for the theft of or damage to any property of the Contractor.

14 **Termination**

14.1 If:

(a) The Contractor fails to comply with any of their obligations under this agreement after being given 14 days 'notice of the failure to comply; or

(b) They become bankrupt or commit an act of bankruptcy or become mentally or physically unfit to perform this agreement;

The Council may, without demand, terminate the agreement immediately by notice to the Contractor and enter into and upon the Premises and reclaim the premises in the capacity as owner of them.

15 **The Contractor to remove his/her Property on Termination**

15.1 On or before the end of the agreement, or on or before the agreement is terminated under Clause 14, the Contractor will promptly remove any of their property from the Premises, subject to Clauses 15.4 and 15.5.

15.2 If the Contractor fails to remove its property, the Council may remove it to any place which the Council chooses.

15.3 The Council will not be liable for any damage to any property of the Contractor caused by that removal and the Contractor on being requested to do so by the Council will pay to the Council any cost incurred by the Council in connection with that removal.

15.4 At the end of the Swimming Season the Council will have the option to purchase from the Contractor the trading stock, plant and equipment used in connection with the

kiosk, at a valuation as agreed between the Council and Contractor, or if the Contractor cannot otherwise agree on a valuation the Council and the Contractor can appoint one person each to agree to the value.

- 15.5 The Council must exercise the option in Clause 15.4 within 21 days of notice of the value of the stock in trade, plant and equipment.

16 **Option of Further Swimming Seasons**

- 16.1 The Contractor has an option for Further Swimming Seasons if:

(a) notice in exercise of the option is served at least 1 month before the end of the Swimming Season, and
(b) at the time of giving that notice, and for the remainder of the Swimming Season, the Contractor is not in default of any of their obligations under this agreement.

- 16.2 If the option in clause 16.1 is exercised, the Council will, at the cost of the Contractor, grant to the Contractor Further Swimming Seasons of the agreement containing identical covenants and conditions and providing for an adjustment of the Tendered Price as provided under clause 17.

- 16.3 If legislative, industry or on-site facility additional changes that effect the terms of this agreement are introduced at any time during the term of this agreement or prior to or during the Further Swimming Seasons option in clause 16.1 the contractor will have the right to negotiate with Council the subsequent responsibility and financial liability conditions and terms.

17 **Consumer Price Index**

- 17.1 On each anniversary of the first day of the agreement the Tender Price ("GMP") for the following swimming season must be adjusted by the formula $G = X \times Y/Z$ where;

G is the GMP for the next swimming
season
X is the GMP for the last swimming
season

Y is the index number last published before the end of last year

Z is the index number last published before the start of last
year.

- 17.2 In this clause **index number** means the all groups Costumer Price Index being the weighted average of the eight capital cities published by the Australian Statistician.
(a) If that Index is discontinued the parties must use such other index as they

may agree.

(b) In default of agreement the parties must use such index as the President of the Australian Property Institute Inc (NSW Division) or its successors body nominates as the most similar.

18. **Holding Over**

- 18.1 If the Council allows the Contractor to continue to occupy the Premises beyond the end of the agreement (other than under a further agreement), the Contractor's rights and obligations under this agreement will continue for only as long as the Council allows the Contractor to hold over in that way.

This agreement was

Signed in my presence by)

Kayleen Makeham)

Craig Makeham)

With whom I am personally acquainted

Or as to whose identity I am satisfied:

.....

Witness

.....

Kayleen Makeham

.....

(print name)

.....

Craig Makeham

.....

(print address)

I certify that I am an eligible witness and
that an authorised officer of the Council
signed this dealing in my presence.

Certified correct for the purposes of the
Real Property Act 1900 by the
authorised Officer named below.

.....

Signature of witness:

.....

Signature of authorised officer:

Name of witness:

Authorised officer's name:

Address of witness:

Authority of officer:

Signing on behalf of:



Wallendoon Street
(PO Box 420) Cootamundra
NSW 2590
Telephone 02 6940 2100

Sheridan Street
Gundagai NSW 2722
Telephone 02 6944 0200

WEB ADDRESS:

<http://www.gundagai.nsw.gov.au>

DRAFT

Asbestos Policy

September 2016

Cootamundra-Gundagai Regional Council

Asbestos Policy July 2016

Administrative information

File name	Asbestos Management Plan
Document status	<i>Draft</i>
Version number	<i>Assigned by Cootamundra-Gundagai Regional Council</i>
<i>Date last modified / Amendment history</i>	<i>Date the policy was last changed / Dates and notes on significant changes policy</i>
Created by	<i>Madlin Snell</i>
Approved by <i>(when approved)</i>	<i>Staff member who approved the policy. It may be appropriate to remove this once policy has been adopted by Cootamundra-Gundagai Regional Council.</i>
Date policy first adopted by Council	<i>Date policy first adopted by Cootamundra-Gundagai Regional Council</i>
Effective date	<i>Date the policy comes into effect</i>
Review period	This policy will be reviewed at the time of any legislative changes, or may be reviewed at a minimum, every three years.
Review date	<i>July 2019</i>
Responsibility for review	<i>Staff member/s responsible for ensuring the policy is current and revised as necessary</i>
Date presented to WHS Committee	<i>Date policy was presented to WHS Committee</i>
Associated legislation	Refer to Appendix G Legislation
Related Council policies, plans and procedures	<i>Any related Cootamundra-Gundagai Regional Council policies, plans and procedures by file/ policy number and title/ or could be listed within the policy instead</i>
Responsibility for implementation	<i>Staff member/s responsible for implementation of the policy including communications, education, monitoring and compliance by staff [There may be several different staff involved and thus this may be more appropriate within the policy or within the individual supporting documents]</i>
Document distribution	<i>Internal/ external [Cootamundra-Gundagai Regional Council is strongly encouraged to make this an external document once endorsed by Cootamundra-Gundagai Regional Council]</i>
Document owner	<i>Staff member/s responsible for maintaining accuracy of the document</i>
Contact person for further information	<i>Name, position, contact details of person/s who may be contacted by staff members and members of the public for more information</i>

Council 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.

This policy is based upon the Model Asbestos Policy for NSW Councils issued by the Division of Local Government (in July 2015 under [section 23A of the Local Government Act 1993](#)) to promote a consistent Local Government approach to asbestos management across NSW.

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.

Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

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1. Introduction

Cootamundra-Gundagai Regional 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 1 in 3 Australian homes contains asbestos. There are many residential, commercial and industrial premises in our Local Government Area (LGA) which will have asbestos containing materials, and Council's reticulated water supply services have some water supply mains which consist of AC pipes.

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 B.

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

- Residents and the public within the 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
- Management of naturally occurring asbestos
- Regulation of activities (non work sites)
- Waste management and regulation

1.1 Purpose

This policy aims to outline:

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

1.2 Scope

This policy applies to all of the Gundagai LGA within Council's jurisdiction.

The policy provides information for Council workers, the local community and wider public. Part 1 of the policy includes the sections that are likely to be of most interest to the local community and wider public. Part 2 is information that applies to "workers" associated with Council including employees, contractors, and volunteers (as defined by the [Work Health and Safety Regulation 2011](#)).

The policy applies to friable, non-friable and naturally occurring 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: How to Manage and Control Asbestos in the Workplace](#) published by Safe Work Australia, 2011
- [Code of Practice: How to Safely Remove Asbestos](#) published by Safe Work Australia, 2011
- Additional guidance material listed in Appendix B.

Detailed information on Council's procedures and plans may be found in other documents, which are referenced under Section 18 Implementation.

2. Definitions

Definitions are provided in Appendix C.

3. Roles and responsibilities of Council

3.1 Educating residents

Council shall assist residents to access appropriate information and advice on the:

- prohibition on the use and re-use of asbestos containing materials
- requirements in relation to development, land management and waste management
- risks of exposure to asbestos
- safe management of asbestos containing materials
- safe removal and disposal of minor quantities of asbestos containing materials.

Educational information and website links for educational materials can be found in Appendices A and B.

3.2 Managing land

Council is responsible for managing public land. This may include land with naturally occurring asbestos as described in section 5 and land contaminated with asbestos as outlined in section 6.

3.3 Managing waste

Where council is the appropriate regulatory authority, council is responsible for:

- Issuing clean up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the *Protection of the Environment Operations Act 1997*).
- Issuing prevention or clean up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the *Protection of the Environment Operations Act 1997*).
- Issuing penalty infringement notices for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).
- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 149 certificates) where on-site disposal is permitted.
- Elouera Association operates the Cootamundra Landfill facility on behalf of Cootamundra-Gundagai Regional Council as a contractor which is licensed to accept asbestos waste. Asbestos waste is only accepted from sites within the Gundagai Local Government area. The Gundagai Landfill facility on Burra Rd Gundagai does not accept asbestos waste.

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

3.4 Regulator responsibilities

Council may act 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 2014*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No. 55 – Remediation of Land.*

Additional legislation, policies and standards relating to the safe management of asbestos are listed in Appendix G. The situations in which council has a regulatory role in the safe management of asbestos are listed in Table 1

Table 1. Situations in which council has a regulatory role in managing asbestos.

Issue	Council's role	Section of policy
Contaminated land	<ul style="list-style-type: none"> Record known asbestos site contamination on section 149 certificates where practicable and for council workplaces, record on council's asbestos register. Notify stakeholders of land use planning policy requirements relating to contamination. Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of WorkCover). 	Sections 5 and 6
Development assessment	<ul style="list-style-type: none"> Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. Ensure compliance with development conditions. Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9. 	Section 9
Demolition	<ul style="list-style-type: none"> Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>. Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. 	Section 9
Emergencies and incidents	<ul style="list-style-type: none"> Regulate the clean up of asbestos waste following emergencies where sites are handed over to the council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of WorkCover). Council may consider the need to issue a clean up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i>. 	Section 7

Naturally occurring asbestos	<ul style="list-style-type: none"> • Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos. • Prepare an asbestos management plan for council workplaces or road works which occur on land containing naturally occurring asbestos. 	Section 5
Residential premises	<ul style="list-style-type: none"> • Respond to any public health risks (risks to council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. • Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of WorkCover). • Respond to public health risks posed by derelict properties or asbestos materials in residential settings. 	Section 9
Waste	<ul style="list-style-type: none"> • Manage waste facilities in accordance with environmental protection legislation. • Respond to illegal storage, illegal dumping and orphan waste. • Regulate non-complying transport of asbestos containing materials. 	Section 10

3.5 Responsibilities to workers

Council is committed to fulfilling its responsibilities to workers under the NSW *Work Health and Safety Act 2011* and NSW *Work Health and Safety Regulation 2011* and maintaining a safe work environment through council's:

- general responsibilities
- education, training and information for workers
- health monitoring for workers
- procedures for identifying and managing asbestos containing materials in council premises.

These responsibilities are outlined in part 2.

4. Other stakeholders involved in managing asbestos

Council is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues, for example:

- Department of Planning and Infrastructure
- Department of Trade & Investment, Regional Infrastructure and Services
- Emergency response agencies
- Environment Protection Authority
- Private certifiers
- WorkCover NSW

Appendix I note the lead agencies and other agencies involved in various asbestos scenarios.

Part 1 – Asbestos in the Local Government Area: Information for the community

5. Naturally occurring asbestos

Council is aware of naturally occurring asbestos in the LGA.

Naturally occurring asbestos only poses a health risk when elevated levels of fibres are released into the air, either by human activities or by natural weathering and these fibres are breathed in by people. Information on naturally occurring asbestos, work processes that have the potential to release naturally occurring asbestos fibres into the air and known locations of naturally occurring asbestos in NSW is provided in Appendix A under section 2.1. This information is indicative, and not a complete picture of all naturally occurring asbestos in NSW.

5.1 Responsibilities for naturally occurring asbestos

For naturally occurring asbestos that will remain undisturbed by any work practice, council is the lead regulator. Where development applications propose activities that may disturb areas of naturally occurring asbestos (such as excavation), any consent or approval should contain conditions requiring testing to determine if asbestos is present and refer to councils naturally occurring asbestos management plan if the testing reveals naturally occurring asbestos is present. Council will verify compliance with environmental planning and assessment legislation and together with the EPA and WorkCover will coordinate enforcement where non-compliance is suspected.

Where naturally occurring asbestos will be disturbed due to a work process, including roadwork, excavation and remediation work, WorkCover is the lead regulator. Requirements for workplaces are summarised in the *Naturally- occurring asbestos fact sheet* published by WorkCover. Where naturally occurring asbestos is part of a mineral extraction process, Department of Trade and Investment, Regional Infrastructure is the lead regulator.

5.2 Managing naturally occurring asbestos

Where naturally occurring asbestos is encountered or suspected, the risk from disturbance of the naturally occurring asbestos should be assessed by an occupational hygienist.

The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with councils naturally occurring asbestos management plan- Refer Appendix K. Requirements for risk management, asbestos management plans and provisions for workers are outlined in the *Naturally-occurring asbestos fact sheet* published by WorkCover.

5.2.1 Management of naturally occurring asbestos by council

Council will aim to prevent the exposure of workers and the public to any naturally occurring asbestos that is known or discovered in the council workplace.

Council has developed an asbestos management plan in relation to the naturally occurring asbestos and can provide guidance materials where necessary.

Refer to Councils Naturally Occurring Asbestos Management Plan – Appendix K.

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 compliance cost notice (under part 4.5 of the *Protection of the Environment Operations Act 1997*). Council shall keep records of: tasks undertaken; the hours council employees have spent undertaking those tasks; and expenses incurred.

During site redevelopment council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the *Environmental Planning and Assessment Act 1979*. That is, council will apply the general requirements of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land* and the *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*.

Council provides information about land contamination on planning certificates (issued under section 149 of the *Environmental Planning and Assessment Act 1979*) as outlined in section 6.2.

For sites that are 'significantly contaminated' and require a major remediation program independent of any rezoning or development applications, the EPA and WorkCover are the lead regulatory authorities as outlined in Appendix A under section 2.4.2.

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

6.2 Finding out if land is contaminated

A person may request from council a planning certificate containing advice on matters including whether council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under section 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's Water and Wastewater section also has records to indicate the position of water mains and information relating to the type of water mains in its reticulated systems.

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 WorkCover is the lead agency responsible for ensuring that asbestos is removed by appropriately licensed removalist.

6.5 Development of land with old or redundant water supply mains

In areas where development or redevelopment of land containing old or redundant water supply mains is proposed, the developer will have the option of either:

- Removing the old or redundant mains, and if such mains are constructed of asbestos-containing materials, the removal of the mains must be by a licensed asbestos removalist and carried out in accordance with the applicable standards applying at that time, with materials disposed of at a licensed facility. A validation report must be provided from a suitably qualified and recognised consultant that the works have been satisfactorily completed, and that material used to backfill any service trenches is certified as being suitable for the intended use; or
- Leave the old or redundant mains in situ and recording by a survey plan completed by a registered surveyor to identify the exact location of the mains. A “restriction to user” under Section 88B of the Conveyancing Act is to be registered on the title of the subject land and on the title of any land parcels created by the subdivision of that land.

Where the presence and/or location of redundant sub surface infrastructure is known or confirmed during the development assessment process, the developer will be required to indicate prior to development consent which of the above options they intend to implement on the site. This will then be considered in Council’s determination of the development application and if approved, conditions of consent will be used to bind the developer to the option they have indicated.

In circumstances where redundant sub surface infrastructure may potentially be located on a site but which, for various reasons, may not be confirmed on site prior to development consent, Council will impose standard conditions of consent to provide for either of the above options if the circumstances arise.

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 can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

7.1 Responsibilities in the clean up after an emergency or incident

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, WorkCover 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*” published by WorkCover NSW.
- Ensure that any council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures (see section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensure that the site is kept damp at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).
- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.

7.2 Advice to the public regarding clean up after an emergency or incident

During a clean up after an emergency or incident, the possibility of neighbours being exposed to asbestos fibres may be very low if precautions are taken to minimise the release and inhalation of asbestos dust and fibres.

As a precautionary measure, where council is involved in a clean up, council may consider advising those in neighbouring properties to:

- avoid unnecessary outdoor activity and do not put any laundry outside during the clean up
- close all external doors and windows and stay indoors during the clean up
- consider avoiding using air conditioners that introduce air from outside into the home during the clean up
- dispose of any laundry that may have been contaminated with asbestos as asbestos waste after the clean up (advice on disposing of asbestos waste is provided in section 10)
- use a low pressure hose on a spray configuration to remove visible dust from pathways after the clean up
 - wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean up (advice on disposing of asbestos waste is provided in section 10)
- any other measures recommended by an occupational hygienist following assessment of the situation.

8. Council’s process for changing land use

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

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

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

9. Council's process for assessing development

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

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

9.1 Responsibilities for approving development

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

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

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

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

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

9.2 Providing advice to home owners, renovators and developers

Council is committed to providing information to minimise the risks from asbestos in the LGA. Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may be found around the home.

The key points are:

- Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to section 9.3).
- Where a material cannot be identified or it is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions.
- If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment. If asbestos materials cannot be safely contained, they should be removed as outlined in section 9.4.
- For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.

Anyone who is undertaking renovations themselves without a contractor is encouraged to refer to Appendices A and B for more information and contact council where they require further advice or clarification. Anyone engaging an asbestos removal contractor may contact WorkCover with any queries as WorkCover regulates asbestos removal by workers (as explained in section 9.4). Contact details for council and WorkCover 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 WorkCover 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 license may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix K. WorkCover is responsible for issuing asbestos licenses.

Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal license. 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 license or a friable (Class A) asbestos removal license.

Removal of 10 square metres or less of non-friable asbestos may be undertaken without a license. 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*.

If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- the person who commissioned the work
- a person conducting a business or undertaking at the workplace
- the owner and occupier of the residential premises
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the *NSW Work Health and Safety Regulation 2011*).

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

All licensed asbestos removal must be:

- supervised by a supervisor named to WorkCover
- notified to WorkCover 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. WorkCover 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*. 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.

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.

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*.

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*. In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then WorkCover 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 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.

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

In issuing development consent, Council will include standard conditions relating to work that may involve asbestos.

9.7.1 Responsibilities for compliance and enforcement

The controls rely on information being provided and checked by the principal certifying authority which may be either the local council or a private certifier. A private certifier has powers under the *Environmental Planning and Assessment Act 1979* to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections. Councils will not always

be the principal certifying authority. When a council is not nominated as the principal certifying authority for a complying development certificate or development application, the council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between the council and the private certifier will be required.

Council may take action on any development for which council has issued the development consent, even when not appointed as the principal certifying authority to ensure enforcement. Where council receives a complaint about a development for which council is not the principal certifying authority, council should consider whether council is the appropriate authority to resolve the matter. Complaints that warrant action by councils because of their greater enforcement powers include:

- urgent matters, for example, a danger to the public or a significant breach of the development consent or legislation
- matters that are not preconditions to the issue of the occupation/subdivision certificate.

In relation to naturally occurring asbestos, council is to verify compliance with environmental planning and assessment legislation and together with the EPA and WorkCover is to coordinate enforcement where non-compliance is suspected.

9.7.2 Compliance strategies

Illegal works include:

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

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

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

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

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

Council may audit asbestos-related demolition works which council has recently approved by using a legal notice under section 192 of the *Protection of the Environment Operations Act 1997* to require developers to provide information and records regarding disposal of their asbestos waste.

10. Managing asbestos as a waste

It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse, bury or illegally dump asbestos waste. Asbestos must not be placed in general waste skip bins, yet there have been instances where asbestos has been illegally placed in skip bins by third parties. Members of the public need to be aware of this hazard and may need to secure their skip bins to prevent a third party from illegally disposing of asbestos in the skip bin.

Asbestos waste (in any form) must only be disposed of at a landfill site that may lawfully receive asbestos waste.

10.1 Responsibilities for asbestos waste management

Council's responsibilities for asbestos waste management are outlined in section 3.3.

The handling and, where appropriate, temporary storage of asbestos waste at worksites is regulated by WorkCover NSW.

The EPA regulates premises that have or require an environment protection license in accordance with the *Protection of the Environment Operations Act 1997*. A license is required where more than 5 tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

10.2 Handling asbestos waste for disposal

The *Code of practice on how to safely remove asbestos* provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in section 4.8 of the Code).

Council will ensure procedures are developed and implemented to ensure ACM is handled and contained in accordance with the Code of Practice How to Safely Remove Asbestos and Code of Practice for the Management and Control of Asbestos in Workplaces.

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 2014* clause 78:

- 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
- 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 2014*. 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 license 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).

10.4 Disposing of asbestos waste at waste facilities

Asbestos waste generated within the Cootamundra district can be disposed of at the Cootamundra Waste Depot, located at: Turners Lane off Muttama Road Cootamundra NSW 2590. Details are:

Cootamundra Waste Operations:

- Open Monday, Tuesday and Thursday 8.30am to 4.30pm, Wednesday 1.30pm to 4.30pm, Saturday 1pm to 5pm, Sunday 9.00am to 5.00pm Closed on Public Holidays
- Contact Cootamundra Waste Depot 69426250

- Arrangements must be made prior to transporting asbestos waste to the Cootamundra Waste Depot facility, as Council must ensure that staff is available to accept the waste. Note that 24 hours' notice is required for loads exceeding 10 square metres.
- ACM origin and removalist details required to be entered into the asbestos register held at the Waste Depot weighbridge
- Fees apply for disposal of asbestos waste, please contact Council for details.
- Please note that asbestos waste is not accepted at the transfer stations or collection points
- **Please note that asbestos waste generated from outside the Cootamundra-Gundagai Regional Council LGA will not be accepted by Council.**

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

- a person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste.
- when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust.

Non-compliance with these requirements is an offence under the *Protection of the Environment Operations (Waste) Regulation 2014* and these offences attract strong penalties.

Note: Council does not accept asbestos waste at its Gundagai waste facility.

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 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.

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 license 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 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 \$5000
- 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 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 certificates).

11. Complaints and investigations

Complaints and inquiries may be directed to council about incidents in public places and private properties. Complaints and inquiries regarding a workplace should be directed to WorkCover NSW. Complaints and inquiries regarding licensed premises under the *Protection of the Environment Operations Act 1997* should be directed to the EPA.

Council will respond to complaints and inquiries regarding:

- council's requirements in relation to development, land management and waste management
- derelict properties
- general asbestos safety issues
- illegal dumping
- safe removal and disposal of minor quantities of asbestos materials
- unsafe work at a residential property conducted by a homeowner or tenant. Complaints about council in relation to asbestos may be directed to the NSW Ombudsman.

Part 2 – Management of asbestos risks within council

12. Rights and responsibilities of workers at the council workplace

12.1 Duties of council workers at the council workplace

12.1.1 The General Manager

The General Manager has a duty to exercise due diligence to ensure that council complies with the NSW *Work Health and Safety Act 2011* and the NSW *Work Health and Safety Regulation 2011*. This includes taking reasonable steps to ensure that council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

12.1.2 Workers

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons.

Accordingly workers:

- must comply with this policy and procedures relating to working with Asbestos Containing Materials
- must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able
- may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them, or other persons, to a serious health or safety risk, emanating from an immediate or imminent exposure to a hazard
- should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation
- (refer to Appendix G).

Managers and supervisors are responsible for ensuring workers who report to them have access to this policy and appropriate information, documentation and training.

12.1.3 Prohibited work activities

Council will not permit the use of the following equipment on asbestos or asbestos containing material:

- high pressured water spray, (unless for fire fighting or fire protection purposes),
- compressed air
- Power tools i.e. grinders, circular saws, reciprocating saw
- In special and controlled situations the use of council's REED CUTTER, pipe cutting device, may be used provided an appropriate risk assessment is undertaken and signed off in accordance with the Asbestos Management Plan.

Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is controlled in accordance with the NSW *Work Health and Safety Regulation 2011*:

- power tools
- brooms (note brooms are allowed for use on vinyl floor tiles), or

- any other implements that cause the release of airborne asbestos into the atmosphere.

12.2 Responsibilities of council to council workers

12.2.1 Council's general responsibilities

Council has general responsibilities under the *NSW Work Health and Safety Act 2011* and the *NSW Work Health and Safety Regulation 2011*.

Accordingly council will:

- not use any asbestos containing materials (unless in accordance with part 8.1 (419) of the *NSW Work Health and Safety Regulation 2011*) and will not cause or permit asbestos waste in any form to be reused or recycled
- ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable
- ensure that the exposure standard for asbestos 0.1 fibres/ml (defined in Appendix C) is not exceeded in the workplace or during asbestos removal work
- notify WorkCover immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.01 fibres/ml of air
- ensure that any contractors engaged to undertake the removal of asbestos for council are appropriately licensed and trained to carry out the work
- ensure contractors engaged to remove asbestos have provided council a copy of their Safe Work Method Statement and confirmation details from WorkCover to carry out the removal work.
- Prior to commencement of any type of construction work to a Council building, a copy of the buildings asbestos register shall be provided to the contractor.
- consult with workers as required by the *Work Health and Safety Act 2011*.

Council will not import asbestos or asbestos containing material into Australia as prohibited under the *Customs (Prohibited Imports) Regulations 1956*. If plant or other materials are imported from countries where asbestos is not yet prohibited, council shall ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.

12.2.2 Education, training and information for workers

As required by the *NSW Work Health and Safety Act 2011* and *NSW Work Health and Safety Regulation 2011*, council will:

- provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of council business
- ensure workers who council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.

Topics training may cover are outlined in the Code of practice on how to safely remove asbestos. All Asbestos Training shall be provided by an accredited Registered Training Organisation (RTO).

Cootamundra-Gundagai Regional Council will ensure that workers who are required to work with asbestos containing materials shall undertake the Asbestos awareness training.

Cootamundra-Gundagai Regional Council shall also ensure an appropriate number of workers undertake the Bonded Asbestos Removal Course (Removal & Supervision) course to comply with our Class B non-friable asbestos licensing requirements.

A copy of the workers training records shall be filed with HR records

Education and training will only be provided by appropriately accredited individuals.

A record of asbestos training undertaken by each worker will be kept until five years after the day the worker ceases to work for council. A list of workers who have received the appropriate training to respond to asbestos hazards is available.

12.2.3 Health monitoring for workers

Council will ensure health monitoring is provided to all COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL workers that are required to carrying out licensed asbestos removal work, other ongoing asbestos removal work or asbestos-related work and is at risk of exposure to asbestos when carrying out the work.

The health monitoring program must be carried out in accordance with the Guidelines for Health Surveillance [NOHSC:7039(1995)] (Asbestos) that includes a physical examination of the worker with emphasis on the respiratory system, including respiratory function tests and a chest X-Ray. The health monitoring program must be carried out under the supervision of a registered medical practitioner.

Results of the worker's health monitoring program shall be filed for a minimum of 40 years.

Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee as a result of that exposure, are covered by the *NSW Work Health and Safety Regulation 2011* (clauses 435-444). Council will ensure these employees are kept on the health monitoring program.

13. Identifying and recording asbestos hazards in the council workplace

This section outlines how council will identify and record asbestos hazards in the workplace. This section does not cover naturally occurring asbestos which is addressed in section 5 or illegal dumping which is addressed in section 10.5.

13.1 Identifying asbestos

Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material in every Council owned building, structure or infrastructure is identified by a competent person (as defined by the NSW Work Health and Safety Regulation 2011). If a material cannot be identified or accessed, it will be assumed to be asbestos containing material. This does not apply if council has reasonable grounds to believe that asbestos or asbestos containing material is not present.

13.1.1 Material sampling

Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where council arranges sampling of asbestos containing material, this will be undertaken by a competent person. Analysis of the sample must only be carried out by a National Association of Testing Authorities (NATA) accredited laboratory.

13.2 Indicating the presence and location of asbestos

Council will clearly indicate the presence of any asbestos or asbestos containing material identified or assumed. Where it is reasonably practicable to do so, council will indicate the presence of asbestos containing material or assumed ACM by a label.

13.3 Asbestos register

Council will ensure an asbestos register is developed and maintained in accordance with the Work Health & Safety Regulation 2011. Council's asbestos register shall list all identified and or assumed ACM in council owned buildings, structures and lands. Council will ensure that any worker or contractor required to carrying out or intending to carry out work within a council building, structure or land that contains Asbestos Containing Materials and or assumed ACM is provided a relevant copy of the asbestos register.

Council has an asbestos register which is located within Authority (Registers, Council Register) and is managed by the Risk and WHS Officer.

Cootamundra Landfill facility also keeps a register of asbestos waste disposed of at that facility.

13.4 Suspected asbestos

If a worker suspects there is asbestos in a council workplace, *council owned building, structure or Land*, they should inform their manager or supervisor. A competent worker should check the asbestos register for existing asbestos locations and control measures and may need to arrange for an inspection and *if required* sampling of the material (refer to section 13.1.1). If it is likely that asbestos or suspected asbestos is present, the asbestos register will be updated and the *relevant Manager, Supervisor and workers* will be notified of any newly identified asbestos locations.

Council may need to manage the suspected asbestos as outlined in section 14. If the suspected asbestos has been disturbed and has, or could, become airborne, council may need to respond immediately as outlined in section 15.

14. Managing asbestos-related risks in the council workplace

14.1 Asbestos management plan

Council will ensure an Asbestos Management Plan is developed, implemented and maintained in accordance with the Work Health & Safety Regulation 2011 and Code of Practice for the Management and control of Asbestos in Workplaces and available for all staff and contractors.

14.2 Asbestos management plan for naturally occurring asbestos

- Council is aware of naturally occurring asbestos in the workplace. If naturally occurring asbestos is discovered, council will prepare an asbestos management plan in relation to the naturally occurring asbestos in accordance with the NSW Work Health and Safety Regulation 2011 part 8.4 (Management of naturally occurring asbestos).

14.3 Management options for asbestos-related risks in the council workplace

Council shall undertake an asbestos risk assessment, in consultation with workers and/or their representatives, in order to inform decision-making. Only competent persons will perform risk assessments or any subsequent reviews or revisions of risk assessments.

For all asbestos work or asbestos-related work, safe work practices will be in place and suitable personal protective equipment will be used.

Council shall undertake an asbestos risk assessment to determine the options for managing asbestos containing materials. Only competent persons will perform risk assessments or any subsequent reviews or revisions of risk assessments.

Options for managing asbestos containing materials in Council owned buildings, structures and land:

- removal of asbestos or asbestos containing materials (if reasonably practicable)
- interim control measures: encapsulation or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person
- leaving asbestos containing material in situ (deferring action) and erect signage.

14.4 Sites contaminated with asbestos that are council workplaces

Where asbestos is identified as contaminating a workplace, the site will be included in council's asbestos register and asbestos management plan.

Council may need to ensure that an exposure assessment is undertaken and that appropriate risk management options are determined and implemented.

For asbestos in soil or aggregate, a suitably qualified occupational hygienist must carry out an assessment if the material in the soil and aggregate is unknown or classified as friable.

Council should engage specialists, who may include asbestos removalist, for all cases except in the case of minor, non-friable contaminations.

Further details on managing land contaminated with asbestos may be found in section 6.

14.5 Demolition or refurbishment of council buildings and assets

Council will ensure that before any demolition or refurbishment of a council structure or plant constructed or installed before 31 December 2003 is undertaken, the asbestos register is reviewed and a copy provided to the *Licensed Contractor engaged to carry out the work*. Council will ensure that any asbestos that is likely to be disturbed is identified and, so far as is reasonably practicable removed.

14.6 Removal of asbestos in the council workplace

Removal of asbestos or asbestos containing materials in the council workplace will be undertaken in accordance with the:

- NSW *Work Health and Safety Act 2011*
- NSW *Work Health and Safety Regulation 2011*.
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002(2005)]
- NSW WorkCover Code of Practice How to Safely Remove Asbestos (Dec 2011)

Council may also refer to the *Code of practice on how to safely remove asbestos* .

For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the NSW *Work Health and Safety Regulation 2011* including the requirements to:

- notify WorkCover at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, council may request to WorkCover that this five days period be waived
- prepare, supply and keep an asbestos removal control plan
- obtain a copy of the asbestos register before carrying out asbestos removal work
- inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace
- erect signs and barricades
- limit access to the asbestos removal area
- properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment
- arrange a clearance inspection and clearance certificate.

Where council is informed that asbestos removal work is to be carried out at the workplace, council will inform workers and those in the immediate vicinity of the workplace and limit access to the asbestos removal area as per the NSW *Work Health and Safety Regulation 2011*.

14.6.1 Removal by council employees

Council will ensure that before any council worker undertakes asbestos (or suspected asbestos) removal work they are:

- appropriately trained (Minimum asbestos awareness training)
- adequately supervised by a least one COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL worker that has completed the Bonded Asbestos Removal Course(Removal & Supervision) course
- provided with appropriate personal protective equipment and clothing
- provided access to this policy, management plan and associated procedures
- provided with information about the health risks and health effects associated with exposure to asbestos and the need for, and details of, health monitoring.
- provided with a Work Method Statement

14.6.2 Removal by contractors

Where council commissions the removal of asbestos at the workplace, council will ensure asbestos removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the NSW *Work Health and Safety Regulation 2011* that a license is not required.

Where council requires the services of asbestos removalist, council will require the license details of asbestos removalist prior to engaging their services and will verify the license details with WorkCover's Certification Unit prior to entering a contract or agreement with the licensed asbestos removalist.

Council is required to ensure that the work is carried out by a competent person who has been trained in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing material. Council will therefore require a statement in a written contract or agreement with the licensed asbestos removalist that the licensed asbestos removalist who will undertake the work has been adequately trained.

Council will provide a copy of the asbestos register to the licensed asbestos removalist.

Where council becomes aware of any breaches by licensed asbestos removalist, council will report this to WorkCover.

The licensed asbestos removalist is to provide the following documentation prior to carrying out asbestos removal work:

- Safe Work Method Statement
- Public liability certificate of currency
- Workers compensation certificate of currency
- WorkCover confirmation details to carry out the removal work

14.6.3 Clearance inspections and certificates

As part of Councils asbestos management process all Non-friable asbestos removal work (including amounts less than 10sqm) is subject to an asbestos clearance inspection and certificate.

If asbestos removal work involves removing more than 10sqm of Non-friable ACM an independent competent person shall carry out the clearance inspection and certificate.

Where friable asbestos is to be removed Council will ensure that a clearance inspection and certificate is undertaken by either an independent licensed asbestos assessor or occupational hygienist.

The friable asbestos clearance certificate will require visual inspection as well as air monitoring of the asbestos removal site. Air monitoring is mandatory for all friable asbestos removal and the airborne fibre levels must be below 0.01 fibres/ml. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor or Occupational Hygienist.

Note: It may not be reasonably practicable for the licensed asbestos assessor or competent person to be independent from the person who carried out the asbestos removal work. If this is the case, the person commissioning the work can apply to NSW WorkCover for an exemption from this requirement under Part 10.3 of the WHS Regulations 2011. If this is the case a Council competent person shall carry out the clearance inspection and certificate.

15. Accidental disturbance of asbestos by workers

In situations where asbestos is accidentally disturbed by council work and has, or could, become airborne, council will act to minimise exposure of workers and the wider public to airborne asbestos fibres.

In the event that workers or Council activities may accidentally disturb Asbestos Containing Materials (including asbestos contaminated soil) Council has a process in place for workers to follow.

Refer to COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL Asbestos Management Plan

16. Council's role in the disposal of asbestos waste

16.1 Responding to illegal dumping

Removal of illegally dumped asbestos material or suspected asbestos material by council employees will be undertaken in accordance with section 14.6.1 or section 14.6.2.

Where council commissions the removal of illegally dumped asbestos material or suspected asbestos material, council will ensure this is undertaken in accordance with section 14.6.2.

Where council becomes aware of illegally dumped asbestos material outside of council's jurisdiction, council will promptly notify the relevant authority.

16.2 Transporting and disposing of asbestos waste

Council will transport and dispose of waste in accordance with the legislation and as outlined in section 10.

16.3 Operating council's waste facility licensed to accept asbestos waste

Waste management facilities must be managed in accordance with the *Protection of the Environment Operations*

(Waste) Regulation 2014 including section 80 which specifies that:

- asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste.
- the Cootamundra Landfill depot is licensed to receive asbestos waste. The Gundagai Landfill depot is NOT licensed to receive asbestos waste.
- when asbestos waste is delivered to the Cootamundra Landfill depot, the landfill staff must be informed by the person delivering the waste that the waste contains asbestos
- when unloading and disposing of asbestos waste at the Cootamundra Landfill depot, 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
- asbestos waste disposed of at the Cootamundra Landfill depot must be covered with virgin excavated natural material or other material as approved in the facility's environment protection license as detailed in the *Protection of the Environment Operations (Waste) Regulation 2014*.
- All asbestos trenches will be identified on the Cootamundra Landfill site map

Council has developed a charging policy for receiving asbestos waste, which reflects the actual cost of managing the asbestos waste, plus any applicable levies.

When council is receiving construction, renovation and demolition waste, council may screen and inspect incoming loads to minimise asbestos contamination risk as this waste may be high risk for asbestos materials. Council has developed procedures to avoid asbestos contamination in material intended for resource recovery.

Council will issue a receipt for asbestos waste received at the Cootamundra Landfill depot. The receipt provided will note the time, date and location of disposal, weight of asbestos containing material disposed, method of disposal (note on handling) and a receipt number. This information must be recorded by the facility.

Note that receipts may need to be provided to Council as evidence of meeting conditions of Development Consent.

Note: Council does not accept asbestos waste at its Gundagai waste facility.

16.3.1 Asbestos waste incorrectly presented to council's waste facility

This section applies to situations where asbestos waste is taken to a council waste facility and the waste is:

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

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

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

Where asbestos waste is not correctly packaged for delivery and disposal, or is not disclosed by the transporter as being asbestos or asbestos containing materials, council may:

- reject the asbestos waste from the facility
- suggest the transporter re-package the load correctly at the facility
- provide the transporter with educational material such as WorkCover fact sheets on correct methods for packaging, delivery and disposal of asbestos
- question the transporter about the source of asbestos waste
- issue a clean up notice or prevention notice under the *Protection of the Environment Operations Act 1997*
- issue a compliance cost notice under the *Protection of the Environment Operations Act 1997*
- issue a penalty infringement notice for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).

Where asbestos waste is taken to a waste facility that does not accept asbestos waste, council may reject the waste. Where waste is rejected, council should complete a rejected loads register (a template is available from WorkCover). Council will also inform the transporter of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*).

If council suspects that there is a risk of illegal dumping of the rejected waste, council will inform council's rangers or council's compliance officers. Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and at a later date the transporter will need to demonstrate to council that the waste has been appropriately disposed.

Where asbestos waste is illegally dumped at an unstaffed waste station, management options for council include to:

- undertake surveillance via video cameras to issue fines or deter dumping
- provide targeted education to neighbouring landholders to ensure that they do not allow access to the waste station.

16.4 Recycling facilities

Council will screen and inspect incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

To prevent contamination of recycled products and to manage situations where contamination has occurred, council should adhere to the guide: *Management of asbestos in recycled construction and demolition waste*.

16.5 Re-excavation of landfill sites

The re-excavation of a council landfill site where significant quantities of asbestos waste are deposited should only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*).

17. Advice to tenants and prospective buyers of council owned property

Council may provide advisory notes to tenants and prospective buyers of council owned property that is likely to contain asbestos.

Council may request that tenants in council property:

- advise council of any hazards relating to asbestos
- minimise damage to asbestos containing material
- co-operate with council in facilitating any risk management work arranged by council
- act on advice from council to minimise risks from asbestos.

18. Implementing council's asbestos policy

18.1 Supporting documents

The implementation of this policy is supported by council's Enforcement policy

Council also has several internal documents that support this policy.

18.2 Communicating the policy

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

- Council's offices at Wallendoon Street Cootamundra and Sheridan Street Gundagai
- Council's website www.gundagai.nsw.gov.au

All employees shall receive information about the policy at induction from Council's Human Resource Manager or Risk Officer.

Any workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public) who are involved in any activity or activities listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of this policy and relevant supporting documents. This includes any workers involved in commencing, arranging, undertaking, regulating, inspecting or supervising a potentially hazardous activity or activities. Managers are responsible for ensuring workers who report to them have access to the policy and appropriate information, documentation and training in asbestos awareness (as per the NSW *Work Health and Safety Regulation 2011*) prior to planning the activity or activities. Further information about training is noted in section 12.2.2 of this policy.

Council shall incorporate a statement regarding compliance with this policy in all relevant contracts and agreements with workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public).

In the case of any substantive revisions to the policy, the revisions will be approved by the General Manager and the General Manager will notify all persons who may have cause to undertake, arrange or supervise any activities listed in Appendix A under section 3 on behalf of, or for, council.

18.3 Non-compliance with the policy

Failure by workers to adhere to the policy and failure by managers to adequately inform relevant workers of this policy shall be considered non-compliance with this policy.

The appropriate supervisor, manager, director, or the General Manager, shall take action in the case on non-compliance with the policy and this may include providing education and training, issuing a verbal or written warning, altering the worker's duties, or in the case of serious breaches, terminating the worker's services. Each case shall be assessed on its merits with the aim of achieving a satisfactory outcome for all parties.

Workers should approach their supervisor or manager if they are experiencing difficulties in understanding or implementing the policy or if they are concerned that other workers are not complying with the policy.

19. Variations to this policy

Council reserves the right to review, vary or revoke this policy. The General Manager may allow variations to the policy for minor issues in individual cases.

Appendices

Appendix A – General information and guidance

1. What is asbestos?

Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials. If asbestos is disturbed it can release dangerous fine particles of dust containing asbestos fibres. Breathing in *airborne respirable asbestos fibres increases the risk of causing* asbestosis, lung cancer and mesothelioma.

There are two major groups of asbestos:

- the serpentine group contains chrysotile, commonly known as white asbestos
- the amphibole group contains amosite (brown asbestos) and crocidolite (blue asbestos) as well as some other less common types (such as tremolite, actinolite and anthophyllite).

Further information about the different types of asbestos can be found in enHealth, 2005, Management of asbestos in the non-occupational environment.

[http://www.health.gov.au/internet/main/publishing.nsf/content/FB262D7C35664103CA257420001F2D74/\\$File/asbestos.pdf](http://www.health.gov.au/internet/main/publishing.nsf/content/FB262D7C35664103CA257420001F2D74/$File/asbestos.pdf)

In Australia, in the past asbestos was mined and widely used in the manufacture of a variety of materials. Asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited in Australia since 31 December 2003.

Asbestos legacy materials still exist in many homes, buildings and other assets. It is estimated that 1 in 3 Australian homes contain 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 removalist can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their license prior to engaging them. Residents can then check with WorkCover NSW (phone 13 10 50) to confirm the contractor has the appropriate class of license for the asbestos removal job.

2 Where is asbestos found?

Asbestos can be found where it occurs naturally and in a variety of materials (from prior to 2004) in residential, commercial and industrial premises and on public and private land.

2.1 Naturally occurring asbestos

Naturally occurring asbestos refers to the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. The map provided in Appendix L gives an indication of areas in NSW known to have naturally occurring asbestos.

Work processes that have the potential to inadvertently release naturally occurring asbestos into the air include:

- agriculture
- forestry
- landscaping
- mining
- other excavation or construction activities
- pipe works and telecommunications works
- road construction and road works.

Further information can be found in this policy under section 5 and in the *Naturally-occurring asbestos fact sheet* -published by WorkCover, which provides a photograph of naturally occurring asbestos.

2.2 Residential premises

As a general rule, a house built:

- Before the mid 1980s – is highly likely to contain asbestos containing products.
- Between the mid 1980s and 1990 – is likely to contain asbestos containing products.
- After 1990 – is unlikely to contain asbestos containing products. However, some houses built in the 1990s and early 2000s may have still used asbestos cement materials until the total ban on any activity involving asbestos products became effective from December 2003.

Pipelines installed prior to 1992, particularly black surface coated and grey surface pipes, may contain asbestos.

It is important to note, the most accurate way to find out whether a material contains asbestos is by engaging a licensed asbestos removalist or occupational hygienist to inspect and arrange testing where necessary.

Fibre cement sheeting, commonly known as 'fibro', 'asbestos sheeting' or 'AC sheeting' (asbestos containing sheeting) is the most commonly found legacy asbestos material in residential premises. Other asbestos containing materials were used in 'fibro' houses but also found in brick and timber housing stock from that period. Asbestos materials were sold under a range of commercial names. Some asbestos containing materials found in New South Wales domestic settings are listed in Appendix J.

Common places where asbestos is likely to be found in and around homes include:

Outside

- backyard garden sheds, carports, garages and dog kennels
- electrical meter boards
- imitation brick cladding
- lining under eaves
- wall and roof materials (flat, patterned or corrugated asbestos sheeting). Inside
- insulation materials in heaters and stoves
- interior walls and sheeting
- sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors)
- vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splash back.

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)
- cement flooring
- external toilets
- fencing
- guttering, downpipes and vent pipes
- inside appliances eg irons, whitegoods
- gable ends
- outbuildings
- ridge capping
- swimming pools – reinforcing marble swimming pools
- ventilators – internal and external.

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

2.3 Commercial and industrial premises

In commercial and industrial premises, asbestos may be found in the abovementioned places and also:

- asbestos rope or fabric in expansion joints (for example exhaust flues) and insulation
- bituminous waterproof membrane on flat roofs
- brake disc pads and brake linings
- cloth, tapes, ropes and gaskets for packing
- electrical switchboards and duct heater units
- fillers and filters
- fire doors
- lagging on pipes such as heater flues
- lift motor rooms
- pipes, casing for water and electrical/ telecommunication services
- rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications
- structural beams of buildings
- yarns and textiles eg fire blankets.

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

2.4 Sites contaminated with asbestos

Contamination of soils from asbestos or asbestos containing materials can present a risk in urban and rural environments if the asbestos can give rise to elevated levels of airborne fibres that people can breathe. Whilst buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air. Activities such as those listed in section 3 of this Appendix have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.

2.4.1 Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- industrial land, eg, asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots
- waste disposal or dumping sites, including sites of illegal dumping eg, building waste
- sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes
- buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004)
- land with fill or foundation material of unknown composition
- sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, eg, asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

2.4.2 Significantly contaminated land

For sites that are significantly contaminated, the EPA and WorkCover are the lead regulatory authorities. The Contaminated Land Management Act 1997 applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measureable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at:
www.environment.nsw.gov.au/clm/publiclist.htm

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

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

3. Potentially hazardous activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk. Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

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

- renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials
- sealing, painting, brushing and cleaning asbestos cement products
- demolitions of homes or other structures (dismantling or destruction)
- relocating a house, building or structure
- using compressed air on asbestos containing materials
- water blasting asbestos containing materials
- cleaning gutters on asbestos cement roofs
- handling asbestos cement conduits or boxes
- maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards
- maintenance or servicing of materials from vehicles, plant or equipment.

Council could inadvertently disturb asbestos through activities such as:

- abovementioned activities
- asset and building maintenance
- certifying
- inspections of sites and premises
- transport and disposal of illegally dumped materials
- collection, transport and disposal of incorrectly disposed of materials.

Naturally occurring asbestos and contaminated sites could be inadvertently disturbed during:

- road building
- site and construction work
- other excavation activities
- vehicle movements.

Natural processes can create a risk of exposure to asbestos including:

- extensive fire or storm damage to asbestos cement roofs or building materials
- extensive weathering and etching of unsealed asbestos cement roofs.

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

4. Health hazards

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

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

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

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

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure, and most cases occur over 30 years after first exposure. Accordingly, the rates of malignant mesothelioma (an incurable cancer) are expected to rise from the year 2012 to 2020 and are expected to peak in this time.

If asbestos fibres are in a stable material, for example bonded in asbestos-cement sheeting (such as fibro), and these materials are in good condition they pose little health risk. However, where fibro or other non-friable asbestos sheeting is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos containing materials unsafely can create a hazard.

The occupational standard for asbestos is 0.1fibre/ml of air and the environmental standard is 0.01fibre/ml in air.

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

Appendix B – Further information

Aboriginal communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA)

www.environment.nsw.gov.au/waste/illdumpabcommshandbook.htm

Asbestos contractors

Choosing an asbestos consultant fact sheet (WorkCover NSW)

www.workcover.nsw.gov.au/formspublications/publications/Pages/Choosinganasbestosconsultant.aspx

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or by contacting the Asbestos Removal Contractors Association NSW (ARCA) www.arca.asn.au Phone: (02) 8586 3521.

An asbestos removal contractor's license can be verified by contacting the WorkCover NSW's Certification Unit on 13 10 50.

Demolition & Contractors Association (DCA) NSW

<http://demolitioncontractorsassociation.com.au>

Asbestos waste

Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 (EPA)

www.environment.nsw.gov.au/resources/warr/200845IllegalDumping.pdf

Managing asbestos in or on soil – March 2014 WorkCover NSW www.workcover.nsw.gov.au

Management of asbestos in recycled construction and demolition waste, 2010 (WorkCover NSW)

<http://www.workcover.nsw.gov.au/formspublications/publications/Pages/asbestoswaste.aspx>

Safely disposing of asbestos waste from your home, 2009 (EPA and WorkCover NSW)

www.environment.nsw.gov.au/resources/waste/asbestos/09235Asbestos.pdf

For information on illegal dumping and safely disposing of asbestos waste visit the EPA website:

www.environment.nsw.gov.au

Contaminated land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2009 (EPA).

www.environment.nsw.gov.au/resources/clm/09438gldutycontclma.pdf

Managing land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning and Infrastructure and EPA)

www.planning.nsw.gov.au/assessingdev/pdf/gu_contam.pdf

Environmental risk assessment

Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia)

<http://www.nphp.gov.au/enhealth/council/pubs/pdf/envhazards.pdf>

Health

Asbestos and health risks fact sheet, 2007 (Ministry of Health)

http://www.health.nsw.gov.au/factsheets/environmental/asbestos_fs.html

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/publichealth/infectious/phus.asp

Renovation and development

Asbestos: A guide for householders and the general public, 2012 (Commonwealth of Australia)

[http://www.health.gov.au/internet/main/publishing.nsf/Content/7383C46948F649B7CA2579FA001AA20E/\\$File/asbestos-02-web-\(8may12\).pdf](http://www.health.gov.au/internet/main/publishing.nsf/Content/7383C46948F649B7CA2579FA001AA20E/$File/asbestos-02-web-(8may12).pdf)

Choosing and working with a principal certifying authority: A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board)

<http://www.bpb.nsw.gov.au/resources/683/final%20PCA%20brochure.pdf>

Think asbestos website, 2011 (Asbestos Education Committee) (and Printable Website Handbook)

<http://www.asbestosawareness.com.au>

Working with asbestos guide, 2008 (WorkCover NSW)

<http://www.workcover.nsw.gov.au/formspublications/publications/Pages/Workingwithasbestosguide.aspx>

Practical guidance

Code of practice on how to manage and control asbestos in the workplace published by WorkCover NSW

<http://www.workcover.nsw.gov.au/formspublications/publications/Documents/how-to-manage-control-asbestos-workplace-code-of-practice-3560.pdf>

Code of practice on how to safely remove asbestos published by WorkCover NSW

<http://www.workcover.nsw.gov.au/formspublications/publications/Documents/how-to-safely-remove-asbestos-code-of-practice-3561.pdf>

Tenants

Tenants rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW)

<http://www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php>

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW)

<http://www.housing.nsw.gov.au/NR/rdonlyres/F4E1131F-2764-4CB1-BC07-98EB6C594085/0/Asbestos.pdf>

Appendix C – Definitions

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

- *Code of practice on how to manage and control asbestos in the workplace*
- published by WorkCover NSW
- *Code of practice on how to safely remove asbestos* published by WorkCover NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*
- *Protection of the Environment Operations Act 1997*
- *Waste classification guidelines part 1 classifying waste 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011.*

accredited certifier in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* in relation to those matters.

airborne asbestos means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

- a. actinolite asbestos
- b. grunerite (or amosite) asbestos (brown)
- c. anthophyllite asbestos
- d. chrysotile asbestos (white)
- e. crocidolite asbestos (blue)
- f. tremolite asbestos
- g. a mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f).

asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos.

asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

asbestos-related work means work involving asbestos that is permitted under the *Work Health and Safety Regulation 2011*, other than asbestos removal work.

asbestos removal license means a Class A asbestos removal license or a Class B asbestos removal license.

asbestos removal work means:

- a. work involving the removal of asbestos or asbestos containing material, or
- b. Class A asbestos removal work or Class B asbestos removal work.

asbestos removalist means a person conducting a business or undertaking who carries out asbestos removal work.

asbestos waste means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.

certifying authority means a person who is authorised by or under section 85A of the *Environmental Planning and Assessment Act 1979* to issue complying development certificates, or is authorised by or under section 109D of the *Environmental Planning and Assessment Act 1979* to issue part 4A certificates.

Class A asbestos removal license means a license that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the license holder.

Class A asbestos removal work means the removal of friable asbestos which must be licensed under clause 485 of the *Work Health and Safety Regulation 2011*. This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

Class B asbestos removal license means a license that authorises the carrying out of Class B asbestos removal work by or on behalf of the license holder.

Class B asbestos removal work means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487, but does not include Class A asbestos removal work.

competent person means: a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

- a. a certification in relation to the specified VET course for asbestos assessor work, or
- b. a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

complying development is a fast track, 10 day approval process where a building meets all of the predetermined standards established in either a state or local council planning document. A complying development certificate can be issued by either a local council or an accredited certifier.

complying development certificate

contaminant means any substance that may be harmful to health or safety.

contamination of land means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment

control measure, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

demolition work means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include:

- a. the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work, or
- b. the removal of power, light or telecommunication poles.

development

means:

- a. the use of land
- b. the subdivision of land
- c. the erection of a building
- d. the carrying out of a work
- e. the demolition of a building or work
- f. any other act, matter or thing referred to in section 26 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument.

development application means an application for consent under part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development but does not include an application for a complying development certificate.

emergency service organisation includes any of the following:

- a. the Ambulance Service of NSW
- b. Fire and Rescue NSW
- c. the NSW Rural Fire Service
- d. the NSW Police Force
- e. the State Emergency Service
- f. the NSW Volunteer Rescue Association Inc
- g. the NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*
- h. an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

exempt development means minor development that does not require any planning or construction approval because it is exempt from planning approval.

Exposure standard for asbestos is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.

friable asbestos means material that:

- a. is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- b. contains asbestos.

health means physical and psychological health.

health monitoring, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

independent, in relation to clearance inspections and air monitoring means:

- a. not involved in the removal of the asbestos
- b. not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.

in situ asbestos means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

license holder means: in the case of an asbestos assessor license – 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 license – the person conducting the business or undertaking to whom the license is granted, or
 - in the case of a major hazard facility license – the operator of the major hazard facility to whom the license is granted or transferred.

licensed asbestos assessor means a person who holds an asbestos assessor license.

licensed asbestos removalist means a person conducting a business or undertaking who is licensed under the *Work Health and Safety Regulation 2011* to carry out Class A asbestos removal work or Class B asbestos removal work.

licensed asbestos removal work means asbestos removal work for which a Class A asbestos removal license or Class B asbestos removal license is required.

NATA means the National Association of Testing Authorities, Australia.

NATA-accredited laboratory means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.

naturally occurring asbestos means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

Note. Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

occupational hygienist means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).

occupier includes a tenant or other lawful occupant of premises, not being the owner.

officer means an officer as defined in the NSW *Work Health and Safety Act 2011*

orphan waste means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.

person conducting a business or undertaking a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.

personal protective equipment means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.

respirable asbestos fibre means an asbestos fibre that:

- a. is less than three micrometres wide
- b. more than five micrometres long
- c. has a length to width ratio of more than 3:1.

specified VET course means:

- a. in relation to Class A asbestos removal work – the following VET courses:
 - remove non-friable asbestos
 - remove friable asbestos, or
- b. in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- c. in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
- d. in relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

structure means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- a. buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- b. any component of a structure
- c. part of a structure
- d. volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

waste includes:

- any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- any discarded, rejected, unwanted, surplus or abandoned substance, or
- any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- any substance prescribed by the regulations made under the *Protection of the Environment Operations Act 1997* to be waste.

waste facility means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).

worker a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- a. an employee, or
- b. a contractor or subcontractor, or
- c. an employee of a contractor or subcontractor, or
- d. an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- e. an outworker, or
- f. an apprentice or trainee, or
- g. a student gaining work experience, or
- h. a volunteer, or
- i. a person of a prescribed class.

workplace a workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.

Appendix D – Acronyms

ACD	Asbestos Containing Dust (an acronym used in the legislation)	ACMA	Asbestos Containing Material (an acronym used in the legislation)	ARA	Appropriate Regulatory Authority (an acronym used in the legislation)	DA	Development Application
EPA	Environment Protection Authority	JRPP	Joint Regional Planning Panel	LGA	Local Government Area		
NATA	National Association of Testing Authorities						
NSW	New South Wales						
SEPP	State Environmental Planning Policy						
VET	Vocational Education and Training						

Appendix E – Relevant contacts

Further information can be accessed from Council's website www.gundagai.nsw.gov.au

Asbestos-related disease organisations (non-exhaustive)

Asbestos Diseases Foundation Australia Inc

Phone: (02) 9637 8759

Helpline: 1800 006 196

Email: info@adfa.org.au

Website: www.adfa.org.au

Asbestos Diseases Research Institute

Phone: (02) 9767 9800

Email: info@adri.org.au

Website: www.adri.org.au

Australian Institute of Occupational Hygienists Inc.

Phone: (03) 9336 2290

Email: admin@aioh.org.au

Website: www.aioh.org.au

Dust Diseases Board

Phone: (02) 8223 6600

Toll Free: 1800 550 027

Email: enquiries@ddb.nsw.gov.au

Website: www.ddb.nsw.gov.au

Environment Protection Authority (EPA)

Phone: (02) 9995 5000

Environment line: 13 15 55

Email: info@environment.nsw.gov.au

Website: www.environment.nsw.gov.au/epa

Licensed Asbestos Contractors

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

Asbestos Removal Contractors Association NSW (ARCA)

Phone: (02) 9642 0011

Email: info@arca.net.au

Website: www.arca.asn.au

Verification of an asbestos removal contractor's license can be checked by contacting WorkCover NSW's Certification Unit Phone: 13 10 50

Civil Contractors Federation (CCF)

Phone: (02) 9009 4000

Email: mtearle@civilcontractors.com

Website: www.civilcontractors.com

Demolition & Contractors Association (DCA) NSW

Phone: (02) 8586 3555

Email: demolitionassn@bigpond.com

Website: <http://demolitioncontractorsassociation.com.au>

Local Government NSW

Phone: (02) 9242 4000

Email: lgnsw@lgnsw.org.au

Website: www.lgnsw.org.au

NSW Ombudsman

Phone: (02) 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Website: www.ombo.nsw.gov.au

Training providers (non-exhaustive)

TAFE NSW

Phone: 1300 131 499

Website: www.tafensw.edu.au

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: [www.comet-](http://www.comet-training.com.au/site)

[training.com.au/site](http://www.comet-training.com.au/site) **Masters Builders**

Association (MBA) Phone: (02) 8586

3521

Website: www.masterbuilders.com.au

Asbestos Removal Contractors Association NSW (ARCA)

Phone: (02) 9642 0011

Website: www.arca.asn.au

WorkCover NSW

WorkCover Information Centre Phone: 13 10 50

WorkCover NSW – Asbestos/Demolition Hotline Phone: (02) 8260 5885

Website: www.workcover.nsw.gov.au

Appendix F – Waste management facilities that accept asbestos wastes

Waste management facilities that can accept asbestos waste may be operated by council, the State Government or private enterprise. The fees charged by the facility operators for waste received are determined by the facility.

Not all waste management centres accept asbestos waste from the public. Management of asbestos waste requires special precautions such as a separate disposal location away from other general waste and controls to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

The Cootamundra Landfill depot is licensed to accept asbestos waste. This facility does not accept asbestos waste that is generated outside the Cootamundra-Gundagai Regional Council LGA. Asbestos waste is not accepted at council's Gundagai waste facility, Transfer Stations or waste/recycling collection points.

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: <http://www.environment.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. EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.

Appendix G – Asbestos-related legislation, policies and standards

- *Australian Standard AS 2601 – 2001: The demolition of structures*
- *Contaminated Land Management Act 1997*
- *Code of practice on how to manage and control asbestos in the workplace*
 - published by WorkCover NSW
- *Code of practice on how to safely remove asbestos* published by WorkCover NSW
- *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*
- *Managing Asbestos in or on soil – March 2014* WorkCover NSW
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2005*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011*
- *Workers' Compensation (Dust Diseases) Act 1942.*

Appendix H – Agencies roles and responsibilities

NSW organisations

Department of Planning & Environment NSW and the Building Professionals Board (BPB)

Department of Planning & Environment'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 the Department of Planning & Environment 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 Building Professionals Board (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 Board (DDB)

The DDB 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 dependents. The DDB's statutory function is to administer the *Workers' Compensation (Dust Diseases) Act 1942*. Services include:

- payment of compensation benefits to eligible workers and dependents
- co-ordination and payment of medical and related health care expenses of affected
- medical examination of workers exposed to dust in the workplace
- information and education.

Environment Protection Authority (EPA)

EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. Part 7 of the *Protection of the Environment Operations (Waste) Regulation 2014* sets out the special requirements relating to the transportation and disposal of asbestos waste.

EPA is the appropriate regulatory authority for activities that require an environment protection license or are carried out by public authorities such as local councils, the Roads and Traffic Authority and Sydney Water. Local councils are the appropriate regulatory authority for activities that are not regulated by the EPA, which typically include building demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

EPA is responsible for assisting councils in fulfilling their regulatory responsibilities. EPA has developed resources to assist Local Government to regulate asbestos waste incidents and prevent illegal dumping. Website links to these resources are provided in Appendix B.

The EPA maintains the regulatory framework for the remediation of contaminated land (the *Contaminated Land Management Act 1997*) and actively regulates land that is declared to be 'significantly contaminated' under the *Contaminated Land Management Act 1997*.

Heads of Asbestos Coordination Authorities (HACA)

The HACA is chaired by the Chief Executive Officer of WorkCover NSW with senior officials from:

- Department of Planning and Infrastructure
- Department of Trade and Investment, Regional Infrastructure and Services
- Division of Local Government
- Dust Diseases Board
- Environment Protection Authority
- Local Government and Shires Association of NSW
- Ministry for Police and Emergency Services
- 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 WorkCover website: www.workcover.nsw.gov.au.

Local Government NSW (LGNSW)

Local Government NSW represents 152 general purpose councils, 12 special purpose councils and the NSW Aboriginal Land Council.

The Associations represent the views of these councils by:

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

The Associations hold annual conferences where members are able to vote on issues affecting Local Government. The Annual Conferences are the supreme policy making events.

In 2012, the Associations commenced a project funded by WorkCover NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: www.lgnsw.org.au/key-initiatives/asbestos

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.

WorkCover NSW

WorkCover is responsible for the issuing and control of licenses that are issued to all asbestos removal and demolition contractors. WorkCover 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.

WorkCover administers work health and safety, injury management, return to work and workers compensation laws, and manage the workers compensation system. WorkCover'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 WorkCover 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.aspx.

National organisations

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: (02) 6121 5317

Email: info@safeworkaustralia.gov.au

Website: www.safeworkaustralia.gov.au

Appendix I – Scenarios illustrating which agencies lead a response in NSW

The tables show which agencies are responsible for regulating the following scenarios in NSW:

- emergency management
- naturally occurring asbestos
- residential settings
- site contamination
- waste
- workplaces.

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 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
Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local council EPA WorkCover NSW
Remediation not requiring a licensed removalist	Local council	Principal Certifying Authority WorkCover NSW (workers)
Remediation requiring licensed removal work	WorkCover NSW	Local council Principal Certifying Authority
Clearance Certificate issued by an Asbestos Assessor	WorkCover NSW	Principal Certifying Authority

Residential settings

Naturally occurring asbestos

Scenario	Lead organisation	Other regulators
Naturally occurring but will be disturbed due to a work process including remediation work	WorkCover NSW	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring asbestos part of a mineral extraction process	Department of Trade and Investment, Regional Infrastructure and Services WorkCover NSW	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities) WorkCover NSW (workers)
Soil contaminated with asbestos waste and going to be disturbed by a work practice	WorkCover NSW	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites)
Soil contaminated with asbestos waste but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites)
Potential for exposure on public land	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local council WorkCover NSW (workers on site)
Soil contaminated with asbestos waste but at a mine site	Department of Trade and Investment, Regional Infrastructure and Services EPA (<i>Protection of the Environment</i>	Local council

Workplaces

Scenario	Lead organisation	Other regulators
Safe Management of asbestos including: <input type="checkbox"/> identification <input type="checkbox"/> in situ management <input type="checkbox"/> removal requirements	Local council Private Certifiers	WorkCover NSW EPA
Site contaminated due to past uses	Local council	WorkCover NSW EPA
Licensed removal work required	WorkCover NSW	Local council Private Certifiers
Removal does not require a licensed removalist	Local council Private Certifiers	WorkCover 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
Site contamination at commercial premises	See Workplaces	
Site contamination at residential	See Residential settings	

Waste

Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	WorkCover (worksites) EPA and Local council (non-worksites)	
Waste transported by vehicle	EPA	WorkCover
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
Waste going to landfill site	EPA (advice)	Local council (if managing licensed landfill)
Waste to be transported interstate	EPA	
Waste for export	Australian Government Department of the Environment	Australian Customs and Border Protection Service

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

Appendix J – Asbestos containing materials

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

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls,	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbled decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	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

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

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Asbestos containing materials that may be found in various settings (non-exhaustive list)**A**

Air conditioning duct, in the exterior or interior acoustic and thermal insulation

Arc shields in lift motor rooms or large electrical cabinets

Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats

Asbestos ceiling tiles

Asbestos cement conduit

Asbestos cement electrical fuse boards

Asbestos cement external roofs and walls

Asbestos cement in the use of form work for pouring concrete

Asbestos cement internal flues and downpipes

Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers

Asbestos cement pieces for packing spaces between floor joists and piers

Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc

Asbestos cement render, plaster, mortar and coursework

Asbestos cement sheet

Asbestos cement sheet behind ceramic tiles

Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards

Asbestos cement sheet internal walls and ceilings

Asbestos cement sheet underlay for vinyl

Asbestos cement storm drain pipes

Asbestos cement water pipes (usually underground)

Asbestos containing laminates, (such as Formica) used where heat resistance is required

Asbestos containing pegboard

Asbestos felts

Asbestos marine board, eg marinate

Asbestos mattresses used for covering hot equipment in power stations

Asbestos paper used variously for insulation, filtering and production of fire resistant laminates

Asbestos roof tiles

Asbestos textiles

Asbestos textile gussets in air conditioning ducting systems

Asbestos yarn

Autoclave/steriliser insulation

B

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork) Bituminous adhesives and sealants

Boiler gaskets

Boiler insulation, slabs and wet mix

Brake disc pads

Brake linings

C

Cable penetration insulation bags (typically Telecom)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

Cement render

Chrysotile wicks in kerosene heaters

Clutch faces

Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings

Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D

Door seals on ovens

E

Electric heat banks – block insulation

Electric hot water services (normally no asbestos, but some millboard could be present)

Electric light fittings, high wattage, insulation around fitting (and bituminised)

Electrical switchboards see Pitch-based

Exhausts on vehicles

F

Filler in acetylene gas cylinders

Filters: beverage wine filtration

Fire blankets

Fire curtains

Fire door insulation

Fire-rated wall rendering containing asbestos with mortar

Fire-resistant plaster board, typically on ships

Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry

Flexible hoses

Floor vinyl sheets

Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

G

Galbestos™ roofing materials (decorative coating on metal roof for sound proofing) Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

H

Hairdryers: insulation around heating elements

Header (manifold) insulation

I

Insulation blocks

Insulation in electric reheat units for air conditioner systems

L

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

Lift shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations

Limpet asbestos spray insulation

Locomotives: steam, lagging on boilers, steam lines, steam dome and gaskets

M

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes

Mortar

P

Packing materials for gauges, valves, etc can be square packing, rope or loose fibre

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings

Pipe insulation including moulded sections, water-mix type, rope braid and sheet

Plaster and plaster cornice adhesives

Pipe insulation: moulded sections, water-mix type, rope braid and sheet

Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

R

Refractory linings

Refractory tiles

Rubber articles: extent of usage unknown

S

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts

Sealant or mastik on windows

Sealants and mastik in air conditioning ducting joints

Spackle or plasterboard wall jointing compounds

Sprayed insulation: acoustic wall and ceiling

Sprayed insulation: beams and ceiling slabs

Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels

Stoves: old domestic type, wall insulation

T

Tape and rope: lagging and jointing

Tapered ends of pipe lagging, where lagging is not necessarily asbestos

Tilux sheeting in place of ceramic tiles in bathrooms

Trailing cable under lift cabins

Trains: country – guards vans – millboard between heater and wall

Trains – Harris cars – sprayed asbestos between steel shell and laminex

V

Valve and pump insulation

W

Welding rods

Woven asbestos cable sheath

Source: *Environmental health notes number 2 guidelines for local government on asbestos*, 2005 (Victorian Department of Human Services). http://www.health.vic.gov.au/environment/downloads/hs523_notes2_web.pdf

Appendix K – Naturally Occurring Asbestos Management Plan



Naturally Occurring Asbestos Management Plan

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INTRODUCTION

The purpose of this Naturally Occurring Asbestos Management Plan (NOAMP) is to:

- Aid in the provision of a healthy and safe environment, as far as is reasonably practicable for all workers, contractors and visitors
- Provide guidance on the identification, management, and possible removal, of natural occurring asbestos (NOA) from the workplace; and
- Comply with all areas of the WHS Act & Regulation 2011 and Code of Practices when dealing with Naturally Occurring Asbestos

This plan relates solely to the management of naturally occurring asbestos. It is a live document and will be reviewed periodically as and when new legislation, Approved Codes of Practice and industry practices are amended.

Cootamundra-Gundagai Regional Council intends to manage the identified and potential incidences of NOA in such a way that ensures that the health and welfare of workers, contractors and customers is safeguarded and compliant with the WHS Act & Regulation 2011.

Cootamundra-Gundagai Regional Council's aim is to prevent incidents. Cootamundra-Gundagai Regional Council also wants to set an example in the community and within the industry for its sustainable and responsible work practices and the protection of the environment.

DEFINITIONS

NOA – Naturally Occurring Asbestos

NOAMP – Naturally Occurring Asbestos Management Plan

WHS – Work Health and Safety

Competent Person – means a person who has acquired, through training, qualification or experience, the knowledge and skills to carry out the task

Council – Cootamundra-Gundagai Regional Council

Act – WHS Act 2011

Regulation – WHS Regulation 2011

asl – above sea level

ACM – Asbestos Containing Material

SWMS – Safe Work Method Statements

EPA – Environmental Protection Authority

WHY THESE INSTRUCTIONS ARE IMPORTANT

This document details Cootamundra-Gundagai Regional Council's approach to managing NOA. Where the presence of NOA is either known or suspected, all practicable steps shall be taken to ensure that exposure to NOA is eliminated or kept as low as reasonably practicable, and if possible, is kept below the National Exposure Standard (NES), which for all types of asbestos is 0.1 fibres per millilitre (ml) for 8 hours.

The objective of the NOAMP is to help prevent exposure to airborne asbestos fibres and subsequently reduce the risk of contracting asbestos related diseases. This NOAMP applies to all workplaces where NOA exists, or are presumed to exist.

This NOAMP is a requirement of the New South Wales Work Health and Safety Regulation 2011 Part 8.4 clause 432. Asbestos is the name given to a number of mineral silicates which form a fibre structure, and have similar physical properties. Asbestos fibres were extracted from rocks and processed into sheets or bundles for commercial use. Asbestos is a natural fibre which occurs within rock veins in areas of metamorphic and ultramafic rock including serpentinite and harzburgite. In the past Asbestos fibres have been mined from these rock veins for use in industry. There are many different types of asbestos, including chrysotile ("White" Asbestos), and Tremolite. Other types include Crocidolite ("Blue" Asbestos), and Amosite ("Brown" Asbestos). Fibres are described as glass like, being sharp and brittle. Fibres break longitudinal and small fibres can become airborne. Fibres which are $<3\mu\text{m}$ in diameter & $>5\mu\text{m}$ in length can be inhaled into the lung, and after a long latency (15-40 years) can result in diseases of the lungs. The longer the exposure, and the higher the frequency, the greater the chance of developing asbestos related diseases.

Naturally Occurring Asbestos (NOA) is the name given to asbestos fibres in their natural unmined state, contained within metamorphic/ultramafic rocks and soil. NOA fibres are stored within veins of rock, and are therefore stable, and pose little risk to human health if they are not disturbed. Small numbers of asbestos fibres have been recorded in the background air and water we all breathe and drink.

When NOA containing rocks and soil are disturbed, greater numbers of asbestos fibres can be released into the air as dust when rock veins are exposed. Low disturbance events such as weathering and strong winds may expose small amounts of Asbestos fibres, while high disturbance activities such as crushing and breaking of asbestos containing rocks can release higher volumes of asbestos fibres.

In NOA areas exposure to airborne asbestos fibres is directly related to exposure to airborne dust. Graders, excavators, road pulverizes/ milling machines and bulldozers with rippers generate excessive dust, and therefore expose asbestos fibres. The most suitable dust control measure for airborne asbestos fibres is the use of water carts to dampen the work area, reducing airborne dust.

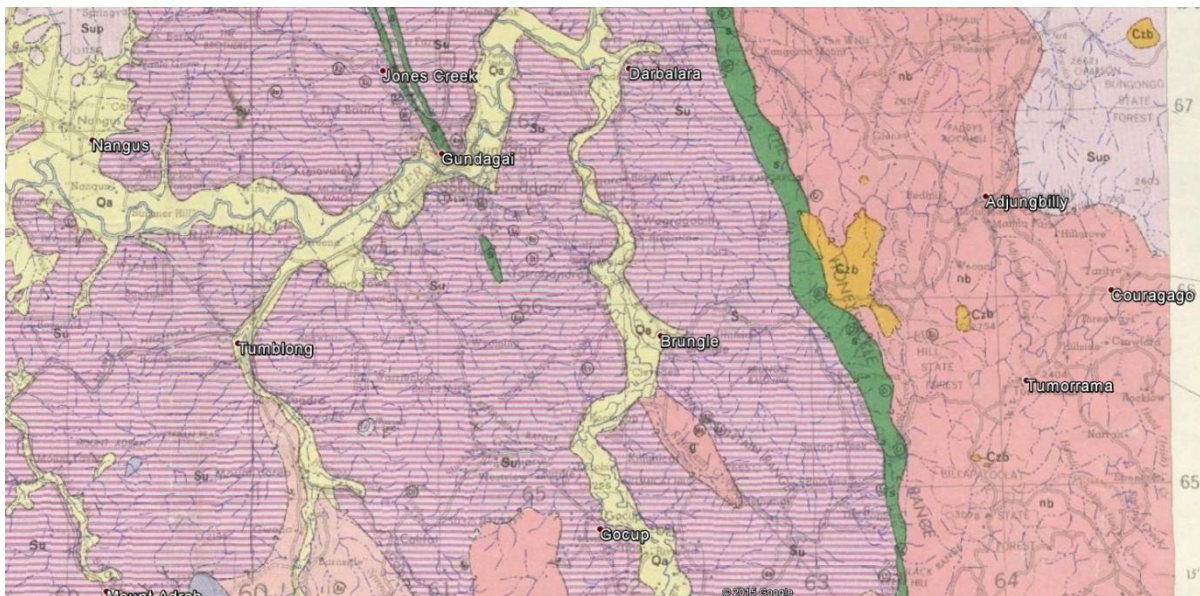
LOCATION

In Australia asbestos is found in association with a number of different rock types. In eastern Australia (Qld, NSW, Vic and Tas) the most common occurrence of asbestos is in serpentinite belts, generally associated with fault zones (Figure 1). Chrysotile and tremolite-actinolite are the common forms of asbestos in eastern Australia.

North of the Murrumbidgee River the Gundagai Serpentinite forms part of the eastern and western falls of the ridge which rises some 250 m above Jones Creek to the west and Target Creek to the east, and reaches 546 m asl. In Gundagai itself, Mount Parnassus (Asbestos Hill) is underlain by Gundagai Serpentinite. South of the Murrumbidgee River the large pod forms the eastern fall of Gundagai Hill (593 m asl). Here the relief is some 300 m. The Gundagai Serpentinite, on the other hand is composed mainly of antigorite and chrysotile. Unnamed serpentinite occur in the eastern belt of Jindalee Group, at The Junction (GR 078230) and south of Darbalara (around GR 115215). The serpentinite south of Darbalara was mapped by Hall, Relph and Associates Pty Ltd (1971), and the southern part was mapped and described by Thrum (1972). Wallis (1976) and Mangold (1978) mapped and described the Darbalara body, and it has recently been remapped by P.G. Stuart-Smith (pers. comm. 1987). The Coolac Serpentinite extends for 13 km north of the Tumut sheet, to the Hume Highway east of Coolac (Cootamundra 1:100,000 sheet) (Basden et al. 1975). The belts, plus isolated pods, therefore have a total length of some 63 km. Small patches of serpentinite and one small body of limestone were also described by Vallance in the Nangus area.

The fact that asbestos can be found in conjunction with serpentinite rocks, workers must assume that any serpentinite rock contains asbestos until confirmed otherwise.

NOA may occur in other areas so it is important for workers to notify their supervisors if they suspect it contains NOA.



Map1. Shows serpentinite areas in, in green, the Gundagai LGA (Source: Investment Resources & Energy Wagga Wagga Map 1:250,000 Geological Map Year 1966)

MANAGEMENT AND CONTROL STRATEGIES

As Cootamundra-Gundagai Regional Council has multiple areas of NOA, it may require its workers to work in these areas. Cootamundra-Gundagai Regional Council will do what is reasonably practicable to ensure the safety of its workers when working in areas containing NOA.

The national COP HOW TO MANAGE AND CONTROL ASBESTOS IN THE WORKPLACE (Safe Work Australia 2011) provides for the development of an asbestos management plan to help workers prevent exposure to airborne asbestos fibres while working in areas that contain naturally occurring asbestos.

In preparing this plan, Cootamundra-Gundagai Regional Council has taken into consideration the information provided in the COP HOW TO MANAGE AND CONTROL ASBESTOS IN THE WORKPLACE.

The general principles for the development of an asbestos management plan are outlined in the national code, and include the following:

- Reasonable steps must be taken to identify if area contains NOA
- A risk assessment must be conducted for all identified or presumed areas of NOA
- Control measures must be established to prevent exposure to airborne asbestos fibres
- If NOA are identified or presumed, there must be full consultation, involvement and information sharing during each step of the development of the asbestos management plan
- The identification of NOA and associated risk assessments should only be undertaken by competent persons; and
- All workers and contractors at sites where NOA are present or presumed to be present, must be provided with full information on the occupational health and safety consequences of exposure to asbestos and appropriate control measures.

The general management phases undertaken after the risk assessment process have been completed, include:

- Identification
- Evaluation
- Control; and
- Ongoing monitoring/re-assessment.

The following control measures are to be considered when working in known areas or suspected areas of NOA:

- isolating the workplace or part of the workplace until controls are in place
- where possible, deviating excavation to ensure avoidance of the deposit,
- where possible using sealed excavation or mining equipment (air-conditioned cabins with filtered air)
- maintaining regular surveillance of the rock by a competent person to ensure minimal disturbance of suspected fibrous minerals
- developing procedures for the safe disposal of asbestos waste, if required
- educating the workers in safe work practices
- wetting surfaces to reduce the dust levels suppressing,
- where possible, containing and extracting dust in processing operations (water sprays or local exhaust at transfer points and vibrating screens)
- where possible, using wet drilling or other approved in-hole dust suppression
- preventing the spread of contamination by using wash down facilities
- providing information to and training and supervision of all workers potentially at risk
- using PPE where indicated.

These measures will ensure that Cootamundra-Gundagai Regional Council or its Contractors will minimise the release of airborne asbestos.

Site and activity specific risk assessments will be conducted during the daily Site

Induction with all staff involved in each particular activity.

Activities dealing with NOA will have safe work procedures established in consultation with staff and a competent person. This will include site and activity specific PPE requirements.

TRAINING AND CONSULTATION

Cootamundra-Gundagai Regional Council will provide training on the hazards and risks associated with NOA to workers who will be required to carry out work where NOA is found. Training will also address when to wear PPE/PRE and how to wear it. All contractors of Council will be required to undergo similar training.

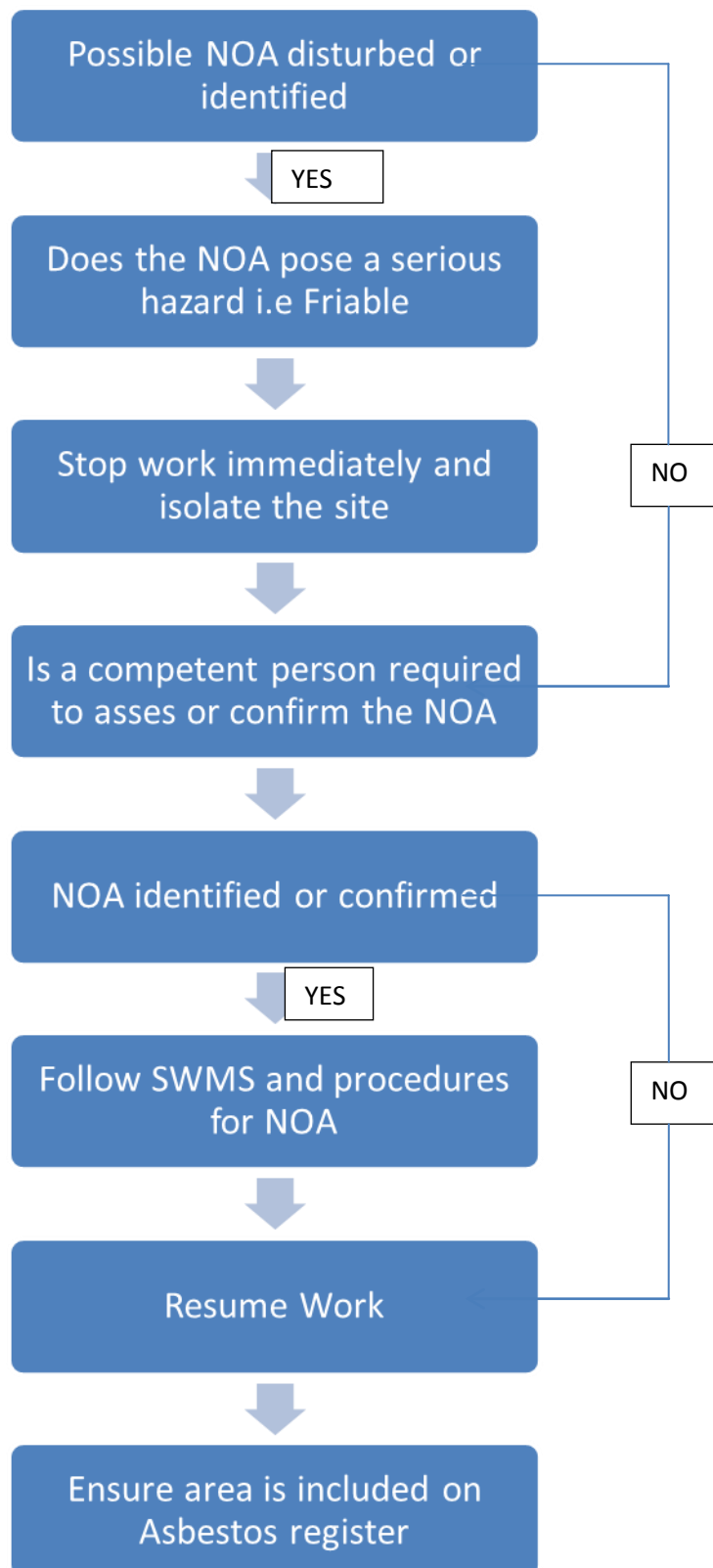
Cootamundra-Gundagai Regional Council will develop safe work method statements in consultation with its workers.

EMERGENCY PROCEDURES

When NOA materials at a site are inadvertently disturbed through the actions of staff, contractors, maintenance personnel, visitors, or as a result of an environmental event (i.e. serpentine rock exposed after soil being washed away) the following steps must be undertaken.

Stop work, notify, risk assess, evaluate, clean up, manage, resume work.

STEPS TO BE TAKEN WHEN NOA HAS BEEN DISCOVERED OR DISTURBED

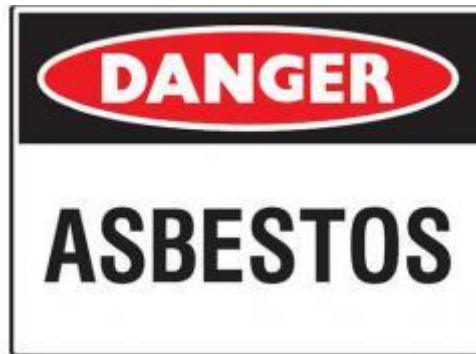


AIR MONITORING AND SOIL TESTING

Air monitoring may be required to monitor the effectiveness of Council's control measures. Monitoring will take place when the risk assessment deems it necessary or where there is an uncertainty that exposure standards may be exceeded. Monitoring does not need to be continual, but it is important that it be measured at the start of a job so as to see the effectiveness of Council's control measures. Air monitoring is to be carried out by a competent person. Soil testing may be required to identify areas of NOA if the risk assessment deems it necessary. Soil testing is to be carried out by a qualified person. Any results showing asbestos are to be recorded in the Asbestos Register.

SIGNS

In the event that asbestos is disturbed, warning signs, like ones shown below, will be required to be put on the perimeter fencing. These signs will be located in the store.



PPE AND RPE REQUIREMENTS

PPE and RPE should be used in combination with other effective control measures. The selection and use of PPE should be based on a risk assessment.

Coveralls. Disposable overalls with fitted hoods and cuffs should be worn. The coveralls rated type 5, category 3 (prEN ISO 13982-1) or equivalent would meet the standard of protection required. The hood should be worn over straps of RPE and loose cuffs sealed with tape. Asbestos fibres must be prevented from leaving the work site. This is to be done by the use of water spray or damp cloth. Any used disposable overalls will be disposed of as asbestos waste.

Footwear. Laceless boots are the preferred footwear when working with NOA. They must be decontaminated prior to leaving the site or it is to be treated like asbestos waste.

Gloves. Gloves are to be worn if the risk assessment deems it necessary. They should be of a disposable type. Personal decontamination including hand and fingernail washing should be carried out each time workers leave the area. Any disposable work wear should be disposed as asbestos waste.

DISPOSAL OF ASBESTOS WASTE

Any fill containing NOA may be placed into the bottom of the excavation, as long as it has more than 1500mm of clean fill (i.e. not containing NOA), as per the EPA guidelines. If this cannot be obtained, or a risk assessment deems otherwise, then arrangements need to be made about disposing of fill at the Burra Road waste facility. When fill is buried at this location, it shall be one in accordance with EPA requirements. This means that the waste needs to be securely covered with plastic that is more than 200µm thick.

All disposable PPE gear is to be placed in a heavy duty (200µm) clear plastic bag and marked with a label " **Caution Asbestos – Do not open or damage bag. Do not inhale dust**". Bags are to be disposed in the same manner as described above.

ASBESTOS REGISTER

Council will develop an asbestos register as soon as practicable. This register will not only record ACM materials but areas containing NOA.

ASBESTOS POLICY

Council will develop an asbestos policy as soon as practicable.

SAFE WORK METHOD STATEMENTS

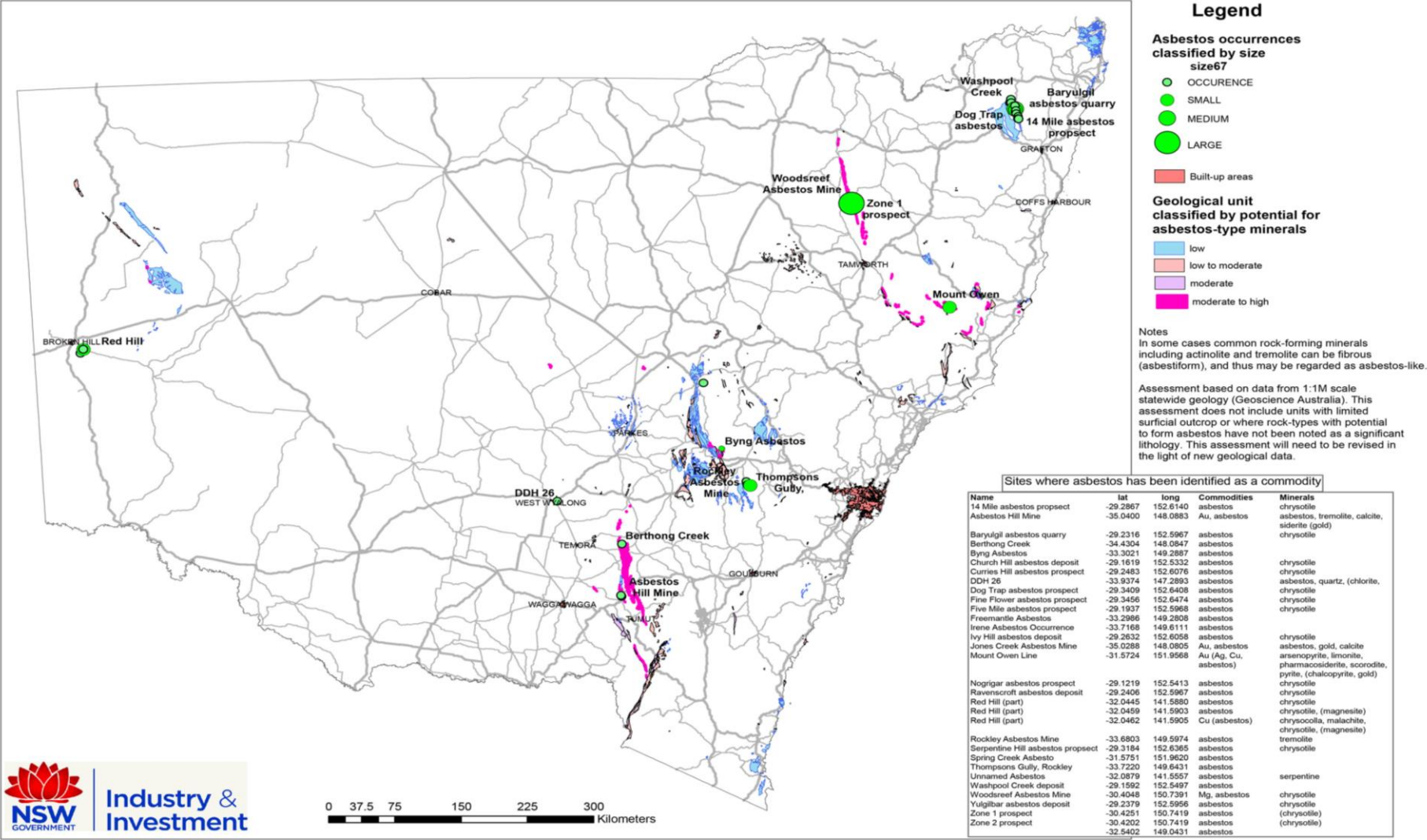
Council will consult with its workers and develop SWMS for all asbestos related works.

Appendix L – Asbestos licenses

Type of license	What asbestos can be removed?
Class A	<p>Can remove any amount or quantity of asbestos or asbestos containing material, including:</p> <ul style="list-style-type: none"> • any amount of friable asbestos or asbestos containing material • any amount of asbestos containing dust
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> • any amount of non-friable asbestos or asbestos containing material <p>Note: A Class B license is required for removal of more than 10 m² of non-friable asbestos or asbestos containing material but the license holder can also remove up to 10 m² of non-friable asbestos or asbestos containing material.</p> <ul style="list-style-type: none"> • asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material.
No license required	<p>Can remove:</p> <ul style="list-style-type: none"> • up to 10 m² of non-friable asbestos or asbestos containing material • asbestos containing dust that is: <ul style="list-style-type: none"> o associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material o not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

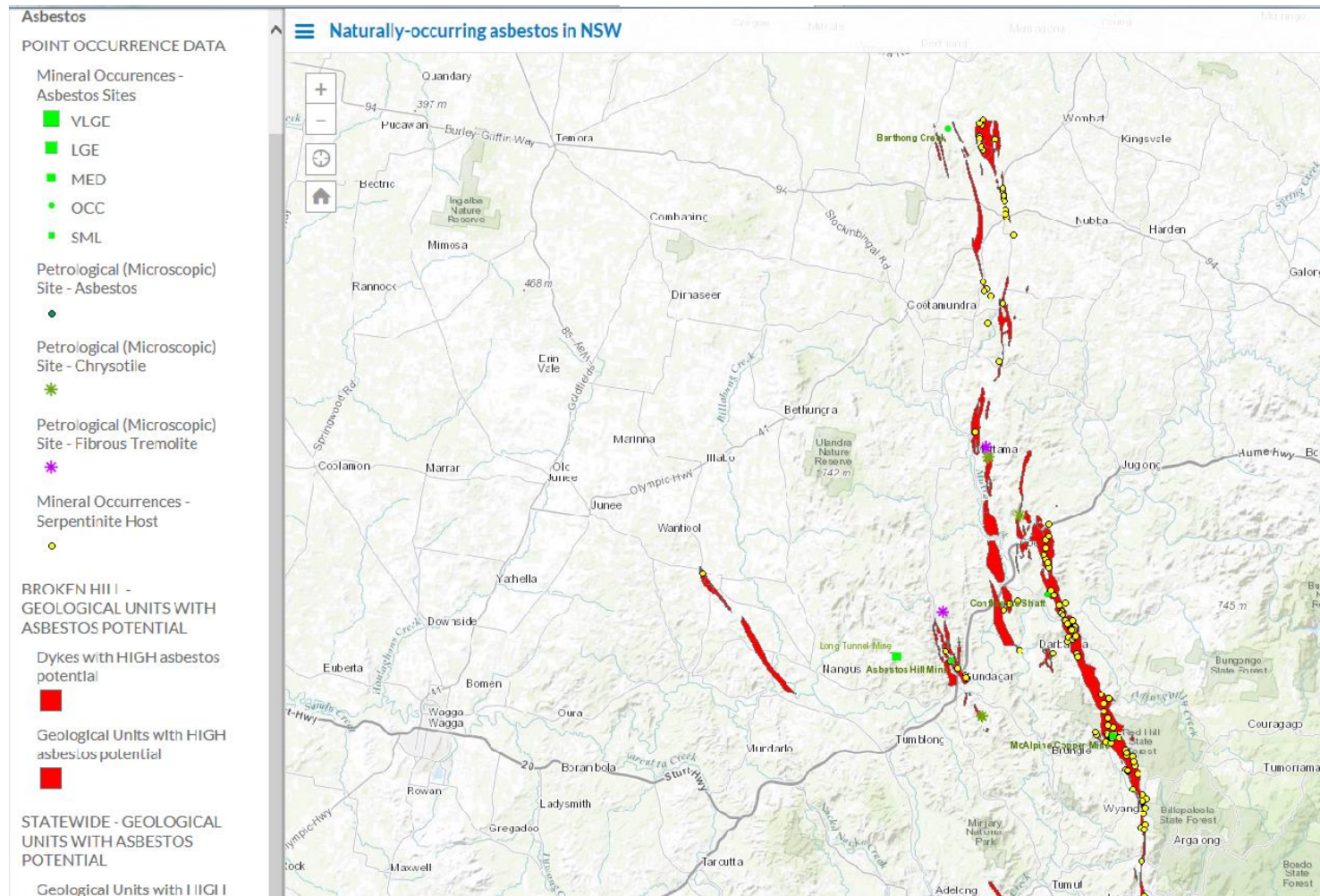
An asbestos removal contractor's license can be verified by contacting WorkCover NSW's Certification Unit on 13 10 50.

Appendix M – Known areas of naturally occurring asbestos NSW



PMD - 11/11/2010

Appendix N – Known areas of naturally occurring asbestos LGA



Issue: 1 July 2015
Review: July 2018

Revised Draft Model Asbestos Policy July 2016
Page 84 of 84

PART D – SCHEDULES

ITEM	DESCRIPTION	UNIT	QTY.	RATE	AMOUNT
1	Nustone Basalt pavers, exfoliated top, sawn sides and bottom, 1.5mm pencil edge all top edges.(600mmx300mmx30mm)	SQUARE METRES	900	\$59.00	\$53,100.00
2	Nustone Basalt pavers, exfoliated top, sawn sides and bottom, 1.5mm pencil edge all top edges.(300mmx300mmx30mm)	SQUARE METRES	60	\$59.00	\$ 3,540.00
3	Nustone Basalt pavers, exfoliated top, sawn sides and bottom,(100mmx100mmx30mm)	SQUARE METRES	NIL	INDICATIVE PRICE ONLY \$61.00
4	Nustone Basalt Capping, stone exfoliated top, sawn one side , bullnose other side and sawn bottom.(1000mmx300mmx30mm)	LINEAR METRES	NIL	INDICATIVE PRICE ONLY \$49.50
5	Nustone Grey Granite pavers, sawn sides and bottom, 1.5mm pencil edge all top edges.(600mmx300mmx30mm)	SQUARE METRES	260	\$44.00	\$11,440.00
6	Nustone grey granite pavers, sawn sides and bottom, 1.5mm pencil edge all top edges.(300mmx300mmx30mm)	SQUARE METRES	30	\$44.00	\$ 1,320.00
TOTAL PRICE \$					\$69,400.00
GST \$					\$ 6,940.00
TOTAL PRICE (Incl GST) \$					\$76,340.00

Option additional 600 s/metres as per Part D

PART D - SCHEDULES

ITEM	DESCRIPTION	UNIT	QTY.	RATE	AMOUNT
1	Nustone Basalt pavers, exfoliated top, sawn sides and bottom, 1.5mm pencil edge all top edges.(600mmx300mmx30mm)	SQUARE METRES	900	96	86400
2	Nustone Basalt pavers, exfoliated top, sawn sides and bottom, 1.5mm pencil edge all top edges.(300mmx300mmx30mm)	SQUARE METRES	60	96	5760
3	Nustone Basalt pavers, exfoliated top, sawn sides and bottom,(100mmx100mmx30mm)	SQUARE METRES	NIL	INDICATIVE PRICE ONLY	\$104 ² /m
4	Nustone Basalt Capping, stone exfoliated top, sawn one side, bullnose other side and sawn bottom.(1000mmx300mmx30mm)	LINEAR METRES	NIL	INDICATIVE PRICE ONLY	\$74/lin/m
5	Nustone Gray Granite pavers, sawn sides and bottom, 1.5mm pencil edge all top edges.(600mmx300mmx30mm)	SQUARE METRES	260	76	19760
6	Nustone grey granite pavers, sawn sides and bottom, 1.5mm pencil edge all top edges.(300mmx300mmx30mm)	SQUARE METRES	30	76	2280
TOTAL PRICE \$					114200
GST \$					11420
TOTAL PRICE (Incl GST) \$					125620

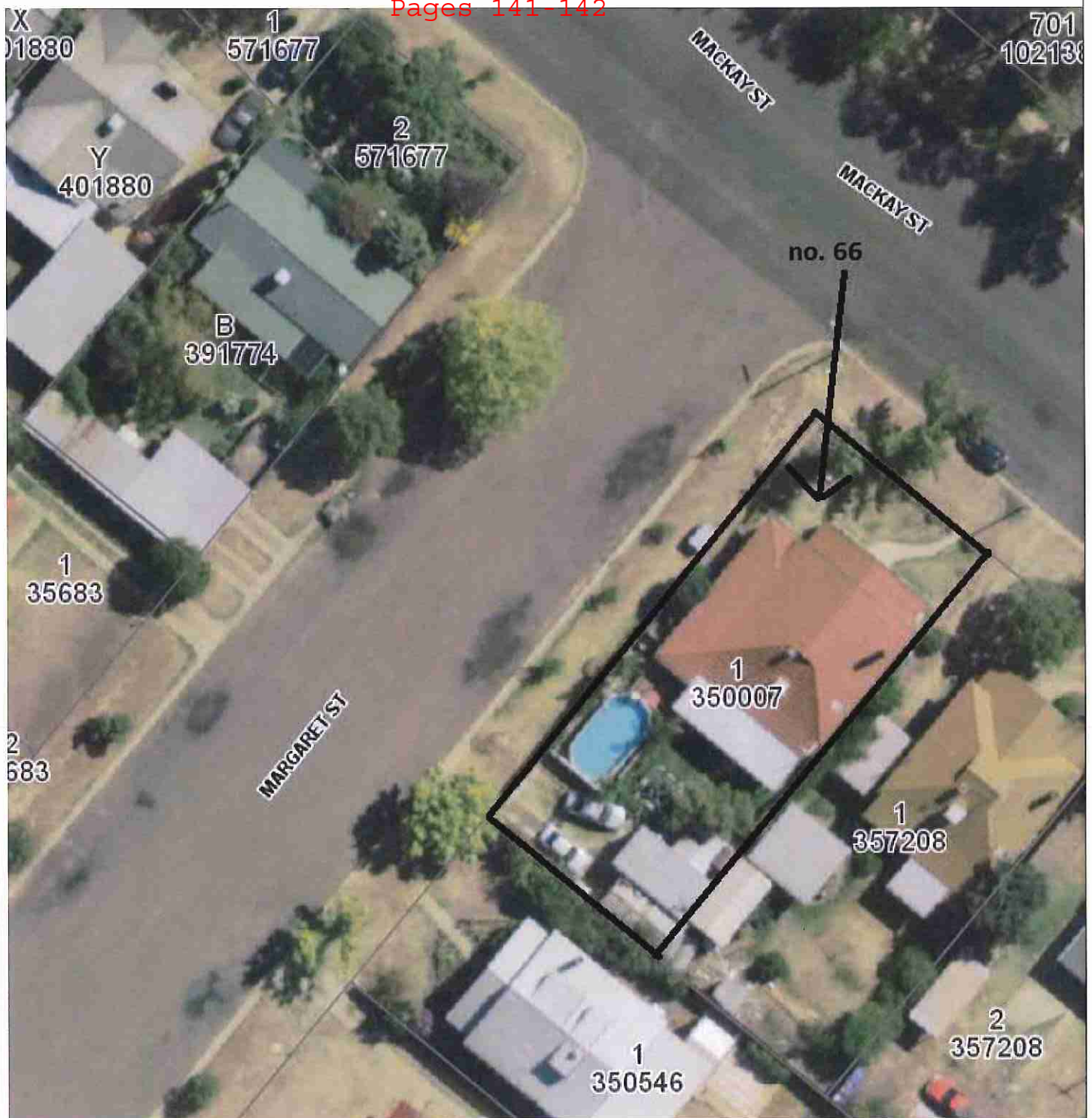
3 GUNDAGAI CONSTRUCTION SERVICES

PART D - SCHEDULES

ITEM	DESCRIPTION	UNIT	QTY.	RATE	AMOUNT
1	Nustone Basalt pavers, exfoliated top, sawn sides and bottom, 1.5mm pencil edge all top edges.(600mmx300mmx30mm)	SQUARE METRES	900	\$71.80	\$64,620.00
2	Nustone Basalt pavers, exfoliated top, sawn sides and bottom, 1.5mm pencil edge all top edges.(300mmx300mmx30mm)	SQUARE METRES	60	\$71.80	\$4,308.00
3	Nustone Basalt pavers, exfoliated top, sawn sides and bottom.(100mmx100mmx30mm)	SQUARE METRES	NIL	INDICATIVE PRICE ONLY \$73.80 + GST	
4	Nustone Basalt Capping, stone exfoliated top, sawn one side, bullnose other side and sawn bottom.(1000mmx300mmx30mm)	LINEAR METRES	NIL	INDICATIVE PRICE ONLY \$60.00 + GST	
5	Nustone Grey Granite pavers, sawn sides and bottom, 1.5mm pencil edge all top edges.(600mmx300mmx30mm)	SQUARE METRES	260	\$58.80	\$15,288.00
6	Nustone grey granite pavers, sawn sides and bottom, 1.5mm pencil edge all top edges.(300mmx300mmx30mm)	SQUARE METRES	30	\$58.80	\$1,764.00
Delivered (unloading by receiver) Delivery date 18/10/2016 Payment terms: Deposit of 10%, balance prior to delivery.		TOTAL PRICE \$			85,980.00
		GST \$			8,598.00
		TOTAL PRICE (incl GST) \$			94,578.00

October 2016

Pages 141-142



Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Gundagai Council nor the LPI makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.
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Gundagai Council -
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PO Box 420
COOTAMUNDRA NSW 2590
Ph: (02) 6940 2100
Fax: (02) 6940 2127
Email:
mail@gundagai.nsw.gov.au

True North, Grid North and Magnetic North are shown diagrammatically for the centre of the former Cootamundra Local Government Area. Magnetic North is correct for 2002 moving easterly by 0.04° in about five years.

Important

This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geodetic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights. For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

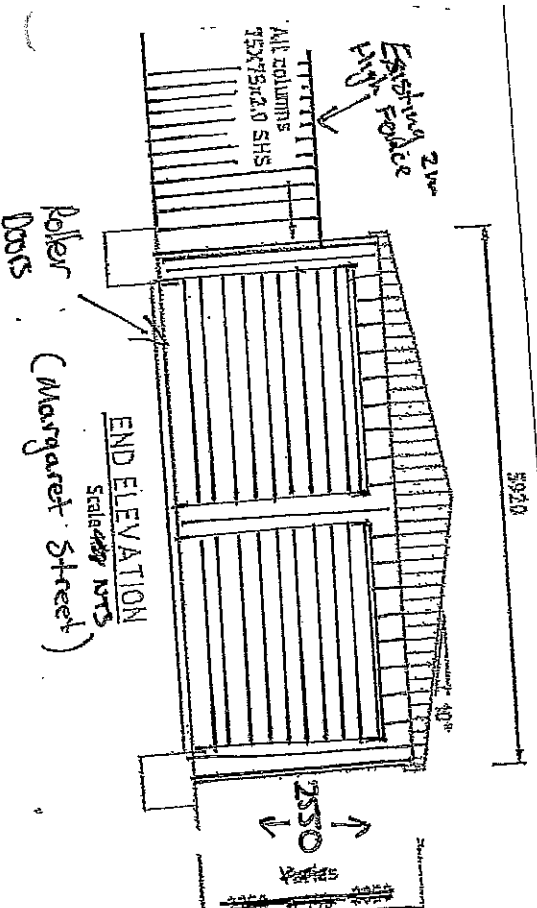
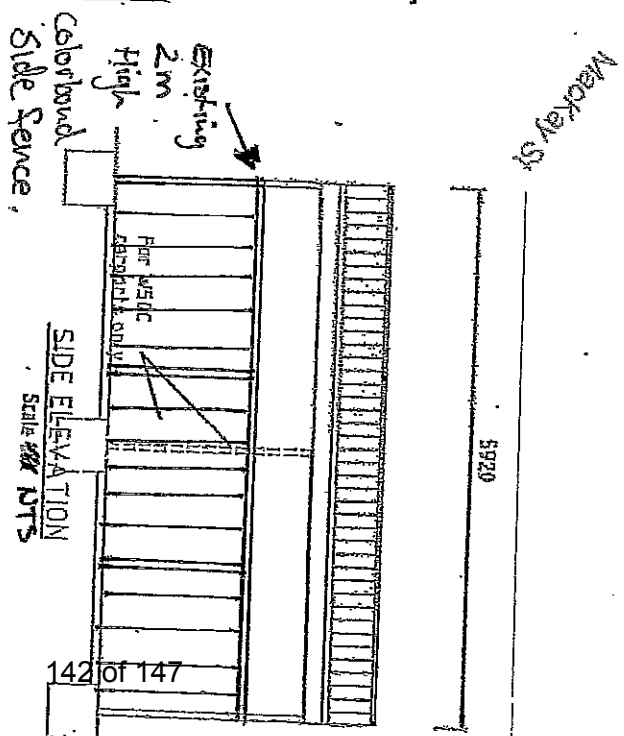
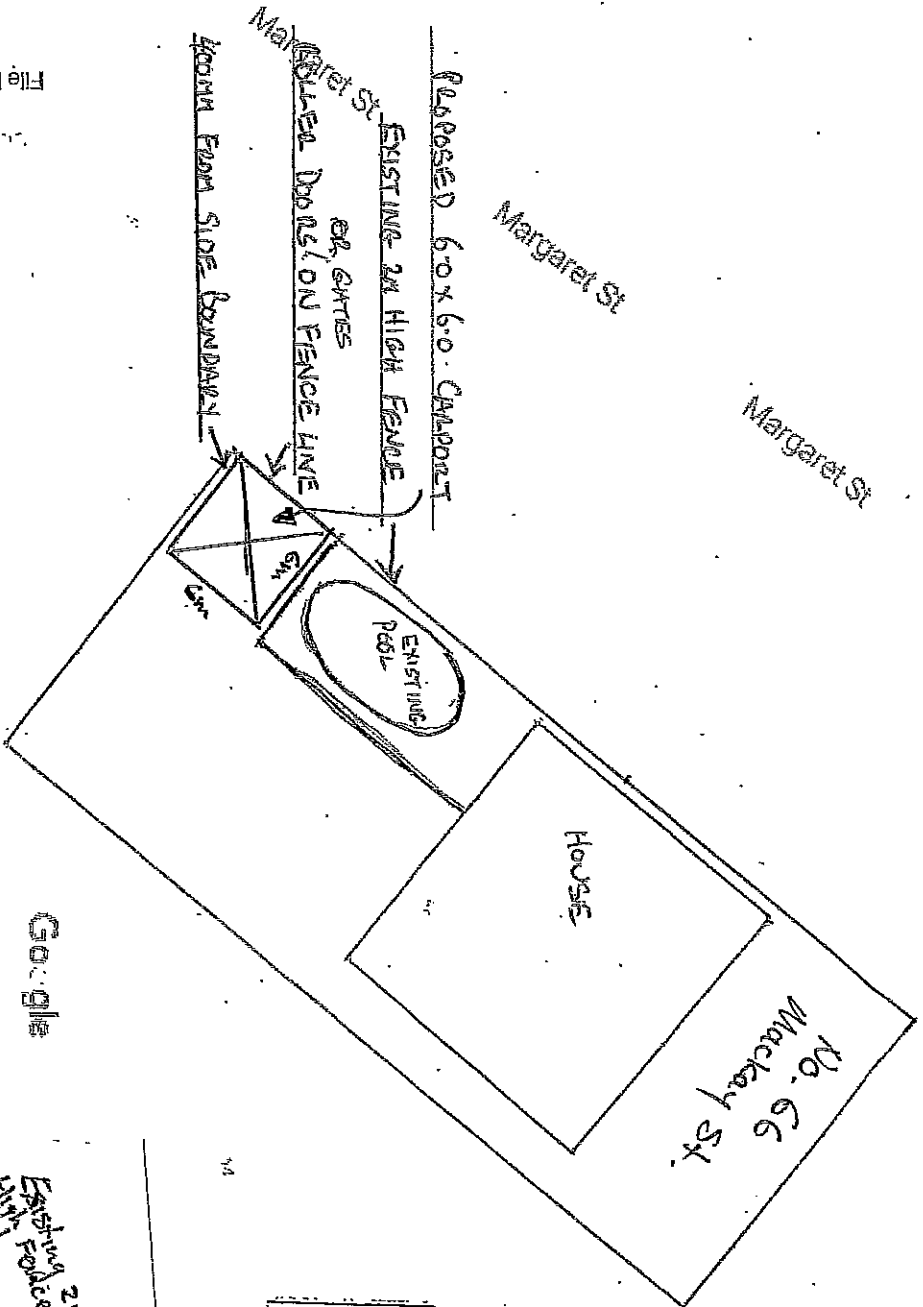
Drawn By: Luke Izzard

Projection: GDA94 / MGA zone 55

Date: 28/09/2016 1:42 PM

**66 Mackay Street
Cootamundra.
Proposed Secondary
Building Variation for B & G
Visser**

Map Scale: 1:450 at A4



Initial CS
23 AUG 2016
Received
File No. 000016182
Council



(above) Garage and carport that currently exists opposite 66 Mackay Street Cootamundra.



(above) View from Margaret Street to the rear of 66 Mackay Street where the garage is proposed to be constructed.

October 2016

The former Cootamundra Shire Council Pages 144-145

Income Statement

for the period 1 July 2015 to 12 May 2016

Budget ¹ to 30/6/16 \$ '000		Notes	Actual to 12/5/16	Actual to 30/6/15
Income from continuing operations				
Revenue:				
n/a	Rates and annual charges	3a	6,419	7,182
n/a	User charges and fees	3b	3,225	3,785
n/a	Interest and investment revenue	3c	481	515
n/a	Other revenues	3d	439	315
n/a	Grants and contributions provided for operating purposes	3e,f	3,495	4,058
n/a	Grants and contributions provided for capital purposes	3e,f	851	318
Other income:				
n/a	Net gains from the disposal of assets	5	74	167
–	Total income from continuing operations		14,984	16,340
Expenses from continuing operations				
n/a	Employee benefits and on-costs	4a	4,965	5,658
n/a	Borrowing costs	4b	54	68
n/a	Materials and contracts	4c	4,299	4,866
n/a	Depreciation and amortisation	4d	3,706	4,354
n/a	Impairment	4d	–	–
n/a	Other expenses	4e	1,671	1,794
n/a	Net share of interests in joint ventures and associates using the equity method	19	–	15
–	Total expenses from continuing operations		14,695	16,755
–	Operating result from continuing operations		289	(415)
Discontinued operations				
n/a	Net profit/(loss) from discontinued operations	24	–	–
–	Net operating result for the period		289	(415)
–	Net operating result attributable to Council		289	(415)
n/a	Net operating result attributable to non-controlling interests		–	–
Net operating result for the period before grants and contributions provided for capital purposes				
–			(562)	(733)

¹ Original budget as approved by Council is not required for these financial statements

² Alternative Net operating result before capital income if rates and annual charges income had been pro rata'd for the period 1/7/15 - 12/5/16

The former Gundagai Shire Council

Income Statement

for the period 1 July 2015 to 12 May 2016

Budget ¹			Actual	Actual
1/7/15			1/7/15	1/7/14
to 30/6/16	\$ '000	Notes	to 12/5/16	to 30/6/15
Income from continuing operations				
Revenue:				
n/a	Rates and annual charges	3a	3,738	4,167
n/a	User charges and fees	3b	1,322	1,473
n/a	Interest and investment revenue	3c	309	295
n/a	Other revenues	3d	121	155
n/a	Grants and contributions provided for operating purpose	3e,f	2,924	3,124
n/a	Grants and contributions provided for capital purposes	3e,f	2,033	773
Other income:				
n/a	Net gains from the disposal of assets	5	—	9
n/a	Net share of interests in joint ventures and associates using the equity method	19	—	—
—	Total income from continuing operations		10,447	9,996
Expenses from continuing operations				
n/a	Employee benefits and on-costs	4a	3,272	4,041
n/a	Borrowing costs	4b	129	46
n/a	Materials and contracts	4c	929	1,261
n/a	Depreciation and amortisation	4d	2,887	2,886
n/a	Impairment	4d	—	—
n/a	Other expenses	4e	1,051	1,316
n/a	Interest and investment losses	3c	—	—
n/a	Net losses from the disposal of assets	5	34	—
n/a	Net share of interests in joint ventures and associates using the equity method	19	—	—
—	Total expenses from continuing operations		8,302	9,550
—	Operating result from continuing operations		2,145	446
Discontinued operations				
n/a	Net profit/(loss) from discontinued operations	24	—	—
—	Net operating result for the period		2,145	446
—	Net operating result attributable to Council		2,145	446
n/a	Net operating result attributable to non-controlling interests		—	—
Net operating result for the period before grants and contributions provided for capital purposes				
—			112	(327)
Alternative net operating result for the period before grants and contributions provided for capital purposes ²				
			112	(327)

INVESTMENT REPORT 30 SEPTEMBER, 2016

The Responsible Accounting Officer, Ken Trethewey reports :-
Details of Investments held by Council as at

30-Sep-16 are set out below

Date Invested	Interest Rate	Term Days	Investment Amount	Anticipated Interest	Date Matures	Held With	Investment Number
17 May 2016	3.00	154	\$528,884.07	\$6,694.37	18 Oct 2016	NAB	14
19 Apr 2016	3.15	182	\$1,014,480.00	\$15,934.28	18 Oct 2016	BQL	18
27 Apr 2016	3.14	181	\$1,000,000.00	\$15,570.96	25 Oct 2016	BQL	3
17 May 2016	2.90	182	\$507,363.97	\$7,336.62	15 Nov 2016	BQL	2
18 Feb 2016	3.00	271	\$1,000,000.00	\$22,273.97	15 Nov 2016	ING	4
24 May 2016	3.00	182	\$898,521.24	\$13,440.90	22 Nov 2016	NAB	7
7 Jun 2016	3.00	182	\$523,199.27	\$7,826.49	6 Dec 2016	NAB	6
21 Jun 2016	3.01	182	\$530,515.54	\$7,962.39	20 Dec 2016	NAB	13
5 Jul 2016	2.98	182	\$1,030,478.07	\$15,312.06	3 Jan 2017	NAB	22
12 Jul 2016	2.96	182	\$1,519,052.06	\$22,420.38	10 Jan 2017	NAB	17
14 Jul 2016	2.95	182	\$5,000,000.00	\$73,547.95	12 Jan 2017	NAB	16
14 Jul 2016	2.95	182	\$1,000,000.00	\$14,709.59	12 Jan 2017	NAB	21
14 Jul 2016	2.95	182	\$9,000,000.00	\$132,386.31	12 Jan 2017	NAB	23
18 Feb 2016	3.08	369	\$500,000.00	\$15,568.77	21 Feb 2017	ME Bank	5
13 Sep 2016	2.70	182	\$3,000,000.00	\$40,389.04	14 Mar 2017	NewPer	15
16 Aug 2016	2.95	210	\$1,029,390.84	\$17,471.44	14 Mar 2017	AMP	8
18 Aug 2016	2.95	215	\$2,000,000.00	\$34,753.42	21 Mar 2017	AMP	9
24 Aug 2016	2.95	216	\$500,000.00	\$8,728.77	28 Mar 2017	AMP	12
27 Sep 2016	2.70	211	\$1,059,908.09	\$16,339.15	26 Apr 2017	NAB	11
31 May 2016	3.00	364	\$800,000.00	\$23,934.25	30 May 2017	AMP	10
2 Jun 2009	0.70	BOS	\$577,229.30		At Call	CBA	1
25 Nov 2010	0.70	BOS	\$24,635.04		At Call	CBA	19 - Stock School
7 Mar 2011	0.70	BOS	\$24,588.26		At Call	CBA	20 - HCMS
			\$33,068,245.75	\$512,601.11			
Internal Loans				Annual Interest			
31 Dec 2009	3.69	365	\$73,752.04	\$1,360.73	30 Jun 2024	C.S.C	Aerodrome Refueller
1 Jul 2010	5.64	365	\$54,385.07	\$3,067.32	29 Jun 2022	C.S.C	Swimming Pool Design
			\$128,137.11	\$4,428.05			
Deferred debtors							
1 Sep 2011	Average Int	10 yrs	\$7,340.29		31 Aug 2021	C.S.C	Loan to C.C.A.C.C.
			\$33,203,723.15	\$517,029.16			
Interest on Investments YTD (from 13-5-16)				\$206,399.57			
Interest on above investments to be received at maturity				\$512,601.11			

Financial Institution Summary	Amount Held	of Total
CBA	\$626,452.60	1.89%
Newcastle Perm	\$3,000,000.00	9.04%
NAB	\$21,090,558.34	63.52%
ING	\$1,000,000.00	3.01%
AMP Bank	\$4,329,390.84	13.04%
Bank of Qld	\$2,521,843.97	7.60%
ME Bank	\$500,000.00	1.51%
Cootamundra Shire Council	\$128,137.11	0.39%
Deferred Debtors	\$7,340.29	0.02%

\$33,203,723.15 100%

This report is produced in accordance with section 625 of the local Government Act 1993 and all Investments have been made in accordance with the Act & the Regulations.

Signed

Responsible Accounting Officer

Ken Trethewey

BENCHMARK
(for term investments)

BBSW ave. 90-day
rate for Sept 1.733 + 1% :
2.73%

Average interest 2.97

Check 2.97

GUNDAGAI COUNCIL (GUNDAGAI AREA) Page 147

LIST OF COUNCIL FUNDS INVESTED AS AT 30 SEPTEMBER 2016

<u>Investee</u>	<u>Date</u> <u>Invested</u>	<u>Type</u>	<u>Yield \$</u>	<u>Yield %</u>	<u>Benchmark</u> <u>BBSW %</u>	<u>Term days</u>	<u>Due date</u>	<u>Amount \$</u>
NAB	Var	Cash Max.		Variable		At Call Daily		\$ 797,776.52
NAB	08.06.16	Term	\$ 4,472.71	2.99	2.15	182	07.12.16	\$ 300,000.00
NAB	11.07.16	Term	\$ 8,712.60	2.95	2.06	154	12.12.16	\$ 700,000.00
NAB	07.06.16	Term	\$ 6,745.93	2.99	2.13	183	07.12.16	\$ 450,000.00
NAB	09.09.16	Term	\$ 6,532.05	2.62	1.72	91	09.12.16	\$ 1,000,000.00
NAB	15.06.16	Term	\$ 8,515.07	2.96	2.15	210	11.01.17	\$ 500,000.00
NAB	12.06.16	Term	\$ 4,832.88	2.94	2.06	120	10.10.16	\$ 500,000.00
NAB	01.06.16	Term	\$ 5,963.62	2.99	2.14	182	30.11.16	\$ 400,000.00
NAB	22.06.16	Term	\$ 7,479.45	3.00	2.15	182	21.12.16	\$ 500,000.00
NAB	08.04.16	Term	\$ 3,821.92	3.10	2.43	180	05.10.16	\$ 250,000.00
NAB	21.06.16	Term	\$ 9,900.68	2.95	2.14	245	21.02.17	\$ 500,000.00
NAB	10.06.16	Term	\$ 29,490.41	2.99	2.16	180	07.12.16	\$ 2,000,000.00
Bananacoast CU	18.08.16	Term	\$ 3,428.08	2.75	1.95	182	16.02.17	\$ 250,000.00
Bank of Sydney	14.10.15	Term	\$ 6,875.00	2.75	2.23	365	18.10.16	\$ 250,000.00
Bendigo Bank G'gai	22.07.16	Term	\$ 6,500.00	2.60	2.06	365	22.07.17	\$ 250,000.00
Bank of QLD	14.07.16	Term	\$ 3,677.40	2.95	2.11	182	12.01.17	\$ 250,000.00
ECU	23.06.16	Term	\$ 7,230.14	2.90	2.16	364	22.06.17	\$ 250,000.00
Railways CU	27.07.16	Term	\$ 7,050.00	2.82	2.06	365	27.07.17	\$ 250,000.00
MyState Bank Ltd	12.07.16	Term	\$ 5,348.63	2.85	2.11	274	12.04.17	\$ 250,000.00
								<u>\$ 9,647,776.52</u>

SUMMARY OF INVESTMENTS

	<u>30.09.15</u>	<u>30.09.16</u>
Term Deposits	6,750,000	8,850,000
Call/CRI/Other	161,653	797,777
	<u>6,911,653</u>	<u>9,647,777</u>
Cash Manag.(NAB)	264,285	113,651
	<u>7,175,938</u>	<u>9,761,428</u>

CERTIFICATE OF INVESTMENTS:

In accordance with Regulation 212 of Local Government (General) Regulation 2005, I hereby certify the abovementioned investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's Investment Policy.



Rebecca Martin
Responsible Accounting Officer