



Revised Media and Communication Policy

	Name	Position	Signature	Date
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Authorised By	John Scarce	General Manager		

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1. Purpose

The purpose of this policy is to provide a framework for engaging with Council's internal and external audiences. It shall be implemented through Council's Communication Strategy, Community Engagement Strategy and Community Participation Plan.

2. Scope

The Media and Communication Policy applies to Council officials including Councillors, Council employees, people on work experience, volunteers, committee members, consultants and contractors. The social media section of this policy only relates to Council officials' use of social media in an official capacity or in connection with their role as a Council official.

3. Policy Statement

Murrumbidgee Council is committed to building positive and lasting partnerships with its audiences through effective two-way, transparent communication. The following guidelines must be followed when engaging with audiences through various digital and non-digital communication tools.

4. Principles

4.1 Engagement Principles

These fundamental principles guide all engagement and communication activities. It must be:

- a. Genuine and ongoing
- b. Timely
- c. Simple and accurate
- d. Accessible and inclusive
- e. Collaborative and two-way
- f. Transparent
- g. Responsive
- h. Respectful
- i. Legislatively and ethically compliant

4.2 Branding Requirements

All public communication materials must follow and reflect Council's adopted identity, as outlined in Murrumbidgee Council's Style Guide.

4.3 Records Management

All communication and engagement activities must comply with record keeping obligations under the *State Records Act 1998* and Council's Records Management Policy.

5. Broadcast and Print Media

5.1 Coordinating media statements and media liaison

The role of the Media and Communications Officer (or another person delegated by the General Manager) is to:

- a. be the lead point of contact for all media enquiries, requests for interviews, requests to film or photograph Council staff, facilities or events for news and current affairs purposes
- b. be responsible for preparing all media statements prior to their release
- c. delegate to staff members to respond to media enquiries where appropriate
- d. maintain a register of delegated staff
- e. maintain effective oversight of delegated staff
- f. revoke a staff member's status as a delegated staff member when required
- g. ensure that media statements are approved by the Mayor and/or General Manager prior to their release
- h. develop and/or approve media training and/or induction to be provided to delegated staff and/or Councillors
- i. maintain a record of all media enquiries and responses
- j. ensure that media organisations and their representatives are treated professionally, equally and without bias
- k. ensure that media enquiries are dealt with promptly
- l. provide guidance to Councillors approached by the media for comment to avoid communication of misinformation
- m. ensure all media releases are published on Council's website

5.2 Authorised Council spokespeople

5.2.1 The Mayor is the principal public spokesperson on matters relating to the representative Council, decisions of Council and the community. He/she may delegate the Deputy Mayor or another Councillor to speak on his/her behalf.

5.2.2 The General Manager, in his/her statutory role, is the lead spokesperson on operational and administrative matters relating to Council. He/she may delegate other staff members to act as spokesperson on operational matters.

5.2.3 Councillors have a right to express their own views to the media in their role as a member of the governing body and as a representative of the community. However, they must make it clear their views do not necessarily represent the position of Council. Communications with the media must be in accordance with Council's Code of Conduct for Councillors.

5.2.4 Council employees, service providers, contractors, people on work experience and volunteers must not communicate with the media in an official capacity unless prior approval has been obtained from the General Manager.

5.2.5 Council employees, service providers, contractors, people on work experience and volunteers may communicate with the media as private individuals, with the following restrictions:

- a. they must not comment on Council policies or business, staff, confidential legal advice or commercial-in-confidence matters, nor make predictions as to future actions of Council
- b. they must not be identified as Council officials
- c. their comments must not be perceived as representing an official Council position or policy
- d. Communications with the media must be in accordance with Council's relevant Codes of Conduct

5.3 Standards of conduct when engaging with the media

5.3.1 Council officials must comply with the Council's Code of Conduct when engaging with the media in an official capacity or in connection with their role as a Council official.

5.3.2 Council officials must not share information or make comments to the media that:

- a. are defamatory, offensive, humiliating, threatening, or intimidating to other Council officials or members of the public or contains profane language or are sexual in nature
- b. constitute harassment and/or bullying within the meaning of the Murrumbidgee Council Code of Conduct, or is unlawfully discriminatory
- c. is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
- d. contains content about the Council, Council officials or members of the public that is misleading or deceptive
- e. divulges confidential Council information
- f. breaches the privacy of other Council officials or members of the public
- g. contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the Procedures for the Administration of the Murrumbidgee Council Code of Conduct.
- h. could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
- i. commits the Council to any action
- j. violates an order made by a court
- k. breaches copyright
- l. advertises, endorses, or solicits commercial products or business

5.4 Access to information and images by the media

5.4.1 All media enquiries must be referred to the Media and Communications Officer, or, in his/her absence, to the General Manager, the Mayor or a member of staff nominated by the General Manager.

5.4.2 All Council documents on the public record are open to perusal by the media, except those relating to staff, confidential legal advice and commercial-in-confidence matters. All file perusals by the media are subject to the provisions of Council policies dealing with access to information, privacy and freedom of information legislation.

5.4.3 All Council and Committee meetings are open to the media, except those dealing with staff, confidential legal advice or commercial-in-confidence matters.

All media requests to film or photograph Council staff, facilities or activities must be referred to the Media and Communications Officer.

5.4.4 Unauthorised release of Council documents by Council officials will be referred to Council's Code of Conduct.

5.5 Induction and training

5.5.1 Council officials who engage or are authorised to engage with the media must receive training on media engagement.

5.5.2 Media engagement training will be provided to Councillors as part of their induction or refresher training or as part of their ongoing professional development program.

5.5.3 Councillors must direct any questions about their obligations under this policy to the General Manager.

6. Social Media

6.1 Social Media Platforms

6.1.1 A new social media platform for Council or a Council-related entity can only be established or deleted with the written approval of the General Manager or their delegate.

6.2 Social Media Coordinator

6.2.1 The role of the Media and Communications Officer (or another officer person appointed by the General Manager) is to:

- a. approve and revoke a staff member's status as an authorised user
- b. develop and/or approve the training and/or induction to be provided to authorised users
- c. maintain a register of authorised users
- d. maintain effective oversight of authorised users
- e. moderate Council's social media platforms in accordance with section 6.5 of this policy
- f. ensure Council complies with its record keeping obligations under the State Records Act 1998 in relation to social media (see clause 6.7)
- g. ensure Council adheres to the rules of the social media platform(s)

6.3 Authorised Social Media Users

6.3.1 Members of Council staff may be authorised by the General Manager or Media and Communications Officer to upload content and engage on social media on Council's behalf. This includes designated staff who have responsibility for administering sites related to specific operations of Council, for example Jerilderie Library.

6.3.2 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.

6.3.3 The role of an authorised user is to:

- a. ensure, to the best of their ability, that content they upload onto social media platforms is accurate
- b. correct inaccuracies in Council generated content
- c. engage in discussions and answer questions on Council's behalf on social media platforms
- d. keep Council's social media platforms up to date
- e. moderate Council's social media platforms in accordance with section 6.5 of this policy
- f. ensure Council complies with its record keeping obligations under the State Records Act 1998 in relation to social media (see clause 6.7 of this policy)
- g. use language consistent with that function and avoid expressing or appearing to express personal views when undertaking their role
- h. adhere to the Terms of Use of the social media channel being used, as well as copyright, privacy, defamation, discrimination and other laws.

6.4 Councillors' official social media platforms

This section refers to Councillors who have official social media platforms of individual Councillors to communicate as a Councillor, as opposed to personal pages. The previous sections on Social Media Coordinator (SMC) and Authorised Users do not apply to this section.

6.4.1 Councillors are responsible for the administration and moderation of their own social media platforms and ensuring they comply with the record keeping obligations under the *State Records Act 1998* and Council's Records Management Policy in relation to social media. This also applies to Councillors who have another person administering, moderating or uploading content onto their social media platform.

6.4.2 Councillors must also comply with the rules of the platform when engaging on social media as well as Council's Code of Conduct.

6.4.3 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the Councillor's induction program or as part of their ongoing professional development program.

6.4.4 Council officials must:

- a. attribute work to the original author, creator or source when uploading or linking to content produced by a third party
- b. obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified

- c. exercise caution when sharing, liking, retweeting content, as this can be regarded as an endorsement and/or publication of the content.

6.4.5 Council media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a Councillor's social media platform. They may also upload publicly available Council information onto their social media platforms.

6.4.6 Other requirements are:

- a. Councillors must identify themselves on their social media platforms in the following format: Councillor "First Name and Last Name".
- b. A Councillor's social media platform must include a profile photo which is a clearly identifiable image of the Councillor.
- c. If a Councillor becomes or ceases to be the Mayor, Deputy Mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the Councillor's social media platforms and updated within 14 days.
- d. Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- e. A Councillor's social media platform must include a disclaimer to the following effect: *"The views expressed and comments made on this social media platform are my own and not that of Murrumbidgee Council"*.
- f. A Councillor must advise the General Manager/SMC of any social media platforms they administer on which content relating to the Council or Council officials is, or is expected to be, uploaded. The Councillor must do so within 14 days of becoming a Councillor, or of becoming the administrator.

6.4.7 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:

- a. is defamatory, offensive, humiliating, threatening or intimidating to other Council officials or members of the public
- b. contains profane language or is sexual in nature
- c. constitutes harassment and/or bullying within the meaning of the Murrumbidgee Council Code of Conduct, or is unlawfully discriminatory
- d. is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
- e. contains content about the Council, Council officials or members of the public that is misleading or deceptive
- f. divulges confidential Council information
- g. breaches the privacy of other Council officials or members of the public
- h. contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the Procedures for the Administration of the Murrumbidgee Council Code of Conduct
- i. could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
- j. commits the Council to any action
- k. violates an order made by a court
- l. breaches copyright
- m. advertises, endorses or solicits commercial products or business

- n. constitutes spam
- o. is in breach of the rules of the social media platform.

6.4.8 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.

6.4.9 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did (see section 232(1)(f) of the *Local Government Act 1993*).

6.5 Standards of conduct on social media platforms

Moderating social media platforms

6.5.1 Councils and Council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:

- a. is uploaded by a third party; and/or
- b. appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar

6.5.2 Council officials who are responsible for the moderation of the Council's or Councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this part.

House Rules

6.5.3 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.

At a minimum, the House Rules should specify:

- a. the principles of social media engagement referred to in clause 4.1 of this policy
- b. the type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform
- c. the process by which a person can be blocked or banned from the platform and rights of review
- d. a statement relating to privacy and personal information (see clause 6.7.4 of this policy)
- e. when the platform will be monitored (for example weekdays 9 am – 5 pm, during the Council's business hours)
- f. the social media platform is not to be used for making complaints about the Council or Council officials

6.5.4 For the purposes of clause 6.5.3(b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:

- a. is defamatory, offensive, humiliating, threatening or intimidating to Council officials or members of the public
- b. contains profane language or is sexual in nature
- c. constitutes harassment and/or bullying within the meaning of the Murrumbidgee Council Code of Conduct, or is unlawfully discriminatory
- d. contains content about the Council, Council officials or members of the public that is misleading or deceptive
- e. breaches the privacy of Council officials or members of the public
- f. contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the Procedures for the Administration of the Murrumbidgee Council Code of Conduct
- g. violates an order made by a court
- h. breaches copyright
- i. advertises, endorses or solicits commercial products or business,
- j. constitutes spam
- k. would be in breach of the rules of the social media platform.

Removing or 'hiding' of content

6.5.5 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 6.5.4, the moderator may remove or 'hide' that content.

6.5.6 Prior to removing or 'hiding' the content, the moderator must make a record of it (for example, a screenshot).

6.5.7 If the moderator removes or 'hides' the content under clause 6.5.5, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.

6.5.8 A person may request a review of a decision by a moderator to remove or 'hide' content. The request must be made in writing to the General Manager and state the grounds on which the request is being made.

6.5.9 Where a review request is made under clause 6.5.8, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to remove or 'hide' the content.

Blocking or banning

6.5.10 If a person uploads content that is removed or 'hidden' under clause 6.5.5 of this policy on 3 occasions, that person may be blocked or banned from the social media platform/all social media platforms.

6.5.11 A person may only be blocked or banned from a Council social media platform with the approval of the General Manager. This clause does not apply to blocking or banning a person from a Councillor's social media platform.

6.5.12 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform/all platforms and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.

6.5.13 The duration of the block or ban is to be determined by the General Manager, or, in the case of a Councillor's social media platform, the Councillor.

6.5.14 Where a determination is made to block or ban a person from a social media platform/all social media platforms, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.

6.5.15 Despite clauses 6.5.10 to 6.5.14, where a person uploads content of a kind referred to under clause 6.5.4, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from the platform/all platforms may be imposed on the person immediately for a period no longer than 6 months.

6.5.16 A person who is blocked or banned from the platform/all platforms under clause 6.5.15 must, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the interim block or ban is to be removed or retained.

6.5.17 A person may request a review of a decision to block or ban them from a social media platform. The request must be made in writing to the General Manager and state the grounds on which the request is being made.

6.5.18 Where a review request is made, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the General Manager, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.

6.5.19 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 6.5.10 to 6.5.18 do not apply.

6.7 Records management and privacy requirements

Records Management

6.7.1 Social media content created, sent and received by Council officials (including Councillors) acting in their official capacity is a Council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed

in accordance with the requirements of the *State Records Act 1998* and Council's approved Records Management Policies and Practices.

6.7.2 You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this policy, and consult with the Council's Records Manager and comply with the requirements of the *State Records Act 1998*.

6.7.3 When/if a Councillor's term of office concludes, the Councillor must contact the General Manager to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.

6.7.4 In fulfilling their obligations under clauses 6.7.1 to 6.7.3, Council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for Council's and Councillors' social media content.

Privacy considerations and requirements

6.7.5 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.

6.7.6 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by the Council and Councillors. To mitigate potential privacy risks, Council officials will:

- a. advise people not to provide personal information on social media platforms
- b. inform people if any personal information they may provide on social media platforms is to be used for official purposes
- c. moderate comments to ensure they do not contain any personal information
- d. advise people to contact the Council or Councillors through alternative channels if they have personal information they do not want to disclose in a public forum.

6.7.7 Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, Council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.

6.8 Private use of social media

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients. The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted.

6.8.1 For the purposes of this Policy, a Council official's social media engagement will be considered 'private use' when the content they upload:

- a. is not associated with, or does not refer to, the Council, any other Council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council in their official or professional capacities; and
- b. is not related to or does not contain information acquired by virtue of their employment or role as a Council official.

6.8.2 If a Council official chooses to identify themselves as a Council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this Policy.

Use of social media during work hours

6.8.3 Council staff who access and engage on social media in their private capacity during work hours must ensure it does not interfere with the performance of their official duties.

7. Electronic Direct Mail (e-newsletters)

7.1 Staff working on electronic direct mail campaigns will manage all personal data collected for email marketing in accordance with the Privacy and Personal Information Protection Act.

8. Emergency and crisis management

In the event of an emergency, Council plays a pivotal role in disseminating information to the community via our communication channels.

8.1 Working with the media during emergencies

8.1.1 During emergencies, such as natural disasters or public health incidents, the Media and Communications Officer will be responsible for coordinating media releases and statements on behalf of the Council.

8.1.2 Councillors, Council staff and other Council officials must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.

8.1.3 Training on media engagement during emergencies will be provided to Councillors and relevant staff and other Council officials.

8.2 Use of social media during emergencies

8.2.1 During emergencies, such as natural disasters or public health incidents, the Media and Communications Officer or, in his/her absence, someone appointed by the General Manager, will be responsible for the management of content on the Council's social media platforms.

8.2.2 To ensure consistent messaging, both during and after an emergency, authorised users and Council officials must not upload content onto Council's or their

own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.

8.2.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and Councillors.

9. Non-compliance with this policy

Failure to comply with this policy may be dealt with in accordance with Council's relevant Code of Conduct, Local Government (State) Award or other laws.

10. Definitions

This policy's definitions are:

Community means all people who live or work in the Murrumbidgee Council Local Government Area.

Council means Murrumbidgee Council.

Council official means Councillors, Council staff, volunteers or delegated persons as defined in the Local Government Act 1993.

Council spokesperson: A person authorised to communicate with the media on Council's behalf.

Media: Relates to all forms of official communication including, but not limited to, print and digital media. Digital media can include all forms of online media, including Council's website and presence on social media.

Media statement or comment: A verbal or written statement issued by the Council that states its position on a matter of Council business, Council policy or public interest.

Staff means all employees of Murrumbidgee Council (full time, part time, casual, contractors and temporary).

Social media is the term used for internet and mobile-based channels and tools that allow users to interact with each other and share opinions and content. It refers to user-generated information, opinion and other content shared and discussed over open digital networks.

11. References and related documents

The following legislation and/or guidelines are applicable to this policy:

Murrumbidgee Council documents

- Council's Vision
- Code of Conduct for Councillors
- Code of Conduct for staff

- Code of Conduct for Council Committee Members, Delegates of Council and Council advisors
- Style Guide
- Communication Strategy
- Community Engagement Strategy
- Social Media Register
- Complaints Management Policy
- Internet, Intranet, Email and Computer Use Management Policy
- Privacy Management Policy
- Records Management Policy

Legislation and professional guidelines

- Freedom of Information Act 1982
- Privacy and Personal Information Protection Act 1998
- Local Government Act 1993
- Copyright Act 1968
- Defamation Act 2005
- Government Information (Public Access) Act 2009
- Web Content Accessibility Guidelines version 2 (WCAG 2.1)

12. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Revised

Procurement Policy

	Name	Position	Signature	Date
Responsible Officer	Kaitlin Salzke	Chief Financial Officer		
Authorised By	John Scarce	General Manager		

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1. Policy Scope

This policy applies to anyone conducting or participating in procurement activities for Murrumbidgee Council.

The procurement function incorporates all processes concerned with the acquisition of goods and services, including:

- defining the need and writing procurement specifications
- determining the procurement method
- obtaining appropriate approvals, where required
- identifying reputable suppliers or approved contractors
- inviting quotations or using direct purchasing
- evaluating responses
- making recommendations
- obtaining approval
- monitoring the performance of the supplier or provider, and
- confirming that goods or services supplied are consistent with what was ordered, and are fit for purpose

2. Policy Statement

In conducting its procurement activities, Murrumbidgee Council will:

- comply with the Local Government Act 1993, the Local Government (General) Regulation, and all other relevant legislation;
- promote open and effective competition between suppliers;
- give primary consideration to achieving value for money (not necessarily at the lowest price), taking a big-picture view that compares lifetime benefit to lifetime cost;
- aim to enhance the capabilities of local business and industry;
- promote purchasing practices which align with Council's commitment to sustainable development by conserving resources, saving energy, minimising waste, protecting human health, and maintaining environmental quality and safety; and
- consider any relevant Work Health and Safety regulations to ensure that staff are operating in a safe work environment (if any doubt concerning safety exists when considering the non-urgent procurement of any goods or services, these should be referred to Council's WHS&R Advisor);

Officers with procurement responsibilities must:

- behave with impartiality, fairness, independence, openness, integrity and professionalism in their dealings with suppliers' representatives;
- advance the interests of Council in all transactions; and
- attain a high level of credibility with suppliers' representatives.

3. Procurement Manual

A Procurement Manual will be maintained by Council staff.

The purpose of the manual will be to clearly define a procurement framework, responsibilities and procedures for all Council officers, ensuring that best-practice standards are met and the highest level of public accountability attained.

The Manual will incorporate:

- standards and procedures for procurement activities, including the public tender process;
- purchasing limits which initiate incremental quotation and authorisation processes as the purchase value increases, until the statutory tendering trigger value is reached;
- standards for documentation and record-keeping; and
- procedures for urgent and emergency procurement.

All Council staff involved in the procurement process should ensure that they read and understand the Procurement Manual.

4. Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Revised Rates, Fees & Charges Hardship Policy

	Name	Position	Signature	Date
Responsible Officer	Kaitlin Salzke	Chief Financial Officer		
Authorised By	John Scarce	General Manager		

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1. Purpose

To provide a formal process for assisting ratepayers who may, due to exceptional circumstances, encounter difficulties with payment of their rates, fees and/or charges.

2. Objectives

To provide assistance to ratepayers including pensioners, experiencing genuine financial hardship, with the payment of rates, fees and annual charges.

To be sympathetic and helpful to such ratepayers experiencing financial hardship.

To provide an administrative process and decision making framework to determine and assess hardship applications.

To fulfil the statutory requirements of the *Local Government Act 1993* with respect to hardship applications

3. Scope of Policy

This policy shall apply to all ratepayers, businesses, individuals, and community groups within the Murrumbidgee Council Local Government Area.

4. Policy Implementation

4.1 Guidelines

Any ratepayer, business, individual or community group who cannot pay their rates, fees and/or annual charges for reasons of financial hardship can apply to Council for assistance at any time.

Each individual case will be considered on its merits.

Council will treat all people fairly and consistently under this policy.

Council will consider all matters relating to this policy with complete confidentiality.

Council will treat people with respect and compassion in considering their circumstances.

4.2 Hardship Criteria

Each case will be considered on merit, provided that an actual hardship exists and is genuine.

4.3 Application for Hardship

Consideration for hardship will only be given to cases on the following grounds:

Death/Terminal Illness: consideration will be given to waiving of interest on rates and annual charges for a specific term.

Temporary illness or serious accident: consideration will be given to waiving interest on rates and annual charges for a specific term.

Unemployment: consideration in structuring a hardship repayment plan that recognises financial constraints exist.

Financial Hardship: with extenuating circumstances beyond the control of the ratepayer - consideration in structuring a hardship repayment plan that recognises financial constraints exist and consideration of interest waiver on rates and annual charges for a specific term.

Natural Disasters: (bushfire, flooding, drought) – consideration will be given to waiving interest for rates and annual charges for a specific term.

Valuation Changes: Council has discretion under S601 of the Act to defer payment of the whole or any part of an increase in the amount of rates payable by the ratepayer for such period and subject to such conditions as it sees fit

Ratepayers seeking concessions for financial hardship are to submit an application to Council outlining their particular circumstances and providing supporting documentation which may include, but is not limited to:

- Copies of recent bank/financial institution statements
- Details of income and expenditure (including monthly budget analysis)
- Letter from a recognised financial counsellor or financial planner
- A letter with details of the extent of the losses of property will be required with regards to applications under the natural disaster clause.

In the case of a corporation, supporting documentation may include, but is not limited to:

- Details of ownership and directorship
- Subsequent details or further information if owner is another corporation
- Financial details and proof of hardship of corporation and directors.

Applications for hardship caused through revaluation must be received within 3 months of the issue of rates notice in the first year of the general revaluation for rating purposes has taken effect.

5. Procedures

The following procedures will be followed with all financial hardship concessions:

- All hardship applicants shall be advised in writing of Council's decision within 30 days of receipt of the application.
- Any applicant dissatisfied with Council's decision may request that the application be reconsidered. Such requests must be made within 7 days of being advised that the initial application was unsuccessful. After Council reconsiders the application and makes a determination, the ratepayer has no further right of appeal.
- Any mutually acceptable repayment schedule will have a maximum 24 month term.
- All repayment schedules are to be reviewed annually, and upon the raising of further rates and charges
- Any future rates and charges raised against the property are due and payable on the due dates.
- Interest will be charged and then written off where a repayment schedule is adhered to and the arrangement provides for accrued interest to be waived.
- Where a scheduled repayment default occurs, interest will be calculated and levied from the date of the last payment made in accordance with the repayment schedule. The ratepayer will be contacted in regard to the repayment default.

6. Amount of Hardship Concession

The amount of any financial hardship concession will be determined on the merits of each individual application, but will be limited to the waiving of interest charges that would otherwise be applicable during the period of a mutually acceptable repayment arrangement.

Council reserves the right to vary the terms and conditions within this policy.

7. Privacy

Personal information collected as a consequence of this policy will only be used for the purposes of assessing eligibility under the policy and will not be used for any other purpose or disclosed to any person unless we are required by law to do so, or authorised to do so by the person to whom the personal information relates.

8. Legislation

Local Government Act 1993
Local Government (General) Regulation 2005
Privacy and Personal Information Act 1998

9. Review

This policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



COVID-19

Financial Hardship Policy

	Name	Position	Signature	Date
Responsible Officer	Vicki Sutton	Manager Finance	<i>Vicki Sutton</i>	6.5.20
Authorised By	John Scarce	General Manager	<i>John Scarce</i>	6.5.20

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Purpose

To provide a process for assisting ratepayers, businesses, individuals and community groups who may, due to the economic impacts of the COVID-19 pandemic, encounter difficulties with payment of their rates, fees and charges.

Objectives

To provide temporary relief and assistance to ratepayers, businesses, individuals and community groups during the time of the COVID-19 pandemic and until further notice.

Scope of Policy

This policy shall be applicable to all ratepayers, businesses, individuals and community groups within the Murrumbidgee Council Local Government Area.

Policy Implementation

Guidelines

Utilising the process recognised by the Federal Government's Job Keeper eligibility criteria, ratepayers, businesses and individuals may apply for a deferred payment arrangement for outstanding rates, fees and charges as at/from 1 April 2020.

Those assessments, fees or charges deemed eligible for the payment arrangement will also be provided with a penalty interest waiver for the same period.

Community and sporting groups will have rents, fees and charges for Council owned land, buildings and/or facilities waived until further notice.

Rates, Fees and Charges eligible for payment arrangements

The following Council rates fees and charges will be considered for deferred payment arrangements, subject to eligibility of applicant:

- Residential rates
- Rural residential rates
- Business rates
- Farmland rates
- Town Improvement rates
- Stormwater levy
- Waste annual charge
- Water annual charge
- Sewerage annual charge
- Water usage charges
- Sewer usage charges
- Lease of Council land, building or facility
- Food Inspection fee

Application for COVID-19 Hardship

Each individual case will be considered on merit.

Residents and ratepayers seeking concessions for COVID-19 financial hardship are to submit an application to Council outlining their particular circumstances and providing supporting documentation proving a loss of 30% or more of their revenue compared to a comparable period a year ago, or some other time as deemed appropriate.

Supporting documentation may include but not be limited to:

- Copies of bank/financial institution statements
- Copies of comparable Business Activity Statements
- Details of income and expenditure (including monthly budget analysis)

Supporting documentation in the case of a corporation may include but not be limited to:

- Details of ownership and directorship
- Subsequent details or further information if owner is another corporation
- Financial details and proof of hardship of corporation and directors

Applications will be assessed individually by Council's finance staff.

Procedures

All COVID-19 financial hardship applicants shall be advised in writing of Council's decision within 30 days of receipt of the application.

Where a scheduled repayment default occurs, interest will be calculated and levied from the date of the last payment made in accordance with the repayment schedule. The ratepayer will be contacted in regard to the repayment default

Privacy

Personal information collected as a consequence of this policy will only be used for the purposes of assessing eligibility under the policy and will not be used for any other purpose or disclosed to any person unless we are required by law to do so, or authorised to do so by the person to whom the personal information relates.



Revised Signs as Remote Supervision Policy

	Name	Position	Signature	Date
Responsible Officer	Tom Dimec	Director of Infrastructure		
Authorised By	John Scarce	General Manager		

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1. Purpose

This Policy recognises the importance of using signs as remote supervision (SARS) to warn users of Council owned, operated or controlled land within the Murrumbidgee Council Local Government Area (LGA) of the risk and nature of identified hazards in the area.

Murrumbidgee Council LGA encompasses an area of 6500 square kilometres. Operated or controlled land are exposed to varying degrees of risk associated with the hazards which exist on the land - both natural hazards and hazards related to developed facilities.

As it is not always possible to fully eliminate the risk from these hazards, it is desirable to provide a warning to land users about the risk and nature of identified hazards. Signs can be an effective way to provide this risk warning.

Using signs as remote supervision also helps Council achieve the community objective in meeting the needs of the Murrumbidgee Council community and its visitors.

2. Scope

This Policy

- applies to promote an integrated risk management framework including use of signs as remote supervision;
- Ensures consistency and fairness in the manner in which Council deals with signage;
- Promotes awareness and ensures compliance with legislative requirements under the *Local Government Act 1993* and the *Civil Liability Act 2002*;
- Takes such steps as are appropriate to ensure that signs are effective and meet current risk management best practice and Australian Standards; and

3. Policy Details

1	Application This policy applies to signs used for remote supervision on Council owned or controlled land and facilities within the Murrumbidgee Council Local Government Area (LGA).
2	Legislation Murrumbidgee Council complies with the <i>Local Government Act 1993</i> , the <i>Civil Liability Act 2002</i> (CLA) and relevant Australian Standards. Council's duty of care is outlined in Part 5 Section 42 of the <i>Civil Liability Act 2002</i> - Principles Concerning Resources and Responsibilities of Public or Other Authorities. Section 5M of the CLA states that a risk warning for a recreational activity can be given in writing, including by means of a sign.

3	<p>Use of Signs for Remote Supervision (SARS)</p> <p>Areas of recreational risk exposure at Council owned or controlled facilities such as river and creek beaches, swimming pools, splash park reserves, parks and public walkways, will be assessed with a view to mitigating the risk by using signs as remote supervision.</p> <p>Remote supervision signage will be used to advise or warn people of inherent dangers in the environment in which they are operating.</p>
4	<p>Risk Management</p> <p>Council will conduct a regular site risk audit for all Council owned or controlled river and creek beaches, pools, parks and reserves, skate parks, pump tracks and splash parks.</p> <p>The site risk audits will include inspection and assessment of defects and appropriateness of existing remote supervision signage, and make recommendations regarding any maintenance, installation or changes to signs.</p>
5	<p>Installation and Replacement</p> <p>Signs as Remote Supervision (SARS) shall be provided as resources permit, based on a priority rating.</p> <p>SARS in existence and currently not meeting the current best practice and/or Australian Standards shall be replaced as resources permit, in priority order.</p>

4. Implementation

	Requirements	Responsibility
1	<p>This Policy will be implemented by a rating formula for Signs as Remote Supervision, which is specified below.</p> <p>A rating formula will be used to assess all Council's facilities and allocate a Facility Visitation Rating (FVR) based on public usage.</p> <p>Facility Visitation Rating = (Development x Population) + Frequency.</p> <p>The value of the FVR is an indication of the risk that Council is exposed to related to the activities that occur in each facility. This value will allow Council to decide on the most appropriate sign which, in turn, will act as the most suitable form of remote supervision.</p> <p>Once the FVR has been determined and the hazards for each facility identified, appropriate SARS will be installed as warranted.</p>	Council Officers

2	Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area.	Council Officers
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyses the history of reported public concerns.	Council Officers
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Staff, other Councils, regional risk groups, and Council's Regional Risk Manager have been consulted in the development of this policy, along with current best practice documentation and Australian Standards. Proposed substantive changes to this policy will be placed on public exhibition, with public submissions regarding this policy invited for consideration during the exhibition period.	As applicable

5. Effectiveness Review

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Complaints	Council records
Customer feedback survey responses	Surveys
Risk audit site inspections	Inspections
Internal or external audit	Audit
Number of incidents at facilities	Council records
Number of liability claims	Council records

6. Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines, including:

Name	Link
Local Government Act 1993	www.legislation.nsw.gov.au/#/view/act/1993/30
Civil Liability Act 2002	www.legislation.nsw.gov.au/#/view/act/2002/22

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Australian Standard AS/NZS ISO 31000:2009	www.standards.org.au
Signs As Remote Supervision Best Practice Manual (Statewide Mutual)	www.statewidemutual.com.au/

7. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Revised Stormwater Risk Management Policy

	Name	Position	Signature	Date
Responsible Officer	Tom Dimec	Director of Infrastructure		
Authorised By	John Scarce	General Manager		

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1. Purpose

Murrumbidgee Council's objective is to establishment a stormwater management system to a standard that optimises the service life and safety level of the individual assets, giving due consideration to the priorities and resources available.

2. Scope

This policy applies to Murrumbidgee Council stormwater assets.

The stormwater network has been classified into four sub-categories identified in Council's Asset Register.

Council maintains a Stormwater Asset Register, which also identifies the condition, location, size and type of the stormwater asset.

3. Definitions/Stormwater Classifications

Council means Murrumbidgee Council

MC means Murrumbidgee Council

Stormwater Sub-Categories

- Mechanical
- Stormwater Component
- Stormwater Pipe System
- Surface Drains

4. Policy Statement

This policy has been prepared to ensure Council has a clear and concise direction as to the Construction and Maintenance Standards and Budget Allocations for stormwater assets within the Murrumbidgee Council Local Government Area.

5. Construction Standards

Five general factors form the basis for the design standards:

- volume of flow expected
- composition of stormwater materials
- Terrain
- Location requirements
- Budget allocation in accordance with Risk Rating priorities

6. Maintenance Standards

Maintenance standards have been developed in order to meet the demands and expectations of the various users in accordance with the minimum requirements that are considered necessary to keep the stormwater system functioning in a satisfactory manner.

All stormwater maintenance will be managed using a systematic approach based on:

- regular inspection of the network
- recording defects and maintaining those records as part of Council's records in Reflect
- determination of defects hazard in accordance with adopted intervention levels
- incorporation of a planned renewal and upgrade program across the stormwater network to prolong asset life and ensure user safety
- Budget allocation in accordance with Risk Rating priorities

The routine maintenance service level will differ between the different stormwater categories due to variations relating to the functional, capacity and utilisation characteristics of the stormwater assets.

7. Controls

Council will at all times endeavor to follow the order for risk as set out below:

- i. Eliminate the risk
- ii. Reduce the risk
- iii. Accept the risk

By using the techniques set out in the Stormwater Management Procedure. Implementation of controls is the responsibility of Director of Infrastructure.

8. Monitoring

Council will monitor the results of the program using the procedure set out in Stormwater Management Procedure. Implementation of controls is the responsibility of Director of Infrastructure.

9. Allocated Resources

Budget allocations in support of this Stormwater Risk Management Policy shall be made on the basis that any stormwater "project", construction, maintenance or renewal, is costed and funded for the completion of the entire project, including restoration of natural surface area.

The annual stormwater works program will be prepared in accordance with the recognised risk management principles to ensure asset protection, user safety, risk and resource priorities and best value.

10. References

StateWide Mutual – Operational Risk Workbook
Local Government Act 1993
Roads Act 1993
Environmental Planning & Assessment Act 1979
Protection of the Environment Operations Act 1979

11. Review

This Policy

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Revised Road Risk Management Policy

	Name	Position	Signature	Date
Responsible Officer	Tom Dimec	Director of Infrastructure		
Authorised By	John Scarce	General Manager		

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1. Purpose

The purpose of this policy is to demonstrate that Council has a systematic and documented approach for reducing risks associated with the operation and maintenance of transport assets (roads). This is to ensure that Council's transport assets are maintained at an agreed level that optimises service and safety in consideration with the resources available. Council's transport asset network has been classified into clearly defined classes, with due consideration of classification, traffic volumes, vehicular type, usage and associated safety standards. Murrumbidgee Council's Road Classifications are identified in table 1. This Policy excludes State Roads as they are managed by Transport for NSW. The progressive implementation of Asset Management Plans for various asset types is one of the objectives of Murrumbidgee Council ('Council').

2. Objective

This policy applies to Murrumbidgee Council transport of roads.

The objectives of the policy are to:

- Apply the principles of identification, evaluation and treatment of risks to transport asset maintenance.
- Implement a formal system of transport asset inspections which record identified risks, including defined hazards.
- Maintain a risk register for roads through inspections and incorporation of reports of transport asset hazards received from the public and/or employees.
- Implement a method of prioritising the risks identified by the various sources.
- Establish reasonably practicable response times in which to effect repairs or provide temporary warnings for the risks identified, based on resources available.
- Provide an objective, defensible and repeatable approach to the maintenance of Council's transport assets.
- Establish a documented system and process to allow ongoing review.

3. Scope

This policy applies to all Murrumbidgee Council road infrastructure.

4. Policy Statement

This policy demonstrates that Council has a methodical and documented approach for reducing risks associated with the maintenance of transport (roads) assets and provides clear guidance when performing operational and maintenance activities.

Under the Roads Act 1993 roads are identified as either public roads, freeways or Crown roads. Council is the responsible authority for public roads, other than public roads for which some other public authority is declared by the regulations to be the road authority:

- State Roads are the responsibility of Transport for NSW.
- Crown Roads are the responsibility of Crown Land in NSW.

Classification of the named/gazetted section of road will be in accordance with this policy. Until this classification occurs, the paper road (Crown Roads) will not be included in Council's maintenance program. Council also reserves the right to close a section of paper road in accordance with the Roads Act 1993.

Inspections – Road Hazard and Risk Identification

Road inspections are undertaken to allow the systematic identification of risks on the road network. An inspection program has been developed (Table 1), and the information gathered by this program shall be used as the main method of identifying all the known hazards and risks associated with the road network. Inspections are a formalised assessment of sections of the road network, looking for hazards that may require repair and maintenance.

There are three (3) major types of inspection

- Formal (planned)
- Requests/feedback received from road users
- Service requests from Council employees

Formal (planned)

The purpose of formal inspections is to identify:

- Those assets that have defects
- The location of the defect
- Action required to correct the defect
- Severity of defect, and hence priority for action.

Requests/Feedback Received from Road Users

Customer requests or feedback from road users are a valuable source of knowledge about the state of the transport network between inspections. Each customer request/feedback is registered via a Customer Service Request and then assigned to an Infrastructure staff member who will then arrange an inspection of the identified request/feedback item.

Service Requested from Council Employees

Council's staff regularly travel the road network throughout the Council area. During this travel, Council staff are encouraged to report defects encountered into the Maintenance Management Software.

Roads maintained by Council shall be inspected, generally in accordance with the intervals listed in Table 1 below.

Table 1 - Classification

MC Classification	Usage	Description
Local Access	Low Use	Council
Collector	Medium Use	Council
Distributor	High Use	Council/ State
Sub Arterial	High Use	State/ Federal

Night Inspections

All bitumen roads and streets shall be inspected in each direction for sign, pavement and guide-post reflectivity and street light functionality every two (2) years.

Inspection Staff

The inspections will be undertaken by appropriately trained and experienced personnel who understand road-related hazards and defects. These may be the Overseer, Engineers, Team Leader, or other staff members considered suitable to undertake inspections and accredited by the Asset Manager, Manager of Infrastructure, Director of Infrastructure and Senior Technical Officer.

All inspectors will be trained in the systems, hazard analysis, and recording methods which support this procedure

Inspection Process

Inspectors shall record risks/defects using the Maintenance Management Software. Where works are required to remove the risk/defect, a report will be generated and given to the appropriate staff detailing the action required and the action date in accordance with the Council's procedures and intervention levels (Table 2).

The program shall be maintained and monitored to ensure risks/defects are actioned within specified timeframes.

Table 2 - Road Category

Road Category	Inspection Timeframe
Regional	3 monthly
Arterial/Collector	6 monthly
Local Dwelling Access Urban	Annual
Local Road, Property Access Rural	Biennial
Urban	Annual
Footpath (Low Risk)	Biennial
Footpath (Medium Risk)	Annual
Footpath (High Risk)	6 monthly
Kerb and Gutter	Annual
Bus Shelters	Annual
Bridges and Major Culverts	As per the associated road category

Control

Control of risk exposure requires control measures to be implemented. Some of the control measures that Council will be able to use to lessen its exposure to risk are as follows:

- Effecting repair of the damaged or substandard asset
- Effecting temporary repairs, and hence lowering the priority for future action
- Use of warning signs and lights to alert road users of the potential hazard that exists ahead. Erection of temporary barriers or barricades and lights around the area until it can be repaired
- Planning and allocating resources for the long-term replacement of the road network or structures

Unavoidable Risk

Where an identified risk is unable to be eliminated due to the lack of Council resources, a summary report is to be provided to the General Manager detailing the risk and costs associated with eliminating the risk. A detailed risk rating assessment shall be undertaken, which will assist Management to program and prioritise funds to undertake necessary works.

5. Evaluation

It is the responsibility of the Asset Manager to monitor the adequacy of this policy and recommend appropriate changes.

6. Legislation, Associated Documents and Definitions

Legislation

Roads Act 1993

Associated Documents

- MC Policy – Risk Management
- MC Policy – Asset Management Policy
- MC Strategy - Asset Management Strategy
- StateWide Mutual – Operational Risk Workbook
- Minimum Levels of Componentisation for Road Infrastructure Assets (Austroads)

7. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Revised Asset Management Policy

	Name	Position	Signature	Date
Responsible Officer	Tom Dimec	Director of Infrastructure		
Authorised By	John Scarce	General Manager		

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1. Purpose

To provide clear direction and structure for decision making in the management of Murrumbidgee Council assets. To maintain consistency, transparency and inter-generational fairness in the manner in which Council deals with its assets. To promote asset management awareness and the effective delivery of services, throughout Council and the community, with a focus on continuous improvement in the performance, cost, and risk assessment of assets.

To set guidelines for implementing consistent asset management processes throughout Murrumbidgee Council.

2. Statement

Council is responsible for the management of an array of infrastructure assets that have been developed for and on behalf of the community. It is committed to the sustainable management of that infrastructure, and realises the importance of incorporating asset management principles across all of its business and service operations.

To achieve this, Council refers to the:

- Roads Act 1993
- Local Government Act 1993, Chapter 13, Part 2 Strategic Planning, sets out the role, purpose, responsibilities and powers of Local Government, including the preparation of a long term financial plan supported by asset management plans for sustainable service delivery. Chapter 13 gives effect to the Integrated Planning and Reporting framework.
- International Infrastructure Management Manual (IIMM) - IPWEA
- Australian Infrastructure Financial Management Manual (AIFMM) –IPWEA
- NSW Integrated Planning and Reporting Framework and Guidelines – see diagram



3. Objective

To ensure adequate provision is made for the long-term replacement of major assets by:

- Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Safeguarding Council assets, including physical assets and employees, by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining an asset management awareness throughout the organisation by training and development.
- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified, and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

4. Provisions

The Asset Management Policy is guided by the Council's Community Strategic Plan and Resourcing Strategy, and details how effective asset management will be achieved through:

- The development and ongoing review of a long term Asset Management Strategy, which shows how the asset portfolio supports the service delivery needs of the community.
- The detailed management of assets through the ongoing development of Asset Management Plans (AMP) according to community expectations, budget allocations, recognised best practice and relevant legislation.
- The provision of funding which is identified, agreed upon and allocated in a way that meets the defined levels of service detailed in the AMP.
- The implementation and maintenance of an Asset Management Information System that contains comprehensive knowledge of all physical assets, and ensures that financial information is recorded in a way that is useful to both the management of the asset and financial reporting.

5. Goals and Vision

Council's goals under this policy are to:

- Fully integrate asset management principles in all its business processes; and
- Through continuous improvement, achieve advanced competency in asset management. When these goals are realised, Council will be able to unequivocally demonstrate and implement the most cost-effective management of all its assets as a basis for its future financial sustainability.

6. Principles

- Within each four year term of Council, review appropriate levels of service with the community, for all asset groups to ensure equity, good governance, financial and environmental sustainability.
- Provide inspection processes that will ensure service levels and maintenance regimes are maintained.
- Develop formal Asset Management Plans for the infrastructure assets in each of its major service functions, addressing the whole-of-life costs, including initial capital cost, operation, maintenance and disposal of assets. This will ensure a critical review for asset provision when considering funding for new assets, asset renewal, rehabilitation, decommissioning or alternative modes of delivery.
- Ensure that Asset Management Plans are used by managers to inform and provide linkages to Council's Long Term Financial Plan, as well as short term annual operational plan budgeting.
- Determine the key factors associated with risks to the community and Council staff, assess the resultant range of outcomes and their probability of occurrence, and monitor outcomes on an ongoing basis.
- Apply systematic and cyclic reviews to all asset classes to make sure they are valued and depreciated in accordance with appropriate best practice and Australian Accounting Standards.
- Use a project management methodology for asset life cycle processes.
- Develop and review a comprehensive catalogue of asset management and audit processes, which support the goals of this policy.

7. Governance

Responsibilities for Asset Management

Council's Elected Representatives

- To ensure assets and services are provided in a sustainable and efficient manner.

General Manager and Directors

- To ensure Council's commitment to the principles of sound asset management and the community needs.
- To ensure all staff are educated in asset management, and responsibilities are undertaken.

Asset Management Section

- To provide leadership and coordination for the implementation of sound asset management principles through policy, strategy, procedures, forms and awareness education.
- To provide cross-organisational representation, and meet regularly.

Asset Custodian

- To be responsible for managing infrastructure assets to ensure their most efficient use.
- To ensure that information provided to populate the Asset Register is accurate and updated when assets are acquired, maintained, renewed or disposed.

Finance Section

- To update financial systems with asset transactions in accordance with standards.
- To implement and maintain software solutions that enable sound asset management principles for all persons involved.

8. All Staff

Any staff member that manages or has a responsibility to program, instigate, govern or oversee work that results in the creation, upgrade, renewal, receipt (contributed, gifted or otherwise) or disposal of assets shall comply with the processes stipulated in the Asset Management System.

9. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Revised Shipping Container Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

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1. Introduction and Background

In recent years, shipping containers have become more readily available for a variety of uses, due to the increasing numbers of second-hand containers available. These containers offer an affordable and secure method of storage, and as well are being considered for other types of adaptation and development, including housing.

The NSW Land and Environment Court has confirmed that a shipping container is a 'building' which, in some cases, requires a development approval and a construction certificate. Dependent on its use, method of tie down and period of placement, it may also be considered to be a 'temporary structure'.

Whilst the use of shipping containers can provide an alternative to the construction of a traditional purpose-built shed or outbuilding, concern has been raised about the location and visual appearance of these structures. In particular, the potential to adversely impact on the residential amenity, scenic quality and character of an area.

Generally, the community are unaware that, in most situations, Council approval is required to place a shipping container on land. Apart from being a legal requirement, not all land is suitable to house a shipping container and its use, location and context must be considered.

Currently Council's planning instruments make no reference to shipping containers, including the requirements for obtaining approval and the matters that need to be considered before an approval might be granted.

The adoption of a policy for the placement and use of shipping containers means that Council is better able to influence, guide and control this type of development without reliance on resorting to enforcement powers including the issuing of Orders for their removal.

This policy is a direct response to these issues and provides information and guidelines for development. The policy will aid in protecting the existing scenic quality and amenity of the Council area for the benefit of the community and ensure that the potential for its future growth and development is not compromised by making the area a less attractive and enticing place to live.

2. Objectives

The objectives of this policy in relation to shipping containers, are to:

- a) Provide information, standards, guidelines and controls for their number, location, use, and duration;
- b) Identify when Development Approval is required and outline circumstances where an approval will be unlikely;
- c) Protect the visual quality and amenity of the Council area from the undesirable and inappropriate location and use of shipping containers;
- d) Ensure that the materials, construction and durability are appropriate for their location, use and duration;

- e) Ensure that the use and location are suitable for their context and will not detract from the scenic quality, amenity and character of a locality;
- f) Ensure that the community is aware of the additional measures that will be required to be implemented to manage their potential impacts;
- g) Ensure that neighbouring landowners, and the community as a whole, have the opportunity to be involved in planning decisions that may affect them.

3. Definitions

Building includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the *Local Government Act 1993*.

Class 10a building is a building defined under the National Construction Code as a non-habitable building being a private garage, carport, shed or the like.

Development has the same meaning as defined in the *Environmental Planning & Assessment Act 1979* (EP&A Act) and, for the purposes of this policy, also includes building work as defined in the EP&A Act.

Development approval means an approval issued by Murrumbidgee Council.

Maximum height is height measured from ground level to the highest part of the top of the shipping container. The maximum height that will be permitted under this policy, including any footings or supporting slabs is 3 metres.

Shipping container means a purpose-built steel enclosure for the purpose of temporarily holding materials and goods for transport by road, rail or ship.

Temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

4. Policy Enforcement

The Policy is made and will be enforced under the *Environmental Planning & Assessment Act 1979* and the *Local Government Act 1993*.

5. Public Notification

Council will notify adjoining neighbours in relation to any Development Application received for the installation and use of a shipping container. Council also has the discretion to notify others who it feels may be potentially impacted by the proposal.

Where it is proposed to place a container on public land or where more than one container is proposed, the Development Application will be advertised for 21 days. Public submissions will be invited and Council will take these into consideration before deciding whether to approve a Development Application.

6. Policy Details

6.1 Shipping Containers Exempt from Council Approval

The approval of Council is not required where the placement of a shipping container is contained wholly within the property boundaries of a site and complies with one or more of the following:

- a) The approval of Council is not required where the placement of a shipping container is contained wholly within the property boundaries of a site and complies with one or more of the following uses, and placement of a shipping container is *exempt development* if it complies with the following provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
 - i. Farm buildings as defined by Subdivision 16
 - ii. Temporary installation and storage after a natural disaster as defined under Subdivision 36A
 - iii. Temporary office use for existing commercial and industrial purposes as defined under Subdivision 36B.

*(contact Council for a copy of the Policy or to obtain information about this part of the Policy).

- b) The shipping container is in the process of being loaded or unloaded and will not be on land for more than 14 days;
- c) The shipping container (empty or full) is used in conjunction with the operation of a transport depot, intermodal hub or other logistics related activity for which Development Approval has been granted;
- d) The shipping container is on site and used temporarily - less than 2 weeks - in conjunction with a lawful use;
- e) The shipping container is on the land and during the construction of a development;
- f) The shipping container is being utilised temporarily as part of an emergency, disaster or recovery relief campaign led by Council, a State Disaster Agency or Military.
- g) The shipping container is being installed on a temporary basis associated with a special event with written approval from Council and is to be maintained on site for no more than 7 days.

6.2 Shipping Containers as Complying Development

The **Inland Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 allows some farm buildings to be carried out in RU1, RU2, RU3, RU4, RU5 and R5 zones. Where a farm building constituting a shipping container meets Subdivision 7 of that Code then a Complying Development Certificate (CDC) can be issued for a shipping container on submission of a CDC application.

** (contact Council for a copy of the Policy or to obtain information about this part of the Policy).

6.3 Shipping Containers that require Council Approval

For those shipping containers not identified as being exempt in Section 6.1, complying development in Section 6.2 or prohibited in Section 6.4, a Development Application must be lodged and approved by Council prior to the installation or use of a shipping container.

Development Applications lodged shall include photos of the shipping container, a site plan drawn to scale, a statement of environmental impacts and a list of the measures to be implemented to ensure potential visual, siting, amenity and nuisance impacts will be appropriately mitigated and managed. This shall include measures to control and manage drainage.

Where a construction certificate is not required, a structural engineer's certificate (AS1170) for the container and its tie down shall be submitted with the Development Application, or alternatively will be required to be provided prior to its placement on site.

Shipping containers requiring Development Approval must comply with the guidelines set out in this policy.

Additionally, any area where a shipping container is proposed to be adapted for use as a food and drink premises as provided for in Section 6.10 of this Policy.

6.4 Shipping Containers that are Prohibited

Shipping containers are generally not recommended in the following zones and locations:

- RU5 – Village Zone when not used for approved uses as defined under Section 6.10 of this Policy.
- E1 – National Parks and Nature Reserves zone.
- E3 – Environmental Management zone.
- W1 – Natural Waterways zone.
- W2 – Recreational Waterways zone.
- Land containing or in proximity to items of Environmental Heritage and land within Heritage Conservation Areas;
- Road Reserves.
- Land fronting the Newell Highway, Sturt Highway and Kidman Way that does not meet the setback requirements outlined for a specific zone in this policy.

6.5 General Development Standards for Shipping Containers (all zones)

The following general development standards apply to all shipping containers:

- a) They must comply with the criteria specific to the zone of the property and meet the requirements of the National Construction Code-Building Code of Australia;

- b) They must be in a good condition, durable, and painted to complement the existing built and natural environment or as specifically required by the Council;
- c) They are not to be located within a front or side setback, including a secondary street frontage;
- d) They must be provided with a means of exit, whereby persons within the container can exit should it be closed from the outside, or alternatively be fitted with an internally operated alarm that is to be maintained and regularly tested;
- e) They are to be free of major rust or rot and be in a structurally stable condition;
- f) They must be maintained for the life of the development;
- g) They must be installed and tied-down to a concrete slab, plinth, footings or foundations capable of supporting the combined weight of the container/carriage and its contents. The method of tie-down, foundation bearing capacity and slab/foundation design must be certified by a practicing structural engineer. Where foundations are used in place of a concrete slab, a hardstand surface such as compacted gravel (or the like) must be used;
- h) If shipping containers are used for the storage of chemicals, this use must comply with the Code of Practice published by Safe Work New South Wales;
- i) Shipping containers are not permitted to be used for or in conjunction with any permanent advertising signs, unless the advertising sign is of a temporary nature associated with its use;
- j) Shipping containers shall not be located over any easements, septic tanks, drains or other infrastructure;
- k) Containers must not be stacked;
- l) Additional works or measures other than those already mentioned to properly address any amenity issues arising from the location of a shipping container may be required by Council. This will be based on the circumstances of the case and may include cladding the shipping container, installation of specific landscape screening or the employment of a false roof or blades so as to minimise the visual appearance of the development;
- m) In the unlikely case where a shipping container is permitted in an urban area, such as a residential or commercial precinct, then additional measures may be required to enhance the development. For example structural modifications or adaptations may be required if the design, purpose and use of the container warrants it, including incorporation of decks and the like to contribute to the visual quality and use.

6.6 Industrial Zoned Areas

The establishment of shipping containers on land zoned for industrial purposes shall comply with the following requirements:

- a) Maximum of two (2) per property.
- b) Not located in an area reserved for car parking.
- c) Not located in an area reserved for landscaping.
- d) Not forward of the building line.
- e) Not visible from and is satisfactorily screened from any road adjoining the subject property.

- f) Not located closer than 0.9 metres from the side and rear boundaries subject to other specific setback requirements of the policy and fire separation requirements of the National Construction Code- Building Code of Australia.
- g) Meets the fire separation and fire safety requirements of the National Construction Code.
- h) Containers must comply with the general standards within this policy.

6.7 Large Lot Residential, Public and Private Recreation Zoned Areas

The establishment of shipping containers in relation to the R5 – Large Lot Residential, RE1 – Public Recreation and RE2 – Private Recreation zones shall comply with the following requirements:

- a) Maximum of one (1) per property.
- b) Container must not be located closer than 5 metres from the side and rear property boundaries or the relevant building envelope.
- c) Containers in the R5 Large Lot Residential zone must be for domestic storage only.
- d) Containers in the RE1 – Public Recreation and RE2 – Private Recreation zones must be for recreational storage only.
- e) The container shall be screened and maintained from public view via landscaping and not visible from a public road.
- f) Containers must comply with the general standards within this policy

6.8 Primary Production and Forestry Zoned Areas

The establishment of shipping containers in relation to RU1 – Primary Production and RU3 – Forestry zoned land shall comply with the following requirements:

- a) Containers must not be located closer than 10 metres from any side or rear boundary.
- b) Are not to be located within a front or side setback, including a secondary street frontage and must be setback at least 100 metres from the Newell Highway, Sturt Highway and Kidman Way.
- c) The container must be used for domestic, agricultural or forestry storage purposes only.
- d) No more than three (3) shipping containers shall be located within close proximity to each other to avoid the accumulation of shipping containers in the one location.
- e) Containers are to be used as a Class 10a building as defined in the National Construction Code.
- f) Containers must comply with the general standards within this Policy

Note: There is no limit on the maximum number of shipping containers permitted on land in the RU1 – Primary Production and RU3 – Forestry zoned land with each request considered on a case by case basis.

6.9 Infrastructure Zoned Areas

Development for the purposes of installing shipping containers within the SP2 – Infrastructure zone will be considered on a case by case basis.

Development within this zone must comply with the general development standards outlined in Section 6.5 of this policy.

6.10 Approved Uses of Shipping Containers in the RU5 Village Zone

Development for the purposes of installing suitably adapted shipping containers for residential accommodation or other use, such as a food and drink premises, will be considered on its merits.

Council will only consider an application for the adaptive re-use of shipping containers following the submission of acceptable architectural plans including concepts, elevations and floor plans.

7. Application Requirements

When an application is made to Council to establish a shipping container on land, the following is required:

- a) Completed application form.
- b) Payment of the relevant application fee in accordance with Council's fees and charges applicable at the time of application.
- c) A site plan showing the proposed location of the shipping container in relation to boundary setbacks, vegetation, effluent disposal areas and associated buildings on-site.
- d) Elevation drawings or specifications detailing the height and dimensions of the shipping container, including finished height above ground level.
- e) For adapted or modified shipping containers for any other purpose than storage, architectural features and structural elements shall be incorporated into the design to provide visual interest and to improve the design quality and local amenity.
- f) A Statement of Environmental Effects and mitigation measures as described earlier in this policy.
- g) Photos of the container being installed.
- h) External finishes, including proposed colour of shipping container and any cladding.

8. Legislation

- Local Government Act 1993
- Environmental Planning & Assessment Act 1979
- Jerilderie Local Environmental Plan 2012
- Murrumbidgee Local Environmental Plan 2013
- Jerilderie Development Control Plan 2013

9. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Revised Records Management Policy

	Name	Position	Signature	Date
Responsible Officer	Sue Mitchell	Manager, Corporate & Community Services		
Authorised By	John Scarce	General Manager		

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August 2022

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1. Policy Scope

This policy applies to all Councillors and employees of Murrumbidgee Council, and contractors and external consultants carrying out work on behalf of Murrumbidgee Council.

This policy applies to all records, both physical and digital, created or received, in the conduct of the official business of Murrumbidgee Council. This includes all aspects of all records created during business transactions and all business applications used to create records, including email, databases and websites.

Emails, which are relevant to the information gathering, policy formation or decision-making processes of Council, are part of the scope of this policy.

All records management procedures and systems are to be in accordance with this policy.

2. Policy Objective

Murrumbidgee Council is committed to meeting its responsibilities under the State Records Act 1998, and to implementing best practice for its information management practices and procedures. The purpose of this policy is to:

- Establish a framework for the implementation of a records management program to ensure Murrumbidgee Council's records meet operational business needs, accountability requirements and community expectations;
- Ensure the preservation of Council's corporate memory through appropriate record keeping practices;
- Drive efficiencies through implementing best practice.

3. Policy Statement

Council's records are a unique and vital asset that cannot be easily reconstructed or replaced. They exist for a variety of administrative, functional, historical and legal reasons. Their existence protects Council's interests and the interests of the community served by Council. The effective management and preservation of Council's records is intrinsic to both the decision-making process and productivity within the organisation.

Records must be created in all instances where there is a need for Council or an individual to be accountable for, and/or provide evidence of decisions made or actions taken.

4. Records Management Program

Under the State Records Act 1998 public offices, such as Murrumbidgee Council, are required to establish and maintain a records management program in conformity with standards and codes of best practice approved by the State Records Authority.

Murrumbidgee Council's records management program will:

- Ensure that the management of Council's information resources provides timely and comprehensive information to meet operational business needs, accountability requirements and community expectations.
- Ensure the preservation of Council's corporate memory through sound recordkeeping practices and the accurate capture of information to meet legal, evidential and accountability requirements.

5. Responsibility

The State Records Act 1998 requires Council to make and keep full and accurate records as evidence of business activities.

Council is responsible for the protection, safe custody and return of all State Records under its control, ensuring accessibility to all equipment or technology dependant records.

Under the State Records Act (Part 2 Section10) the General Manager is responsible for ensuring that Murrumbidgee Council complies with the regulations and requirements of the Act.

The Corporate Records Manager is the Manager, Corporate and Community Services. The Corporate Records Manager has the responsibility and authority to set and issue corporate standards, and to monitor and audit compliance with these standards throughout Council.

The Manager, Corporate and Community Services is operationally responsible for the efficient management of Council records, incorporating sound recordkeeping principles and records management best practice guidelines. They will also assist staff in fulfilling their recordkeeping responsibilities and provide advice and training on compliance with this policy and its associated procedures.

All Managers and Supervisors are responsible for ensuring their staff receive training in records management and the use of Council's record management systems. They are also responsible for ensuring appropriate records management facilities are in place for their business functions and that their staff comply with all recordkeeping requirements.

All public sector employees need to be aware of the recordkeeping requirements that affect the performance of their duties.

Council staff have a number of basic obligations regarding records, including:

- Make records to support the conduct of their business activities
- Create records that would not otherwise be created, e.g. file notes
- Capture records into the corporate record management systems
- Learn how and where records are kept within Council
- Do not destroy Council records without authority from the Manager, Corporate and Community Services
- Handle records with care and respect with a view to prolonging their life span
- Do not alter, damage or lose records

- Do not remove records from Council buildings without the permission of the Director Planning, Community & Development or the Manager, Corporate and Community Services
- Maintain confidentiality of records to which they have access
- Be aware of records management procedures

Councillors/Elected Members

Elected members must display sound recordkeeping practices. In the “Good Conduct and Administrative Practice 2017” document prepared by the NSW Ombudsman, the following is recommended:

Agencies are obliged to make and keep full and accurate records of their activities. Public officials should help their agency meet this obligation by creating and maintaining full and accurate records of the work in which they are involved and of the decisions they make, including the reasons for those decisions. They should ensure the routine capture of these records into recordkeeping systems in the course of their duties.

Note: Councillors should follow the same prescribed obligations as Council staff (see above).

6. Records Management Functions

Murrumbidgee Council operates under a centralised records management model, where corporate records management activities are carried out by the Manager, Corporate and Community Services within the Planning Community and Development section.

Records Management Systems

Murrumbidgee’s Councils principal recordkeeping system is Content Manager.

In addition, Council operates various specific purpose systems, where records are created and stored. These include, but are not limited to: Authority, Asset modules and Outlook.

Records are the property of Murrumbidgee Council and electronic documents must be stored on Council’s servers only. Information on desktop computers, notebooks, memory keys, external drives or CD/DVD discs is not admissible as a record of Council and is in breach of the State Records Act 1998, Council policies and administrative practices. External and temporary devices are to be used for copies of records stored on Council’s servers only.

File Creation and Classification

File or container creation within Council’s electronic management system is monitored by the Manager, Corporate and Community Services and select staff who have received specialised training. This allows files to be controlled and consistently named within the system.

The application of classification, using Government Authority 39 (GA 39), issued and authorised by NSW State Records, allows the allocation of security and sentencing to records.

Registration

Inwards correspondence is registered into Content Manager after initial appraisal by the Information Services Officer based on legal, evidential and accountability requirements.

A unique identifier is assigned to each record, and a date and time stamp affixed as it is entered into Content Manager. Metadata is captured at the point of registration, along with details such as author, version and assignee.

This registration process provides evidence that a record has been created into Content Manager and enables the management of the record over time.

Storage, Access and Security

The system provides a multi-level security facility which can be applied to individual documents, containers or specific classifications.

Security levels based on the organisational structure and individual's log in is applied to control access on a 'read only' or 'edit' level.

Records are available to all authorised staff who require access to them for business purposes. Access is restricted on the written request of departmental managers based on the protection of personal privacy. Staff access to records is monitored by the Manager, Corporate and Community Services.

All access to Murrumbidgee Council records by members of the public will be at the discretion of the Public Officer and in accordance with the Government Information (Public Access) (GIPA) Act 2009.

Originals of imaged records are retained for a period of 6 months. These are placed in date order in batches and stored in the records storage area of Council. Exceptions to this are originals of imaged records that have been identified as State Records, have a legal or locally significant function or are part of a Development Application.

Hard copy files are maintained for these records. A report library is also operated. These physical documents replicate records registered into Council's electronic document management system and are maintained by the Information Services Officer.

Legal documents and Council Business Papers are stored in the strong room of the Council's branch offices. All other physical records, including semi active, inactive and archived files, are located in records storage in Archives Room and Fireproof Storage Rooms. All areas used for records storage to have controlled access. Council's legal documents are retained by Council's solicitors being Kell Moore (Albury) and Farrell Goode (Narrandera).

Active hard copy files stored within each department are the responsibility of that department and do not constitute official Murrumbidgee Council records.

Tracking

Content Manager facilitates tracking of electronic documents by providing the functionality of auditing and reporting.

Murrumbidgee Council also uses a manual system to track its active physical files. It is based on the premise of consideration and awareness of the value of records.

Physical files are not to be removed from their location for prolonged periods nor are they to be removed from the Council administration building without the permission of the Director Planning, Community & Development or the Manager Corporate and Community Services.

Monitoring and Maintenance

The management of records within Murrumbidgee Council is constantly monitored. Recordkeeping systems, processes and procedures are regularly reviewed and opportunities for improving effectiveness and/or efficiencies identified.

Regular planning for records management will be undertaken through specific strategic and operational plans, which will be reviewed on a regular basis.

Disposal

Murrumbidgee Council records must be protected, maintained, retrievable and usable for their total retention period as outlined by the Government Authority 39 (GA 39), and disposed of in accordance with the State Records Act 1998.

Council's records are appraised and sentenced through the application of classification. A retention period and disposal action, determined by GA 39, is applied to all classes of activities.

Hard copy documents of short term value which have been scanned and captured into Council's electronic document management system are disposed of in accordance with the Government Authority 28 (GA 28) "General Retention and Disposal Authority – Imaged Records".

Council's method of destruction is shredding. This activity is carried out by an independent contractor under the supervision of the Information Services Officer.

No records of Council are to be destroyed without authorisation from the Manager, Corporate and Community Services.

7. Definitions

Record - any document or other source of information compiled, recorded or stored in written form, or on film, or by electronic process, or in any other manner or by any other means.

State Records - any record made or kept, or received and kept, by any person in the course of the exercise of official functions in a public office, or for any purpose of a public office, or for the use of a public office...'

8. Exceptions

None

9. Legislation

- State Records Act 1998
- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998

10. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Revised Asbestos Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

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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 2015 *Model Asbestos Policy for NSW Councils* developed by the Heads of Asbestos Coordination Authorities to promote a consistent Local Government approach to asbestos management across NSW.

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

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1. Introduction

Murrumbidgee Council acknowledges the serious health hazard of exposure to asbestos.

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

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

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

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

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

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

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

1.1 Purpose

This policy aims to outline:

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

1.2 Scope

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

The policy provides information for Council workers, the local community and wider public. Part 1 of the policy includes the sections that are likely to be of most interest to the local community and wider public. Part 2 is information that applies to workers associated with Council including employees, contractors, consultants, and volunteers (as

defined by the NSW Work Health and Safety Act 2017). Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the LGA. The policy outlines Council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact Council or the appropriate organisation (contact details are listed in Appendix E).

The policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:

- *Code of practice on how to manage and control asbestos in the workplace 2020* published by SafeWork NSW.
- *Code of practice on how to safely remove asbestos 2020* published by SafeWork NSW.
- Additional guidance material listed in Appendix B.
- Detailed information on Council's procedures and plans may be found in other documents, which are referenced in part 2 under section 18.1.

2. Definitions

Definitions are provided in Appendix C.

3. Roles and responsibilities of Council

3.1 Educating residents

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

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

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

3.2 Managing land

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

3.3 Managing waste

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

- Issuing clean up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the *Protection of the Environment Operations Act 1997*).
- Issuing prevention or clean up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the *Protection of the Environment Operations Act 1997*).
- Issuing penalty infringement notices for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).
- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 149 certificates) where on-site disposal is permitted.

Only Council's Jerilderie Common tip accepts asbestos waste. Asbestos waste is only accepted from sources within the Murrumbidgee LGA and you must contact Council on 03 5886 1200 to arrange a quote and time for disposal. Asbestos must have been removed by an appropriately Class A or Class B licensed and accredited removalist and packaged and labelled in accordance with SafeWork NSW Code of Practice and Demolition Work Code of Practice.

Asbestos is a trackable waste from its place of origin to its place of destination. These records are required to be provided to the Council prior to any authorisation to dispose of asbestos at the tip. Details should be reported to the EPA and kept in a register at Council.

3.4 Regulatory responsibilities

Council has regulatory responsibilities under the following legislation, policies and standards in situations where Council is the appropriate regulatory authority or planning authority:

- *Contaminated Land Management Act 1997* (NSW)
- *Environmental Planning and Assessment Act 1979* (NSW)
- *Environmental Planning and Assessment Regulation 2021* (NSW)
- *Local Government Act 1993* (NSW)
- *Protection of the Environment Operations Act 1997* (NSW)
- *Protection of the Environment Operations (General) Regulation 2021* (NSW)
- *Protection of the Environment Operations (Waste) Regulation 2014* (NSW)
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Resilience & Hazards) 2021*
- *Demolition work code of practice 2019*

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 below.

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

Issue	Council's role	Section of policy
Contaminated land	<ul style="list-style-type: none"> • Record known asbestos site contamination on section 149 certificates where practicable and for Council workplaces, record on Council's asbestos register. • Notify stakeholders of land use planning policy requirements relating to contamination. • Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of SafeWork NSW). 	Section 6
Development assessment	<ul style="list-style-type: none"> • Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. • Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. • Ensure compliance with development conditions. • Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9. 	Section 9
Demolition	<ul style="list-style-type: none"> • Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>. • Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. 	Section 9

Issue	Council's role	Section of policy
Emergencies and incidents	<ul style="list-style-type: none"> Regulate the clean up of asbestos waste following emergencies where sites are handed over to the Council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i>. 	Section 7
Naturally occurring asbestos	<ul style="list-style-type: none"> Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos. Prepare an asbestos management plan for Council workplaces or road works which occur on land containing naturally occurring asbestos. 	Section 5
Residential premises	<ul style="list-style-type: none"> Respond to any public health risks (risks to Council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW). Respond to public health risks posed by derelict properties or asbestos materials in residential settings. 	Section 9
Waste	<ul style="list-style-type: none"> Manage waste facilities in accordance with environmental protection legislation. Respond to illegal storage, illegal dumping and orphan waste. Regulate non-complying transport of asbestos containing materials. 	Section 10

3.5 Responsibilities to workers

Council is committed to fulfilling its responsibilities to workers under the NSW Work Health and Safety Act 2017 and NSW *Work Health and Safety Regulation 2017* and maintaining a safe work environment through Council's:

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

These responsibilities are outlined in part 2.

4. Other stakeholders involved in managing asbestos

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

Appendix E notes useful contacts and Appendix H notes agencies involved in managing asbestos. Various asbestos scenarios requiring stakeholders to work together are outlined in Appendix I.

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

5. Naturally occurring asbestos

Council is not aware of any 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 the development of an asbestos management plan if the testing reveals naturally occurring asbestos is present. Council will verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW will coordinate enforcement where non-compliance is suspected.

Where naturally occurring asbestos will be disturbed due to a work process, including roadwork, excavation and remediation work, SafeWork NSW is the lead regulator. Requirements for workplaces are summarised in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. Where naturally occurring asbestos is part of a mineral extraction process, the NSW Department of Industry is the lead regulator.

5.2 Managing naturally occurring asbestos

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

The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with an asbestos management plan. Requirements for risk management, asbestos management plans and provisions for workers are outlined in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

5.2.1 Management of naturally occurring asbestos by Council

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

If naturally occurring asbestos is discovered in the LGA, Council will develop risk controls, an asbestos management plan in relation to the naturally occurring asbestos in the Council workplace and provide guidance materials where necessary.

6. Contamination of land with asbestos

Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A under sections 2 and 3. The nature of asbestos contamination of land can vary significantly and there can be a number of different mechanisms available to address this contamination depending upon its source and extent.

6.1 Responsibilities for contaminated land

Responsibility for cleaning up contaminated land lies with the person responsible for contaminating the land or the relevant landowner.

Council may issue a clean up notice to the occupier of premises at or from which Council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed (under part 4.2 of the *Protection of the Environment Operations Act 1997*).

Council may also issue prevention notices (under part 4.3 of the *Protection of the Environment Operations Act 1997*) to ensure good environmental practice. If a person does not comply with a prevention notice given to the person, Council employees, agents or contractors may take action to cause compliance with the notice.

Any reasonable costs incurred by Council in monitoring or enforcing clean up and prevention notices may be recovered through a compliance cost notice (under part 4.5 of the *Protection of the Environment Operations Act 1997*). Council shall keep records of: tasks undertaken; the hours Council employees have spent undertaking those tasks; and expenses incurred.

During site redevelopment Council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the *Environmental Planning and Assessment Act 1979*. That is, Council will apply the general requirements of *State Environmental Planning Policy (Resilience & Hazards) 2021*.

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

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

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

6.2 Finding out if land is contaminated

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

Factual information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When Council receives a request for a certificate under section 10.7, it may also inform applicants of any further information available under section 10.7. Council may also use section 10.7 certificates to record other information, particularly anything else of a factual nature about contamination which Council deems appropriate (such as details of land history, assessment, testing and remediation).

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

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

6.3 Duty to report contaminated land

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

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

6.4 Derelict buildings

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

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

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

Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under section 121B 2(c) of the *Environmental Planning and Assessment Act 1979*). An order may require immediate compliance with its terms in circumstances which the person who gives the order believes constitute a serious risk to health or safety or an emergency (under division 9.3) of the *Environmental Planning and Assessment Act 1979*. If a person fails to comply with the terms of an order, Council may act under division 9.3 of the *Environmental Planning and Assessment Act 1979* to give effect to the terms of the order, including the carrying out of any work required by the order.

If the derelict building is on a site that is a workplace then SafeWork NSW is the lead agency responsible for ensuring that asbestos is removed by appropriately licensed removalists.

7. Responding to emergencies and incidents

Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. This may include working with state agencies in accordance with the NSW Asbestos Emergency Plan and the Disaster Assistance Guidelines. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

7.1 Responsibilities in the clean up after an emergency or incident

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency.

Council may issue a clean up, prevention, cost compliance or penalty infringement notice as outlined in section 3.3 and section 6.1.

Alternatively, Council may act under the *Environmental Planning and Assessment Act 1979* as outlined in section 6.4 of this policy.

Council will determine an appropriate response depending on the nature of the situation.

This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to Council as soon as practicable.
- Follow the *Code of practice on how to safely remove asbestos* published by SafeWork NSW.
- Ensure that any Council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures (see section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensure that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).
- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.

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

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

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

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

8. Council's process for changing land use

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

State Environmental Planning Policy No. 55 – (Resilience & Hazards) 2021 states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

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

9. Council's process for assessing development

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

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

9.1 Responsibilities for approving development

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

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

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

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

When a private certifier issues a complying development certificate and is appointed as the Principal Certifying Authority for the development it is the certifier's responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2021* (clause 136E). Compliance is covered in section 9.7.

9.2 Providing advice to home owners, renovators and developers

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

The key points are:

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

Anyone who is undertaking renovations themselves without a contractor is encouraged to refer to Appendices A and B for more information and contact Council where they require further advice or clarification. Anyone engaging an asbestos removal contractor may contact SafeWork NSW with any queries as SafeWork NSW regulates asbestos removal by workers (as explained in section 9.4). Contact details for Council and SafeWork NSW are provided in Appendix E.

9.3 Identifying asbestos

Information on common places where asbestos is likely to be found in residential, commercial and industrial premises with materials from prior to 2004 on the premises is provided in Appendix A.

A person may apply to Council for a planning certificate (called a section 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 2017*). 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 2017* states that the person conducting a business or undertaking in any building constructed before 31 December 2003 must identify if there is any asbestos in the building.

All commercial properties that contain asbestos must have and maintain a current asbestos register and asbestos management plan.

9.4 Removing asbestos, refurbishments and demolitions

9.4.1 Removing asbestos at domestic premises

If development is undertaken by contractors, as is the case with a lot of home renovations, then the work is considered to be at a workplace and is regulated by SafeWork NSW under the *NSW Work Health and Safety Regulation 2017*. This requires that a person conducting a business or undertaking who is to carry out refurbishment or demolition of residential premises must ensure that all asbestos that is likely to be disturbed by the refurbishment or demolition is identified and, so far as reasonably practicable, is removed before the refurbishment or demolition is commenced.

Depending on the nature and quantity of asbestos to be removed, a licence may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix K. SafeWork NSW is responsible for issuing asbestos licences.

Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence. Except in the case of the removal of:

- asbestos containing dust associated with the removal of non-friable asbestos, or
- asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (which is when the asbestos contamination is incidental and can be cleaned up in less than one hour).

The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist.

The removal of asbestos containing dust associated with the removal of more than 10 square metres of non-friable asbestos or asbestos containing material requires a non-friable (Class B) asbestos removal licence or a friable (Class A) asbestos removal licence.

Removal of 10 square metres or less of non-friable asbestos may be undertaken without a licence. However, given the risks involved, Council encourages residents to consider engaging a licensed asbestos removal contractor. The cost of asbestos removal by a licensed professional is comparable in price to most licensed tradespeople including electricians, plumbers and tilers.

All asbestos removal should be undertaken in accordance with the *Code of practice on how to safely remove asbestos*.

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

- the person who commissioned the work
- a person conducting a business or undertaking at the workplace
- the owner and occupier of the residential premises
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the *NSW Work Health and Safety Regulation 2017*).

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

All licensed asbestos removal must be:

- supervised by a supervisor named to SafeWork NSW
- notified to SafeWork NSW at least five days prior to the work commencing.

Requirements for the transport and disposal of asbestos waste are covered in section 10.

9.4.2 Removing asbestos at workplaces

The *NSW Work Health and Safety Regulation 2017* specifies requirements for demolition and refurbishment at a workplace with structures or plants constructed or installed before 31 December 2003. SafeWork NSW is the lead agency for regulating the safe management of asbestos at workplaces.

9.4.3 Obtaining approval for demolition

Demolition work is classified as high risk construction work in the *NSW Work Health and Safety Regulation 2017* and demolition licenses are required for some demolition work. The *Demolition work code of practice 2015* provides practical guidance on how to manage the risks associated with the demolition of buildings and structures. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to Council as to whether and what type of approval is required. Where a development application is required Council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in section 9.6.

A wide range of development, including residential, industrial and commercial development, can be approved for demolition as complying development under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the *Environmental Planning and Assessment Regulation 2021* provides mandatory conditions for complying development certificate applications.

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

9.5 Exempt or complying development

9.5.1 Exempt development

Exempt development does not require any planning or construction approval if it meets the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* including meeting AS2601 throughout the planning to completion process.

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 2021* (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 2021*).

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 SafeWork NSW would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to Council as outlined in section 11.

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

Further requirements to inform other persons of licensed asbestos removal are described in section 467 of the NSW *Work Health and Safety Regulation 2017* as noted in section 9.4.1 of this policy.

9.6 Development applications

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

9.6.1 Pre-development application advice regarding asbestos

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

9.6.2 Conditions of consent

Removal and disposal of asbestos waste is to be carried out strictly in accordance with the requirements of the SafeWork NSW Authority, Environmental Protection Authority & Council and comply with all relevant standards including AS2601 when demolition is proposed. At completion of work on land a "Clearance Certificate" shall be obtained from a hygienist.

9.7 Compliance and enforcement

9.7.1 Responsibilities for compliance and enforcement

The controls rely on information being provided and checked by the principal certifying authority which may be either the local Council or a private certifier. A private certifier has powers under the *Environmental Planning and Assessment Act 1979* to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections. Councils will not always be the principal certifying authority. When a Council is not nominated as the principal certifying authority for a complying development certificate or development application, the Council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between the Council and the private certifier will be required.

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

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

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

9.7.2 Compliance strategies

Illegal works include:

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

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

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

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

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

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

Prior to removal of asbestos appropriate risk assessment is required, formal identification of any "ACM", safety measures recorded and measures implemented.

10. Managing asbestos as a waste

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

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

10.1 Responsibilities for asbestos waste management

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

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

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

10.2 Handling asbestos waste for disposal

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

10.3 Transporting asbestos waste

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

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

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

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

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

10.4 Disposing of asbestos waste at waste facilities

Only Council's Jerilderie Common tip accepts asbestos waste. Asbestos waste is only accepted from sources within the Murrumbidgee LGA and you must contact Council on 03 5886 1200 to arrange a quote and time for disposal.

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

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

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

10.4.1 Situations in which asbestos waste may be rejected from waste facilities

Asbestos waste may be rejected from a waste facility if the waste is:

- not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials, or
- taken to a waste facility that does not accept asbestos waste.

Where waste is rejected, the waste facility must inform the transporter of the waste of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*).

Individuals may be fined \$7,500 and corporations may be fined \$15,000 under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Waste) Regulation 2014* for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

10.5 Illegal dumping of asbestos waste

Illegal dumping is the unlawful deposit of waste onto land. That is waste materials dumped, tipped or otherwise deposited onto private or public land where no licence or approval exists to accept such waste. Illegal landfilling, which is waste used as fill material, with or without the consent of the owner or occupier of the land and without the necessary Council or EPA approvals, is also considered to be illegal dumping and pollution of land.

Illegal dumping of asbestos waste in public places such as parks, streets or nature strips can attract regulatory action including:

- on the spot fines of up to \$15,000
- prosecution for pollution of land of up to \$2 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 \$500,000 or seven years imprisonment, or both for an individual (under section 119 of the *Protection of the Environment Operations Act 1997*).

The responsibility for cleaning up illegally dumped waste lies with the person or company that deposited the waste. If they cannot be identified the relevant occupier or landowner becomes the responsible party.

Local Councils are the appropriate regulatory authority for illegal dumping unless:

- the activity was part of the carrying on of an activity listed in Schedule 1 of the *Protection of the Environment Operations Act 1997*
- the activity was carried out by a public authority or the state, or
- the site is regulated by a different authority such as the Minister for Planning.

A handbook to assist Aboriginal communities to prevent and arrange the clean up of illegal dumping (published by the EPA) is noted in Appendix B.

10.6 Asbestos remaining on-site

The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long term management to ensure the material does not pose unacceptable risks to future site activities and occupants. For on-site burial of asbestos waste, Council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls whether or not consent is required and will require recording of on-site disposal on the zoning certificate (section 10.7 certificate).

11. Complaints and investigations

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

Council will respond to complaints and inquiries regarding:

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

Complaints about Council in relation to asbestos may be directed to the NSW Ombudsman.

Part 2 – Management of asbestos risks within Council

12. Rights and responsibilities of workers at the Council workplace

12.1 Duties of Council workers at the Council workplace

12.1.1 The General Manager

The General Manager has a duty to exercise due diligence to ensure that Council complies with the NSW Work Health and Safety Act 2017 and the NSW *Work Health and Safety Regulation 2017*. This includes taking reasonable steps to ensure that Council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

12.1.2 Workers

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

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

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

12.1.3 Prohibited work activities

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

- high pressured water spray (unless for fire fighting or fire protection purposes), or
- compressed air.

Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is controlled in accordance with the NSW Work Health and Safety Regulation 2017:

- 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 2017* and the NSW Work Health and Safety Regulation 2017. 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 2017) and will not cause or permit asbestos waste in any form to be reused or recycled
- ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable
- ensure that the exposure standard for asbestos (defined in Appendix C) is not exceeded in the workplace
- notify SafeWork NSW immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air

- ensure that any contractors engaged to undertake the removal of asbestos for Council are appropriately licensed
- consult with workers as required by the *Work Health and Safety Act 2011*.

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

12.2.2 Education, training and information for workers

As required by the NSW Work Health and Safety Act 2017 and NSW Work Health and Safety Regulation 2017, Council will:

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

Any workers who are involved in any activity listed in Appendix A under section 3 on behalf of, or for, Council shall be provided with access to a copy of this policy and information and training suitable to their role and the activity.

Workers may be required to sign a statement to the effect that they acknowledge they have received, read and understood a copy of Council's Asbestos Policy and any relevant procedures, or alternatively workers may note this in Council's electronic record keeping system.

Council may also provide information and training to Council employees who may need to respond to asbestos issues related to renovations and developments as outlined in section 9.

Topics training may cover are outlined in the *Code of practice on how to safely remove asbestos*.

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 via Council's records management system.

12.2.3 Health monitoring for workers

Council will ensure health monitoring is provided to a worker if they are carrying out licensed asbestos removal work, other ongoing asbestos removal work or asbestos-related work at the workplace for Council and are at risk of exposure to asbestos when carrying out the work.

The health monitoring will be consistent with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) and meet the requirements of the NSW Work Health and Safety Regulation 2017 (part 8.5 Division 1).

Health counselling may be appropriate where a heightened sense of concern exists for individuals possibly exposed to elevated levels of airborne asbestos fibres.

Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee as a result of that exposure, are covered by the NSW Work Health and Safety Regulation 2017 (clauses 435-444). Council will ensure these employees are kept on the health monitoring program.

13. Identifying and recording asbestos hazards in the Council workplace

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

13.1 Identifying asbestos

Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person (as defined by the NSW Work Health and Safety Regulation 2017). If a material cannot be identified or accessed, it will be assumed to be asbestos. This does not apply if Council has reasonable grounds to believe that asbestos or asbestos containing material is not present.

13.1.1 Material sampling

Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where Council arranges sampling of asbestos containing material, this will be undertaken by an appropriately trained and competent Council worker or a competent person will be contracted to undertake this task. Analysis of the sample must only be carried out by a National Association of Testing Authorities (NATA) accredited laboratory (refer to Appendix E) or a laboratory approved or operated by the regulator.

13.2 Indicating the presence and location of asbestos

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

13.3 Asbestos register

Council will prepare an asbestos register and keep it at the workplace.

Council's asbestos register will be maintained to ensure the register lists all identified (or assumed) asbestos in the workplace and information in the register is up to date. The asbestos register will be accessible, reviewed, revised and otherwise managed as mandated by the NSW Work Health and Safety Regulation 2017 (clauses 425 – 428).

Council will ensure that any worker carrying out or intending to carry out work at a Council workplace that involves a risk of exposure to airborne asbestos, is given a copy of the asbestos register.

As a trackable waste, any asbestos approved to be transported to the Jerilderie Common Tip will require prior submission of generation to destination tracking details for inclusion in Councils Asbestos Landfill tracking register.

13.4 Suspected asbestos

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

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

14. Managing Asbestos Related Risks in the Workplace

14.1 Asbestos management plan

Council will prepare an asbestos management plan.

The asbestos management plan will be accessible, reviewed, revised and otherwise managed as mandated by the NSW Work Health and Safety Regulation 2017.

14.2 Asbestos management plan for naturally occurring asbestos

Council is not aware of any naturally occurring asbestos in the workplace. If naturally occurring asbestos is discovered, Council will prepare an asbestos management plan in relation to the naturally occurring asbestos in accordance with the NSW Work Health and Safety Regulation 2017 part 8.4 (Management of naturally occurring asbestos).

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

Council's asbestos management plan includes decisions and reasons for decisions about the management of asbestos at the workplace.

Options for managing asbestos-related risks include:

- removal of asbestos or asbestos containing materials (preferred wherever reasonably practicable)
- interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person
- leaving asbestos containing material in situ (deferring action).

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

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

Suitable risk assessment and risk management plans shall be submitted to the Council.

14.4 Sites contaminated with asbestos that are Council workplaces

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

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

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

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

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

14.5 Demolition or refurbishment of Council buildings and assets

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

14.6 Removal of asbestos in the Council workplace

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

- NSW Work Health and Safety Act 2017
- NSW Work Health and Safety Regulation 2017.

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 2017 including the requirements to:

- notify SafeWork NSW at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, Council may request to SafeWork NSW that this five days period be waived
- prepare, supply and keep an asbestos removal control plan
- obtain a copy of the asbestos register for the workplace before carrying out asbestos removal work at the workplace (this does not apply if the asbestos removal work is to be carried out at residential premises, for example cleaning up asbestos that has been illegally dumped at a residential premises)

- inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace
- erect signs and barricades
- limit access to the asbestos removal area
- properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment
- arrange a clearance inspection and clearance certificate.

Where Council is informed that asbestos removal work is to be carried out at the workplace, Council will inform workers and those in the immediate vicinity of the workplace and limit access to the asbestos removal area as per the NSW Work Health and Safety Regulation 2017.

14.6.1 Removal by Council employees

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

- appropriately trained
- adequately supervised
- provided with appropriate personal protective equipment and clothing
- provided access to this policy
- provided with information about the health risks and health effects associated with exposure to asbestos and the need for, and details of, health monitoring.

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 2017 that a licence is not required.

Where Council requires the services of asbestos removalists, Council will require the licence details of asbestos removalists prior to engaging their services and will verify the licence details with SafeWork NSW's Certification Unit prior to entering a contract or agreement with the licensed asbestos removalists.

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

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

- Asbestos removal control plan
- Public liability certificate of currency
- Workers compensation certificate of currency
- SafeWork NSW confirmation details to carry out the removal work

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

Where Council becomes aware of any breaches by licensed asbestos removalists, Council will report this to SafeWork NSW.

14.6.3 Clearance inspections and certificates

Where Council commissions any licensed asbestos removal work, Council will ensure that once the licensed asbestos removal work has been completed, a clearance inspection is carried out and a clearance certificate is issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case) before the asbestos removal area is re-occupied.

The friable asbestos clearance certificate will require visual inspection as well as air monitoring of the asbestos removal site. Air monitoring is mandatory for all friable asbestos removal. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor.

The friable asbestos clearance certificate is to state that there was no visible asbestos residue in the area or vicinity of the area where the work was carried out and that the airborne asbestos fibre level was less than 0.01 asbestos fibres/ml.

15. Accidental disturbance of asbestos by workers

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

It may be appropriate that Council:

- stop works in the vicinity of the asbestos immediately
- inform the site supervisor immediately, inform necessary workers and record the incident
- evacuate the area
- provide personal protective equipment and briefing to appropriately trained workers who will respond to the incident
- restrict access to the area and ensure only appropriately trained and equipped Council workers attend the site
- exclude the public from the site and provide information to the public if in a public area
- wet surfaces to reduce the dust levels
- prevent the spread of contamination by using wash down facilities
- provide information, training and supervision to all workers potentially at risk
- contact SafeWork NSW to report the disturbance. SafeWork NSW must be immediately notified if persons are likely to be effected by asbestos fibres or if an air monitoring process records a level above 0.02 fibres/ml of air
- implement an air monitoring program to assess asbestos exposure levels and specific risk control measures.
- liaise with or consult the appropriate agencies
- seek advice from an occupational hygienist
- follow the Code of practice on how to safely remove asbestos (catalogue no. WC03561)
- ensure that asbestos materials are disposed of at a facility licensed to accept asbestos materials, and where contractors have been engaged to dispose of asbestos waste, sight proof of appropriate disposal through weighbridge dockets or similar documentation
- update the asbestos register and notify workers of any newly identified asbestos locations.

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

16.1 Responding to illegal dumping

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

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

16.2 Transporting and disposing of asbestos waste

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

16.3 Operating Council's waste facility (Jerilderie Common Tip) licensed to accept asbestos waste

Waste management facilities must be managed in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* including clause 80 which specifies that:

- (1) A person disposing of asbestos waste off the site at which it is generated must do so at a landfill site that can lawfully receive the waste.
- (2) When a person delivers asbestos waste to a landfill site, the person must inform the occupier of the landfill site that the waste contains asbestos.
- (3) When a person unloads or disposes of asbestos waste at a landfill site, the person must prevent:
 - (a) any dust being generated from the waste, and
 - (b) any dust in the waste from being stirred up.
- (4) The occupier of a landfill site must ensure that asbestos waste disposed of at the site is covered with virgin excavated natural material or (if expressly authorised by an environment protection licence held by the occupier) other material:
 - (a) initially (at the time of disposal), to a depth of at least 0.15 metre, and
 - (b) at the end of each day's operation, to a depth of at least 0.5 metre, and
 - (c) finally, to a depth of at least 1 metre (in the case of bonded asbestos material or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.

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

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

Council may issue a receipt for asbestos waste received at a licensed landfill facility. The receipt provided may note the time, date and location of disposal, weight of asbestos containing material disposed, method of disposal (note on handling) and a receipt number. This information must be recorded by the facility, regardless of whether a receipt is issued.

16.3.1 Asbestos waste incorrectly presented to Council's waste 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:

- will reject the asbestos waste from the facility
- will require the transporter re-package the load correctly prior to entering the facility
- may provide the transporter with educational material such as SafeWork NSW fact sheets on correct methods for packaging, delivery and disposal of asbestos

- will question the transporter about the source of asbestos waste
- may issue a clean up notice or prevention notice under the *Protection of the Environment Operations Act 1997*
- may issue a compliance cost notice under the *Protection of the Environment Operations Act 1997*
- may 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 will reject the waste. Where waste is rejected, Council will complete a rejected loads register (a template is available from SafeWork NSW). Council will also inform the transporter of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*). If Council suspects that there is a risk of illegal dumping of the rejected waste, Council will inform Council's rangers or Council's compliance officers. Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and at a later date the transporter will need to demonstrate to Council that the waste has been appropriately disposed.

Where asbestos waste is illegally dumped at an unstaffed waste station, the management options for Council involve:

- undertaking surveillance via video cameras to issue fines or deter dumping
- providing 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 will adhere to the guide: *Management of asbestos in recycled construction and demolition waste*.

16.5 Re-excavation of landfill sites

The re-excavation of a Council landfill site where significant quantities of asbestos waste are deposited is not encouraged and should only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*).

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

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

Council may request that tenants in Council property:

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

18. Implementing Council's asbestos policy

18.1 Supporting documents

The implementation of this policy is supported by Council's:

- conditions of consent

Council also has several internal documents that support this policy.

- Complaints Handling Procedures
- Council's existing risk assessment matrices and a risk controls checklist for asbestos
- Employee health monitoring plans

- Incident report form
- Maintenance and inspection schedules for Council owned assets
- Risk register
- Safe work method statements/procedures for asbestos handling and removal for Council employees
- Training registers/ records (relevant to identifying, handling and removing of asbestos materials).

Council also intends to prepare the following documents to support this policy:

- Asbestos Management Plan
- Asbestos Register
- Site maps and GPS coordinates for asbestos in landfill
- Site specific safety management plans

18.2 Communicating the policy

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

- Council's Offices, 39 Brolga Place Coleambally, 21 Carrington Street Darlington Point and 35 Jerilderie Street Jerilderie
- Council's website www.murrumbidgee.nsw.gov.au
- Council's record keeping management system, Content Manager.

All employees shall receive information about the policy at induction.

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 2017) prior to planning the activity or activities. Further information about training is noted in section 12.2.2 of this policy.

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

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

18.3 Non-compliance with the policy

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

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

19. Variations to this policy

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

Appendices

Appendix A – General information and guidance

1. What is asbestos?

Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials. If asbestos is disturbed it can release dangerous fine particles of dust containing asbestos fibres. Breathing in dust containing elevated levels of asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

There are two major groups of asbestos:

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

Further information about the different types of asbestos can be found in: Environmental Health Standing Committee (enHealth), *Asbestos: A guide for householders and the general public*, Australian Health Protection Principal Committee, Canberra, 2013 (available at: www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc-asbestos-about).

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

Asbestos legacy materials still exist in many homes, buildings and other assets. It is estimated that 1 in 3 Australian homes contains building materials with asbestos. Where the material containing asbestos is in a non-friable form (or bonded), undisturbed, and painted or otherwise sealed, it may remain safely in place. However, where the asbestos containing material is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos unsafely can create a health hazard.

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with SafeWork NSW (phone 13 10 50) to confirm the contractor has the appropriate class of licence for the asbestos removal job.

2. Where is asbestos found?

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

2.1 Naturally occurring asbestos

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

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

There is no known naturally occurring asbestos in the Murrumbidgee LGA.

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 SafeWork NSW, which provides a photograph of naturally occurring asbestos. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

2.2 Residential premises

As a general rule, a house built:

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

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

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

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

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

Outside

- backyard garden sheds, carports, garages and dog kennels
- electrical meter boards
- imitation brick cladding
- lining under eaves
- wall and roof materials (flat, patterned or corrugated asbestos sheeting).

Inside

- insulation materials in heaters and stoves
- interior walls and sheeting
- sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors)
- vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splashback.

Asbestos can also be found in:

- angle mouldings (internal and external)
- board around windows and fireplaces
- brake pads and clutch pads to vehicles
- buried and dumped waste materials
- carpet underlay
- ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity and may have moved to wall cavities, cornices and sub-floor areas)
- cement flooring
- external toilets
- fencing
- guttering, downpipes and vent pipes
- inside appliances eg irons, whitegoods

- gable ends
- outbuildings
- ridge capping
- swimming pools – reinforcing marble swimming pools
- ventilators – internal and external.

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

2.3 Commercial and industrial premises

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

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

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

2.4 Sites contaminated with asbestos

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

2.4.1 Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- industrial land, eg, asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots
- waste disposal or dumping sites, including sites of illegal dumping eg, building waste
- sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes
- buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004)

- land with fill or foundation material of unknown composition
- sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, eg, asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

2.4.2 Significantly contaminated land

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

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

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

3. Potentially hazardous activities

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

Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or

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

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

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

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

Council could inadvertently disturb asbestos through activities such as:

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

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

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

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

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

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

4. Health Hazards

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

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

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

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

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

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

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

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.

5. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

Appendix B – Further information

Aboriginal communities

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

Asbestos contractors

Choosing an asbestos consultant fact sheet (catalogue no. WC04547) (SafeWork NSW)
www.safework.nsw.gov.au/formspublications/publications/Pages/Choosinganasbestosconsultant.aspx

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or by contacting the Asbestos Removal Contractors Association NSW (ARCA) www.arcansw.asn.au or by emailing: email@arcansw.asn.au. An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW's Certification Unit on **13 10 50**.

Asbestos waste

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

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

Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 (EPA)
www.epa.nsw.gov.au/illegaldumping/resources.htm

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

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

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

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

Management of asbestos in recycled construction and demolition waste, 2010 (SafeWork NSW)
www.safework.nsw.gov.au/_data/assets/pdf_file/0017/18323/asbestos_recycled_construction_demolition_waste_2772.pdf

Contaminated land

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

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

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

Emergency management

Guidance Material: Asbestos and Fire-damaged Buildings, 2015 (EPA)

www.epa.nsw.gov.au/resources/waste/asbestos/150044-asbestos-fire-damaged-buildings.pdf

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

www.emergency.nsw.gov.au/publications/plans/sub-plans/asbestos.html

Environmental risk assessment

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

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

Health

Asbestos and health risks fact sheet, 2007 (NSW Health)

www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx

Further advice concerning the health risks of asbestos can be obtained from your local public health unit.

Renovation and development

Asbestos: A guide for householders and the general public, Environmental Health Standing Committee (enHealth), Australian Health Protection Principal Committee, Canberra, 2013 (available at:

www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

Asbestos Awareness website (Asbestos Education Committee)

www.asbestosawareness.com.au

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

www.bpb.nsw.gov.au/sites/default/files/public/Finalbuildingappbroch.pdf

Practical guidance

Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW

www.safework.nsw.gov.au/_data/assets/pdf_file/0015/15216/how-to-manage-control-asbestos-workplace-code-of-practice-3560.pdf

Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW

www.safework.nsw.gov.au/_data/assets/pdf_file/0016/15217/how-to-safely-remove-asbestos-code-of-practice-3561.pdf

Tenants

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

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

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW)

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

Appendix C – Definitions

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

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*
- *Protection of the Environment Operations Act 1997*
- *Waste classification guidelines part 1 classifying waste 2008*
- *NSW Work Health and Safety Act 2017*
- *NSW Work Health and Safety Regulation 2017.*

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

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

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

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

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

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

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

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

asbestos removal work means:

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

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

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

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

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

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

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

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

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

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

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

complying development certificate

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

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

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

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

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

development means:

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

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

emergency service organisation includes any of the following:

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

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

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

friable asbestos means material that:

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

health means physical and psychological health.

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

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

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

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

licence holder means: in the case of an asbestos assessor licence – the person who is licensed:

- a. to carry out air monitoring during Class A asbestos removal work
- b. to carry out clearance inspections of Class A asbestos removal work
- c. to issue clearance certificates in relation to Class A asbestos removal work, or
 - in the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or
 - in the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.

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

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

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

NATA means the National Association of Testing Authorities, Australia.

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

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

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

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

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

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

officer means an officer as defined in the NSW Work Health and Safety Act 2017.

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

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

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

respirable asbestos fibre means an asbestos fibre that:

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

specified VET course means:

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

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

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

waste includes:

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

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

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

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

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

Appendix D – Acronyms

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

Appendix E – Relevant contacts

Council

1300 MRMBGE (676 243)

The above number will direct you to your closest Murrumbidgee Council office.

Email: mail@murrumbidgee.nsw.gov.au

Postal address: PO Box 96 Jerilderie NSW 2716

Coleambally Office

39 Brolga Place

Coleambally NSW 2707

T: 02 6954 4060

Darlington Point Office

21 Carrington Street

Darlington Point NSW 2706

T: 02 6960 5500

Jerilderie Office

35 Jerilderie Street

Jerilderie NSW 2716

T: 03 5886 1200

Development Enquiries

Contact the Planning & Environment staff located in the Coleambally or Jerilderie office.

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) 9338 1635
Email: admin@aioh.org.au
Website: www.aioh.org.au

Dust Diseases Authority

Phone: (02) 8223 6600
Toll Free: 1800 550 027
Email: DDAenquiries@icare.nsw.gov.au
Website: www.icare.nsw.gov.au

Environment Protection Authority (EPA)

Phone: (02) 9995 5000
Environment line: 13 15 55
Email: info@epa.nsw.gov.au
Website: www.epa.nsw.gov.au/epa

Licensed Asbestos Contractors

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

Asbestos Removal Contractors Association NSW

PO Box Q1882
Queen Victoria Building
NSW 1230
Email: email@arcansw.asn.au
Website: www.arcansw.asn.au

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

Civil Contractors Federation (CCF)

Phone: (02) 9009 4000
Email: ccfnsw@ccfnsw.com
Website: www.ccfnsw.com/

Local Government NSW

Phone: (02) 9242 4000
Email: lgnsw@lgnsw.org.au
Website: www.lgnsw.org.au

NSW Ombudsman

Phone: (02) 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Website: www.ombo.nsw.gov.au

Training providers (non-exhaustive)

TAFE NSW

Phone: 131 601

Website: www.tafensw.edu.au

Housing Industry Association (HIA)

Phone: (02) 9978 3333

Website: www.hia.com.au/

Local Government Training Institute

Phone: (02) 4922 2333

Website: www.lgti.com.au

Comet Training

Phone: (02) 9649 5000

Website: www.comet-training.com.au/site

Master Builders Association (MBA)

Phone: (02) 8586 3521

Website: www.masterbuilders.com.au

SafeWork NSW

SafeWork NSW Information Centre Phone: 13 10 50

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

Website: www.safework.nsw.gov.au

Appendix F – Waste management facilities that accept asbestos wastes

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

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

Waste management facilities in the LGA that accept asbestos waste

Jerilderie Common Tip – Rifle Range Road Jerilderie. Please contact the office on 03 5886 1200 to arrange a quote and time for disposal. Please note only asbestos removed from within the LGA is accepted.

Waste management facilities in other areas that accept asbestos wastes

A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at: www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm

Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

Always contact the landfill before taking asbestos waste to a landfill to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill. EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.

Appendix G – Asbestos-related legislation, policies and standards

- *Contaminated Land Management Act 1997*
- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Demolition work code of practice 2015*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *NSW Work Health and Safety Act 2017*
- *NSW Work Health and Safety Regulation 2017*
- *Workers' Compensation (Dust Diseases) Act 1942.*

Appendix H – Agencies roles and responsibilities

NSW organisations

Department of Planning and Environment (DPE)

DPE's primary role in the management of asbestos relates to administration of State Environmental Planning Policies, and the *Environmental Planning and Assessment Act 1979* (and associated Regulation).

Whilst DPE does not have an operational role in the management of asbestos, it has a regulatory function and provides policy support relating to asbestos and development. In assessing proposals for development under the *Environmental Planning and Assessment Act 1979*, consent authorities are required to consider the suitability of the subject land for the proposed development. This includes consideration of the presence of asbestos and its environmental impact.

Where asbestos represents contamination of the land (ie it is present in excess of naturally occurring levels), *State Environmental Planning Policy No. 55 – Remediation of Land* imposes obligations on developers and consent authorities in relation to remediation of the land and the assessment and monitoring of its effectiveness.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* enables exempt and complying development across the state. While this includes demolition and the removal of asbestos, the *Environmental Planning and Assessment Regulation 2000* specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Dust Diseases Authority (DDA)

The Dust Diseases Authority provides a system of no fault compensation to people who have developed a dust disease from occupational exposure to dust as a worker in New South Wales and to their dependants. The DDA's statutory function is to administer the *Workers' Compensation (Dust Diseases) Act 1942*. Services include:

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

Environment Protection Authority (EPA)

EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. Clauses 77 through to 81 of the *Protection of the Environment Operations (Waste) Regulation 2014* set out the special requirements relating to the transportation and disposal of asbestos waste.

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

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

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

Heads of Asbestos Coordination Authorities (HACA)

The HACA is chaired by SafeWork NSW with senior officials from:

- Department of Industry
- Department of Planning and Environment
- Dust Diseases Authority
- Environment Protection Authority
- Local Government NSW
- Ministry of Health
- Office of Emergency Management
- Office of Local Government.

The HACA group will improve the management, monitoring and response to asbestos issues in NSW by developing coordinated prevention programs. These programs include a comprehensive public awareness campaign to promote the safe handling of asbestos and help prevent the risk of exposure to asbestos-related diseases in the NSW community. Further information about the HACA can be found on the SafeWork NSW website: www.safework.nsw.gov.au.

Local Government NSW (LGNSW)

Local Government NSW (LGNSW) is the peak body for Councils in NSW. LGNSW represents all NSW general-purpose Councils, the special-purpose county Councils and the NSW Aboriginal Land Council.

LGNSW is a credible, professional organisation facilitating the development of an effective community-based system of Local Government in NSW. LGNSW represents the views of Councils to NSW and Australian Governments; provides industrial relations and specialist services to Councils; and promotes NSW Councils to the community.

In 2012, LGNSW commenced a project funded by SafeWork NSW to assist Councils to adopt and implement a model asbestos policy. The project is outlined at: www.lgnsw.org.au

NSW Department of Industry

The NSW Department of Industry, Skills and Regional Development (known as the NSW Department of Industry) leads the state government's contribution to making NSW:

- a fertile place to invest and to produce goods and services, and thereby
- create jobs and opportunities for our citizens

The NSW Department of Industry also has responsibilities for:

- skill formation and development to match industry demand
- partnering with stakeholders in stewardship and sustainable use of the state's natural resources; and
- supporting economic growth in the regions.

Within the Division of Resources & Energy in the Department, the Geological Survey of NSW teams of field geologists, geophysicists, mineral geoscientists and palaeontologists and geospatial specialists produce a range of maps. Geological mapping records the distribution of rock types and location of structures at or near the Earth's surface. The maps have applications to land use assessment, engineering construction, environmental management and natural hazard risk assessment.

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

NSW Ministry of Health

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

NSW Ombudsman

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

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

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

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

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

Office of Local Government

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

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

SafeWork NSW

SafeWork NSW is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. SafeWork NSW works with the employers, workers and community of NSW to achieve safer and more productive workplaces, and effective recovery, return to work and security for injured workers.

SafeWork NSW administers work health and safety, injury management, return to work and workers compensation laws, and manage the workers compensation system. SafeWork NSW's activities include: health and safety, injuries and claims, licensing for some types of plant operators, registration of some types of plant and factories, training and assessment, medical and healthcare, law and policy.

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at: www.SafeWorkNSW.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspx

National organisations

Asbestos Safety and Eradication Agency

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

The agency has broad functions under its legislation, including:

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

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

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

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

National Association of Testing Authorities (NATA)

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

NSW (Head Office) and ACT

Phone: (02) 9736 8222

National Toll Free: 1800 621 666

Website: www.nata.asn.au

Environmental Health Committee (enHealth)

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

Website: www.health.gov.au/internet/main/publishing.nsf/content/ohp-environ-enhealth-committee.htm

Safe Work Australia

Safe Work Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of improving work health and safety and workers' compensation arrangements across Australia.

Phone: (02) 6121 5317

Email: info@swa.gov.au

Website: www.safeworkaustralia.gov.au

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

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

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

Emergency management

Scenario	Lead organisation	Other regulators
Emergency response	Emergency services	Fire and Rescue (Hazmat) SafeWork NSW
Handover to Local Council, owner of property or NSW Police – crime scene following a minor incident	Local Council NSW Police	
Handover to State Emergency Recovery Controller	State Emergency Recovery Controller	Recovery Committee Local Council EPA SafeWork NSW
Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local Council EPA SafeWork NSW
Remediation not requiring a licensed removalist	Local Council	Principal Certifying Authority SafeWork NSW (workers)
Remediation requiring licensed removal work	SafeWork NSW	Local Council Principal Certifying Authority
Clearance Certificate issued by an Asbestos Assessor	SafeWork NSW	Principal Certifying Authority

Naturally occurring asbestos

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

Residential settings

Scenario	Lead organisation	Other regulators
Safe Management of asbestos including: <ul style="list-style-type: none"> • identification • in situ management • removal requirements • disposal requirements. 	Local Council Private Certifiers	SafeWork NSW EPA
Site contaminated due to past uses	Local Council	SafeWork NSW EPA
Licensed removal work required	SafeWork NSW	Local Council Private Certifiers
Removal does not require a licensed removalist	Local Council Private Certifiers	SafeWork NSW (workers)
Transport or waste disposal issues	Local Council	EPA
Derelict property with fibro debris	Local Council or Multi-agency	Multi-agency

Site contamination

Scenario	Lead organisation	Other regulators
Asbestos illegally dumped	Local Council	EPA SafeWork NSW
Site contamination at commercial premises	See Workplaces	
Site contamination at residential premises	See Residential settings	

Waste

Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and Local Council (non-worksites)	
Waste transported by vehicle	EPA	SafeWork NSW
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid Council development consent	Local Council (consent required to dispose onsite) (section 149 property certificate and development assessment process)
Waste going to landfill site	EPA (advice)	Local Council (if managing licensed landfill)
Waste to be transported interstate	EPA	
Waste for export	Department of Immigration and Border Protection	SafeWork NSW Department of Employment

Workplaces

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

Appendix J – Asbestos containing materials

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

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbletone decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	During the 1960s and 1970s, pure loose-fill asbestos was sold as ceiling insulation for residential and commercial premises. A Canberra based company known as 'Mr Fluffy' installed insulation in at least 1,000 homes in the ACT and is also understood to have installed insulation into homes in NSW.
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

Sources:

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

NSW Taskforce Report: *Loose-Fill Asbestos Insulation in NSW Homes* (2015)

www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

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

A

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

Arc shields in lift motor rooms or large electrical cabinets

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

Asbestos ceiling tiles

Asbestos cement conduit

Asbestos cement electrical fuse boards

Asbestos cement external roofs and walls

Asbestos cement in the use of form work for pouring concrete

Asbestos cement internal flues and downpipes

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

Asbestos cement pieces for packing spaces between floor joists and piers

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

Asbestos cement render, plaster, mortar and coursework

Asbestos cement sheet

Asbestos cement sheet behind ceramic tiles

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

Asbestos cement sheet internal walls and ceilings

Asbestos cement sheet underlay for vinyl

Asbestos cement storm drain pipes

Asbestos cement water pipes (usually underground)

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

Asbestos containing pegboard

Asbestos felts

Asbestos marine board, eg marinate

Asbestos mattresses used for covering hot equipment in power stations

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

Asbestos roof tiles

Asbestos textiles

Asbestos textile gussets in air conditioning ducting systems

Asbestos yarn

Autoclave/steriliser insulation

B

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

Bituminous adhesives and sealants

Boiler gaskets

Boiler insulation, slabs and wet mix

Brake disc pads

Brake linings

C

Cable penetration insulation bags (typically Telecom)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

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

Cement render

Chrysotile wicks in kerosene heaters

Clutch faces

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

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

D

Door seals on ovens

E

Electric heat banks – block insulation

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

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

Electrical switchboards see Pitch-based

Exhausts on vehicles

F

Filler in acetylene gas cylinders

Filters: beverage wine filtration

Fire blankets

Fire curtains

Fire door insulation

Fire-rated wall rendering containing asbestos with mortar

Fire-resistant plaster board, typically on ships

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

Flexible hoses

Floor vinyl sheets

Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

G

Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)

Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

H

Hairdryers: insulation around heating elements

Header (manifold) insulation

I

Insulation blocks

Insulation in ceilings, which may have spread to wall cavities, cornices and sub-floor areas

Insulation in electric reheat units for air conditioner systems

L

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

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

Limpet asbestos spray insulation

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

M

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes

Mortar

P

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

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings

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

Plaster and plaster cornice adhesives

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

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

R

Refractory linings

Refractory tiles

Rubber articles: extent of usage unknown

S

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

Sealant or mastik on windows

Sealants and mastik in air conditioning ducting joints

Spackle or plasterboard wall jointing compounds

Sprayed insulation: acoustic wall and ceiling

Sprayed insulation: beams and ceiling slabs

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

Stoves: old domestic type, wall insulation

T

Tape and rope: lagging and jointing

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

Tilux sheeting in place of ceramic tiles in bathrooms

Trailing cable under lift cabins

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

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

V

Valve and pump insulation

W

Welding rods

Woven asbestos cable sheath

Sources:

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

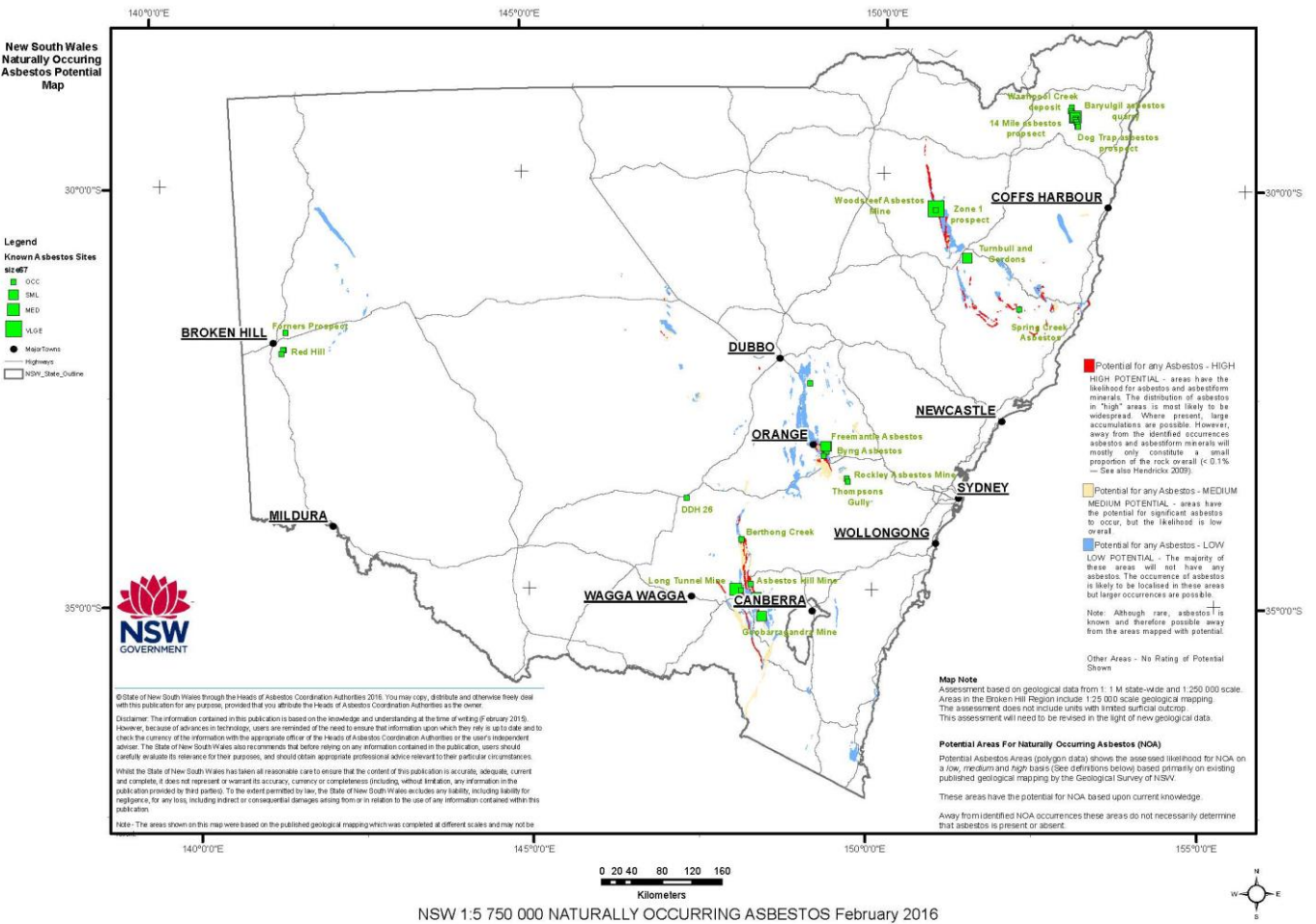
NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015) www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

Appendix K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	<p>Can remove any amount or quantity of asbestos or asbestos containing material, including:</p> <ul style="list-style-type: none"> • any amount of friable asbestos or asbestos containing material • any amount of asbestos containing dust • • any amount of non-friable asbestos or asbestos containing material.
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> • any amount of non-friable asbestos or asbestos containing material Note: A Class B licence is required for removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m² of non-friable asbestos or asbestos containing material. • asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> • up to 10 m² of non-friable asbestos or asbestos containing material • asbestos containing dust that is: <ul style="list-style-type: none"> 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 licence can be verified by contacting SafeWork NSW's Certification Unit on 13 10 50.

Appendix L – Map





Revised Complaints Management Policy

	Name	Position	Signature	Date
Responsible Officer	Sue Mitchell	Manager Corporate & Community Services		
Authorised by	John Scarce	General Manager		

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1 Introduction

1.1 Purpose

This policy is intended to ensure that we handle complaints fairly, efficiently and effectively. Our complaint management system is intended to:

- enable us to respond to issues raised by people making complaints in a timely and cost-effective way
- boost public confidence in our administrative process, and
- provide information that can be used by us to deliver quality improvements in services, staff and complaint handling.

This policy provides guidance to our staff, and people who wish to make a complaint, on the key principles and concepts of our complaint management system.

1.2 Scope

This policy applies to all staff receiving or managing complaints from the public made to or about us, regarding our services, staff and complaint handling.

Staff grievances, Code of Conduct complaints and public interest disclosures are dealt with through separate mechanisms.

1.3 Organisational Commitment

This organisation expects staff at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
General Manager	Promote a culture that values complaints and their effective resolution	Report publicly on Murrumbidgee Council's complaint handling. Provide adequate support and direction to key staff responsible for handling complaints. Regularly review reports about complaint trends and issues arising from complaints. Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly. Encourage staff to make recommendations for system improvements. Recognise and reward good complaint handling by staff. Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.

Manager Corporate & Community Services	Establish and manage our complaint management system	<p>Provide regular reports to the General Manager on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with the General Manager, and implemented where appropriate.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with Murrumbidgee Council's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>
Staff whose duties include complaint handling	Demonstrate exemplary complaint handling practices	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people make a complaint, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve the organisation's complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>
All staff	Understand and comply with Murrumbidgee Council's complaint handling practices.	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of Murrumbidgee Council's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints to access the Murrumbidgee Council's complaints process.</p> <p>Be alert to complaints and assist staff handling complaints to resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>

2. Terms and definitions

2.1 Complaint

Expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

A complaint covered by this policy can be distinguished from:

- staff grievances, public interest disclosures made by our staff (see our Internal Reporting Policy)
- Code of Conduct complaints (see our Codes of Conduct)
- responses to requests for feedback about the standard of our service provision (see the definition of 'feedback' below)
- reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response (see definition of 'feedback')
- service requests (see definition of 'service request' below), and
- requests for information

2.2 Complaint Management System

All policies, procedures, practices, staff, hardware and software used by us in the management of complaints.

2.3 Dispute

An unresolved complaints escalated either within or outside our organisation.

2.4 Feedback

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services or complaint handling where a response is not explicitly or implicitly expected or legally required.

2.5 Service Request

The definition of a service request includes:

- requests for approval
- requests for action
- routine inquiries about the organisation's business
- requests for the provision of services and assistance
- reports of failure to comply with laws regulated by the organisation
- requests for explanation of policies, procedures and decisions.

2.6 Grievance

A clear, formal written statement by an individual staff member about another staff member or a work related problem.

2.7 Policy

A statement of instruction that sets out how we should fulfil our vision, mission and goals.

2.8 Procedure

A statement or instruction that sets out how our policies will be implemented, and by whom.

2.9 Public Interest Disclosure

A report about wrong-doing made by a public official in New South Wales that meets the requirements of the Public Interest Disclosures Act 1994.

3. Guiding Principles



3.1 Facilitate Complaints

PEOPLE FOCUS

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- provided with information about our complaint handling process
- provided with multiple and accessible ways to make complaints
- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review

NO DETRIMENT TO PEOPLE MAKING COMPLAINTS

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

ANONYMOUS COMPLAINTS

We accept anonymous complaints, and will carry out an investigation of the issues raised where there is enough information provided.

ACCESSIBILITY

We will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative, if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, Member of Parliament, another organisation).

NO CHARGE

Complaining to us is free.

3.2 Respond to Complaints

EARLY RESOLUTION

Where possible, complaints will be resolved at first contact with Murrumbidgee Council.

RESPONSIVENESS

We will promptly acknowledge receipt of complaints.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security, the response will be immediate and will be appropriately escalated.

We are committed to managing people's expectations, and will inform them, as soon as possible, of the following:

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint

We will advise people as soon as possible when we are unable to deal with any part of their complaint, and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

OBJECTIVITY AND FAIRNESS

We will address each complaint with integrity and in an equitable, objective and unbiased manner.

We will ensure that the person handling a complaint is not the staff member whose conduct or service is being complained about.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

RESPONDING FLEXIBLY

Our staff are empowered to resolve complaints promptly, and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints, and/or their representatives.

We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

CONFIDENTIALITY

We will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by Murrumbidgee Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

3.3 Manage the Parties to a Complaint

COMPLAINTS INVOLVING MULTIPLE AGENCIES

Where a complaint involves multiple organisations, we will work with the other organisation/s, where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff, but also the actions of service providers.

COMPLAINTS INVOLVING MULTIPLE PARTIES

When similar complaints are made by related parties, we will seek to communicate with a single representative of the group.

EMPOWERMENT OF STAFF

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

MANAGING UNREASONABLE CONDUCT BY PEOPLE MAKING COMPLAINTS

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time, our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across all the complaints we receive

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us, and will support our staff to do the same in accordance with this policy.

4. Complaint Management System



4.1 Introduction

When responding to complaints, staff should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in our complaint management system are set out below.

4.2 Receipt of Complaints

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file.

The record of the complaint will document:

- the contact information of the person making a complaint
- issues raised by the person making a complaint and the outcome/s they want
- any other relevant information, and
- any additional support the person making a complaint requires

4.3 Acknowledgement of Complaints

We will acknowledge receipt of each complaint promptly, and preferably within 10 working days.

Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

4.4 Initial Assessment and Addressing of Complaints

INITIAL ASSESSMENT

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be addressed separately.

When determining how a complaint will be managed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed, and
- Whether a resolution requires the involvement of other organisations

ADDRESSING COMPLAINTS

After assessing the complaint, we will consider how to manage it. To manage a complaint we may:

- Give the person making a complaint information or an explanation
- Gather information from the product, person or area that the complaint is about, or
- Investigate the claims made in the complaint

We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

4.5 Providing Reasons for Decisions

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- the outcome of the complaint and any action we took
- the reason/s for our decision
- the remedy or resolution/s that we have proposed or put in place, and
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If, in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

4.6 Closing the Complaint, Record Keeping, Redress and Review

We will keep comprehensive records about:

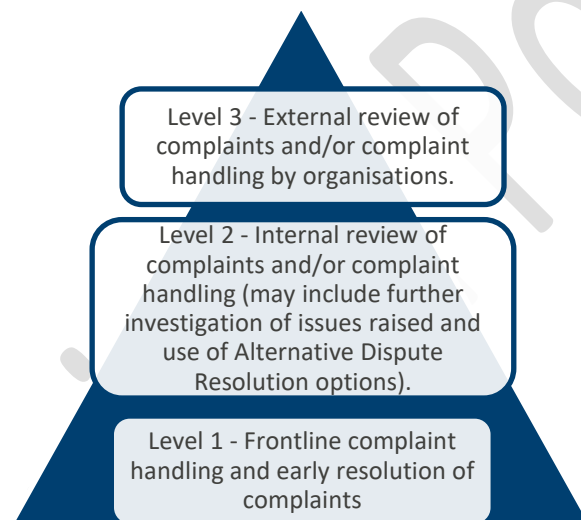
- How we managed the complaint
- The outcome/s of the complaint (including whether it, or any aspect of it, was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- Any outstanding actions that need to be followed up

We will ensure that outcomes are properly implemented, monitored and reported to the Complaint Handling Manager and/or senior management.

4.7 Alternative Avenues for Dealing with Complaints

We will inform people who make complaints to or about us, of any internal or external review options available to them (including any relevant Ombudsman or oversight bodies).

4.8 The Three Levels of Complaint Handling



We aim to resolve complaints at the first level, the frontline. Wherever possible, staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, we may decide to escalate the complaint to a more senior officer within Murrumbidgee Council. This second level of complaint handling will provide for the following internal mechanisms:

- assessment and possible investigation of the complaint and decision/s already made, and/or
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties)

Where a person making a complaint is dissatisfied with the outcome of Murrumbidgee Council's review of their complaint, they may seek an external review of our decision (by the Ombudsman for example).

5. Accountability and learning

5.1 Analysis and evaluation of complaints

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

Regular reports will be run on:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified, and
- the number of requests we receive for internal and/or external review of our complaint handling

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

Both reports and their analysis will be provided to Murrumbidgee Council's General Manager and senior management for review.

5.2 Monitoring of the Complaint Management System

We will continually monitor our complaint management system to:

- ensure its effectiveness in responding to and resolving complaints, and
- identify and correct deficiencies in the operation of the system

Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

5.3 Continuous improvement

We are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

- support the making and appropriate resolution of complaints
- implement best practices in complaint handling
- recognise and reward exemplary complaint handling by staff
- regularly review the complaints management system and complaint data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system

6. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Draft Liquid Trade Waste Regulation Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

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Policy Statement

This policy sets out how Murrumbidgee Council will regulate liquid trade waste discharges to its sewerage system in accordance with the NSW Framework for Regulation of Liquid Trade Waste (Appendix F).

Sewerage systems are generally designed to cater for liquid waste from domestic sources that are essentially of predictable strength and quality. Council **may** accept liquid trade waste into its sewerage system as a **service** to businesses and industry.

Liquid trade wastes may exert much greater demands on sewerage systems than domestic sewage and, if uncontrolled, can pose serious problems to public health, worker safety, Council's sewerage system and the environment.

This Policy is consistent with the *Liquid Trade Waste Management Guidelines 2021* developed by the Water Utilities branch of the NSW Department of Planning, Industry and Environment.

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0010/147088/trade-waste-management-guidelines.pdf

Note that the term 'Department' in this Policy refers to the state agency responsible for granting concurrence to Council's approval to discharge liquid trade waste to Council's sewerage system (under Clause 28 of the Local Government (General) Regulation 2021). Currently, it is the Department of Planning and Environment.

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1 Introduction

This Policy has been developed to ensure the proper control of liquid trade waste and hence protection of public health, worker safety, the environment and Council's sewerage system. The policy also promotes waste minimisation, water conservation, water recycling and biosolids reuse.

In addition, the approval, monitoring and enforcement processes for liquid trade wastes discharged to Council's sewerage system and the levying of commercial sewerage and liquid trade waste fees and charges are described in this document. The procedure for liquid trade waste approval is governed by Chapter 7 of the Local Government Act.

Under section 68 of the *Local Government Act 1993* a person wishing to discharge liquid trade waste to the sewerage system must obtain prior approval from Council. Discharge of liquid waste other than domestic sewage without prior approval is an offence under section 626 of the Act.

1.1 What is liquid trade waste?

Liquid trade waste is defined in the Local Government (General) Regulation 2021 as below:

Liquid trade waste means all liquid waste other than sewage of a domestic nature.

Liquid trade waste discharges to the sewerage system include liquid wastes from:

- industrial premises
- business/commercial premises (e.g. beautician, florist, hairdresser, hotel, motel, restaurant, butcher, supermarket, etc.)
- community/public premises (including clubs, school, college, university, hospital and nursing home)
- any commercial activities carried out at residential premises
- saleyards, racecourses and stables and kennels that are not associated with domestic households
- tankered human waste, ship-to-shore waste from marina pump-out facilities, portable toilet waste and established sites for the discharge of pan contents from mobile homes/caravans
- any other waste tankered to the sewerage facilities, e.g. commercial or industrial waste from un-sewered areas.

Liquid trade waste excludes:

- toilet, hand wash basin (used for personal hygiene only), shower and bath wastes derived from all the premises and activities mentioned above
- wastewater from residential toilets, kitchens, bathrooms or laundries (i.e. domestic sewage)
- wastewater from common laundry facilities in caravan parks (discharges from common kitchen facilities in caravan parks are liquid trade waste)
- residential pool backwash.

1.2 Objectives

The objectives¹ of this policy are:

- to protect public and workers health and safety and the environment
- to protect council's assets from damage
- to minimise adverse impacts on the sewage treatment processes
- to assist Council meeting regulatory and licence compliance
- to promote water conservation, waste minimization, cleaner production, effluent recycling and biosolids reuse
- to provide an environmentally responsible liquid trade waste service to the non-residential sector
- to ensure commercial provision of services and full cost recovery through appropriate sewerage and liquid trade waste fees and charges.

2 Structure of the Policy

This policy comprises three parts:

- Part 1 specifies the circumstances in which a person is exempt from the necessity to apply for an approval to discharge liquid trade waste to Council's sewerage system
- Part 2 specifies the criteria which Council will take into consideration in determining whether to give or refuse a liquid trade waste approval
- Part 3 specifies the application procedure and approval process, liquid trade waste discharge categories and applicable fees and charges, the NSW Framework for Regulation of Liquid Trade Waste, alignment with the *National Framework for Wastewater Source Management* and other relevant information

2.1 Part 1 – Exemptions

The list of discharges exempt from obtaining Council's approval is provided in Appendix B. These discharges are known as 'Deemed to be approved'. Each such discharger must meet the standard requirements specified in Appendix B.

¹ The above objectives are consistent with the *National Framework Wastewater Quality Management*.

2.2 Part 2 - Criteria for approval to discharge liquid trade waste into council's sewerage system

2.2.1 Factors for consideration

Council's decision to accept liquid waste into its sewerage system will be based on the discharger satisfying Council's requirements. Therefore, when determining an application to discharge liquid waste to the sewerage system, Council will consider the following factors:

- The potential impacts of the proposed discharge on Council's ability to meet the objectives outlined in s. 1.2 of this document.
- The adequacy of the pre-treatment process(es) to treat the liquid trade waste to a level acceptable for discharge to the sewerage system, including proposed contingency measures in an event of the pre-treatment system failure
- The capability of the sewerage system (reticulation and treatment components) to accept the quantity and quality of the proposed liquid waste
- The adequacy of chemical storage and handling facilities and the proposed safeguards for prevention of spills and leaks entering to the sewerage system
- The adequacy of the proposed due diligence program and contingency plan, where required.
- Proposed management of prohibited substances and other liquid waste not planned to be discharged to the sewerage system and safeguards to avoid any accidental discharge
- The potential for stormwater entering the sewerage system and adequacy of proposed stormwater controls
- The potential for growth of the community

2.2.2 Discharge quality

Council's acceptance limits for liquid trade waste discharges are set out in Table 1. These limits are consistent with the acceptance limits specified in the *Liquid Trade Waste Management Guidelines*, 2021 by the Department.

Table 1: Acceptance limits for liquid trade waste into the sewerage system

Parameter	Limits
Flow Rate	The maximum daily and instantaneous rate of discharge (kL/h or L/s) is determined based on the available capacity of the sewer. Large discharges are required to provide a balancing tank to even out the load on the sewage treatment works.
BOD ₅	Normally approved at 300 mg/L. Concentrations up to 600 mg/L may be accepted.
Suspended solids	Normally approved at 300 mg/L. Concentrations up to 600 mg/L may be accepted.
COD	Normally, not to exceed BOD ₅ by more than three times. This ratio is given as a guide only to prevent the discharge of non-biodegradable waste.
Total Dissolved Solids	Up to 4000 mg/L may be accepted. The acceptance limit may be reduced depending on available effluent disposal options and may be subjected to a mass load limit.
Temperature	Less than 38°C.
pH	Within the range 7.0 to 9.0.
Oil and Grease	100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the treatment works and 50 mg/L if the volume is greater than 10%.
Detergents	All detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade wastes discharges.
Colour	Colour must be biodegradable. No visible colour when diluted to the equivalent dilution afforded by domestic sewage flow. Specific limits may be imposed on industrial discharges where colour has a potential to interfere with sewage treatment processes and the effluent management.
Radioactive Substances	If expected to be present (e.g. Iodine 131 from ablation), acceptance requirements will be set on a case-by-case assessment.

Acceptance limits for inorganic and organic compounds		Maximum concentration (mg/L)
Inorganic compounds	Ammonia (as N)	50
	Boron	5
	Bromine	5
	Chlorine	10
	Cyanide	1
	Fluoride	30
	Nitrogen (total Kjeldahl)	100
	Phosphorus (total)	20
	Sulphate (as SO ₄)	500
	Sulphide (as S)	1
Organic compounds	Benzene	< 0.001
	Toluene	0.5
	Ethylbenzene	1
	Xylene	1
	Formaldehyde	30
	Phenolic compounds non-halogenated	1
	Petroleum Hydrocarbons ²	
	• C ₆ -C ₉ (flammable)	5
	• Total Recoverable Hydrocarbons (TRH)	30
	Pesticides general (except organochlorine and organophosphorus)	0.1
	Polynuclear Aromatic Hydrocarbons (PAH)	5

² Always ask a laboratory to carry out a silica gel clean up, if other than petroleum products are expected to be present in a liquid trade waste sample, e.g. animal fats, plant oil, soil, etc.

Acceptance limits for metals	Maximum concentration (mg/L)	Allowed daily mass limit (g/d)
Aluminium	100	-
Arsenic	0.5	2
Cadmium	1	5
Chromium ³	3	10
Cobalt	5	15
Copper	5	15
Iron	100	-
Lead	1	5
Manganese	10	30
Mercury	0.01	0.05
Molybdenum	5	15
Nickel	1	5
Selenium	1	5
Silver	2	5
Tin	5	15
Zinc	1	5
Total heavy metals excluding aluminium, iron and manganese	Less than 30 mg/L and subject to total mass loading requirements	

Notes:

1. Acceptance limits for substances not listed in the above Tables will be determined on a case by case basis.
2. The quality of liquid trade waste from some low risk commercial activities in Classification A and B will exceed acceptance limits listed in above Table. As a higher level of pre-treatment is not cost-effective, such waste is acceptable if the discharger installs, maintains and properly operates the required on-site pre-treatment. Similarly, septic and pan waste may exceed some acceptance limits.

2.2.3 Prohibited or restricted substances and waste

Substances prohibited from being discharged into the sewerage system unless they are specifically approved under section 68 of the Act are listed in

³ Where hexavalent chromium (Cr⁶⁺) is present in the process water, pre-treatment will be required to reduce it to the trivalent state (Cr³⁺), prior to discharge into the sewer

Table **2**. In addition, s 2.2.3.1 lists the discharges either prohibited or restricted. Refer to Appendix C for detailed description of substances and discharges either prohibited or restricted.

DRAFT

Table 2 Waste prohibited from discharge to the sewerage system

- | |
|---|
| <ul style="list-style-type: none">• Organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances• organophosphorus pesticides and/or waste arising from the preparation of these substances• per- and poly-fluoroalkyl substances (PFAS)• any substances liable to produce noxious or poisonous vapours in the sewerage system• organic solvents and mineral oil[#]• any flammable or explosive substance[#]• discharges from 'Bulk Fuel Depots'• discharges from chemicals and/or oil storage areas• natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions• roof, rain, surface, seepage or ground water, unless specifically permitted (clause 137A of the Local Government (General) Regulation 2021)• solid matter[#]• disposable products including wet wipes, cleaning wipes, colostomy bags, cat litter and other products marketed as flushable• any substance assessed as not suitable to be discharged into the sewerage system• any other substances listed in a relevant regulation |
|---|

[#] In excess of the approved limit

2.2.3.1 Other substances/discharges either prohibited or restricted

- Stormwater from open areas
- Contaminated groundwater
- Landfill leachate
- Discharge from float tanks
- Discharge from new service station forecourts and other refuelling points
- Discharge of liquid waste arising from liquefaction and/or pulverisation of solid waste by physical or chemical processes (e.g. garbage grinders/in-sinkerators, macerators, alkaline hydrolysis).
- Discharge from solid food waste processing units (digesters/composters, etc.)
- Use of additives in pre-treatment systems

For further details on limitations and restrictions applicable to above discharges, refer to Appendix C of this policy, Chapter 3 of the *NSW Liquid Trade Waste Management Guidelines, 2021*.

2.3 Part 3 – Matters relating to liquid trade waste approvals

2.3.1 Application procedures and approval process

Under s.68 of the Local Government Act 1993 Council's written approval is required prior to commencing the discharge of liquid trade waste to its sewerage system. Application forms are available from Council.

The applicant must lodge a trade waste application and provide all requested information.

A trade waste application is not required to discharge liquid trade waste from 'Deemed to be approved' activities listed in Appendix B.

2.3.2 Who can make the application?

S. 78 of the Local Government Act states that an application may be made by the person seeking to carry out the activity or, if the application applies to a particular land, the owner of the land or a person who has the consent of the owner.

If the proposed business activities generate liquid trade waste and relate to a development application (i.e. new premise, alterations to a premise or change of building use) the proposed pre-treatment system will be assessed for compliance with Part 2 of this Policy as part of the development application process. Where the Development is classed as Exempt or Complying, an application to discharge liquid trade waste to sewer will need to be submitted to Council along with details of the proposed pre-treatment system prior to any works being conducted.

2.3.3 Council's process in determination of applications

Council may request an applicant to provide further information to enable it to determine the application.

2.3.4 Approval of applications

Where an application is approved, Council will notify the applicant including any conditions of the approval and reasons for such conditions. The duration of the approval will be as stated in the approval.

An applicant may make a minor amendment or withdraw an application before it is processed by Council. An applicant may also apply to Council to renew or extend an approval, in accordance with section 107 of the Local Government Act.

2.3.5 Refusal

If an application is refused, Council will notify the applicant of the grounds for refusal.

Under section 100 of the Act the applicant may request the review of council's determination. Under section 176 of the Act, the applicant dissatisfied with Council's determination may appeal to the Land and Environment Court within 12 months.

2.3.6 Change of approval holder

An approval to discharge liquid trade waste to Council's sewerage system is not transferable. A new application must be lodged and a new approval must be obtained if there is a change of the approval holder. Council must be notified of change of ownership and/or occupier in all cases, whether a new approval is required or not, to allow updating of records.

2.3.7 Validity of an existing approval

A new approval is required where there is a change of:

- approval holder (either owner or occupier can be an approval holder)
- activity generating the waste
- the quantity or the nature of liquid trade waste
- approval conditions.

2.3.8 Modification and revocation of approvals

Council reserves the right to modify or revoke an approval to discharge liquid trade waste to the sewerage system under the circumstances described in s.108 of the *Local Government Act 1993*:

2.3.9 Concurrence

If Council supports an application and has a notice stating that concurrence of the Secretary, NSW Department can be assumed for the liquid trade waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence to its approval.

For concurrence purposes, liquid trade waste discharges are divided into four classifications.

- Concurrence Classification A – liquid trade waste for which Council has been authorised to assume concurrence to the approval subject to certain requirements
- Concurrence Classification B – liquid trade waste for which Council may apply for authorisation to assume concurrence to the approval subject to certain requirements
- Concurrence Classification S – the acceptance of septic tank, pan waste and ship-to-shore pump-out etc. Council may apply for authorisation to assume concurrence to the approval subject to certain conditions
- Concurrence Classification C – all other liquid trade waste that do not fall within Concurrence Classification A, B or S, and therefore require Council to forward the application for concurrence.

Refer to Appendix E which lists the type of discharges that Council can approve under their assumed concurrence (i.e. that Council can approve without seeking concurrence from the Department).

2.3.10 Liquid trade waste from existing premises/dischargers

At Council's discretion, a period of time may be granted for an **existing** discharger to install liquid trade waste pre-treatment equipment or perform other works required to achieve compliance with the conditions of a liquid trade waste approval. The period of time granted will generally not exceed 12 months and will be assessed on a case by case basis taking into account the capacity of the receiving sewage treatment plant to accept the discharger's liquid trade waste and the cost and/or difficulty of works to be undertaken. The scope of works required, results to be achieved and timetable for completion shall be laid out by the discharger and agreed to by Council.

Existing dischargers who have nil or inadequate liquid trade waste pre-treatment equipment at their current premises are generally required to improve their discharge quality by installing or upgrading pre-treatment equipment to the current standards.

Where installation of the prescribed liquid trade waste pre-treatment equipment is not considered by Council as feasible or reasonable in order to treat an **existing** discharge, an exception from installing such equipment may apply.

At premises where liquid trade waste pre-treatment equipment is undersized and it is not considered by Council or the Department as feasible or reasonable to upgrade the pre-treatment equipment to treat the **existing** discharge, an exception from upgrading the equipment may apply.

Existing premises undergoing refurbishment/renovation must allow for the installation of the appropriate liquid trade waste pre-treatment equipment.

Where Council considers an application for exception should be approved, the application will need to be forwarded to the Department for consideration and concurrence.

In the event the business is sold (new documentation requirements supporting an exception may apply) or if renovations/refurbishments are carried out then Council may require the appropriate prescribed pre-treatment equipment to be installed.

Where the prescribed liquid trade waste pre-treatment equipment (or alternative acceptable to Council and the Department) cannot be installed or the effluent quality is not improved to a standard satisfying Council and the Department, the non-compliance liquid trade waste usage charge will be applied.

Details to be provided with the application for an exception from installing prescribed liquid trade waste pre-treatment equipment:

- An explanation from the applicant requesting an exception and on what grounds this exception is sought;
- A letter from a hydraulic consultant, plumber or the company that provides the pre-treatment equipment stating that the pre-treatment installation required by Council is not feasible and the reason(s) why;
- Details of the proposed frequency of cleaning, maintenance and the nominated licensed contractor undertaking these functions;
- A site plan.

Upon receiving the application, Council will carry out:

- An inspection in order to assess the feasibility of installing the prescribed pre-treatment equipment. This inspection report is to be signed off by a senior Council officer with appropriate delegated authority.
- An assessment of the sewerage system capacity to accept the proposed untreated waste load and that the modifications, alterations or undersized pre-treatment equipment will not adversely impact on the sewage treatment process, sewage transportation system, by-product management and the environment.

3 Sewerage and liquid trade waste fees and charges

Council provides sewerage and liquid trade waste services on a commercial basis to non-residential dischargers, with full cost recovery through sewerage and liquid trade waste fees and charges. Council implements best practice pricing for non-residential sewerage and liquid trade waste services to ensure that dischargers bear a fair share of the cost of providing sewerage services and to facilitate appropriate pre-treatment, waste minimisation and water conservation.

The current sewerage and liquid trade waste fees and charges are provided on Council's website www.murrumbidgee.nsw.gov.au.

Council's liquid trade waste fees and charges may include:

- general fees and charges (application fee, annual liquid trade waste fee, inspection and/or re-inspection fees and renewal fee)
- category specific charges (trade waste usage charges for Charging Category 2 discharges, excess mass charges for Charging Category 3 discharges, charges for Charging Category 2S discharges and non-compliance charges)
- other charges related to the nature of waste (eg. charges for the discharge of stormwater from large areas)

Detailed description of the liquid trade waste fees and charges and the methodology of calculating them are provided in Appendix D.

3.1 Liquid trade waste charging categories

For charging purposes there are 4 liquid trade waste charging categories:

- Category 1 – discharges requiring minimal pre-treatment or prescribed pre-treatment but low impact on the sewerage system. These dischargers will only pay an annual fee. If pre-treatment equipment is not provided or maintained, non-compliance charges will be applied.
- Category 2 – discharges with prescribed pre-treatment⁴ and other activities listed under this charging category in Appendix D. These dischargers will pay a trade waste usage charge and an annual trade waste fee. If pre-

⁴ Excludes activities in Category 1.

treatment equipment is not provided or not maintained, then such dischargers will be required to pay non-compliance usage charges

- Category 2S – transporters who tanker human waste to council's STWs, owners/operators of ship-to-shore pump out facilities and owners/operators of 'dump points' directly connected to sewer
- Category 3 – large (>20 kL/d) and industrial discharges (excluding shopping centres and institutions). Such dischargers will pay excess mass charges. If the discharge fails to comply with council's acceptance limits, dischargers will be required to pay non-compliance excess mass charges and pH charges

Note that these charging categories are different to four classifications that have been established for concurrence purposes (i.e. Classification A, B, C and S). The relationship between Concurrence Classifications and Charging Categories are shown in Figure 1 in Appendix D.

3.2 Non-compliance liquid trade waste charges

In order to encourage compliance, council may apply non-compliance trade waste charges. Refer to Appendix D for further details of non-compliance charges for different charging categories.

Council will continue to apply non-compliance charges until the discharge meets the approved acceptance limits within the timeframe determined by Council for remedying the problem. If the discharger fails to rectify the problem within an agreed timeframe, the discharger may be required to cease discharging liquid trade waste into Council's sewerage system. Council may also consider issuing a penalty infringement notice to a non-compliant discharger or may prosecute the discharger.

3.3 Other applicable liquid trade waste charges

Additional fees and charges may be levied by council if wastewater is discharged to council's sewerage system from the following equipment and or processes, with council's approval.

- Food waste disposal units (ie. garbage grinders/insinkerators) ⁵
- Solid food waste processing unit
- Discharge of stormwater to the sewerage system from large open areas or large quantities of groundwater

Refer to Appendix D for further details.

3.4 Charges for premises with multiple liquid trade waste streams

Examples of premises with multiple waste streams include:

- shopping centres
- commercial strata units
- institutions, e.g. hospitals, tertiary educational facilities and correctional centres
- other premises with multiple waste streams,

Refer to Appendix D and *Trade Waste Management Guidelines 2021* for further details.

⁵ For existing installations only. New installations are not permitted.

3.5 Summary of category specific fees and charges

The summary of fees and charges are indicated in Table 3 below:

Table 3 Summary of fees and charges

Fee/Charge	Category 1	Category 2	Category 3	Category 2S
Application fee	Yes ⁶	Yes	Yes	Yes
Annual non-residential sewerage bill with appropriate sewer usage charge/kL	Yes	Yes	Yes	No
Annual liquid trade waste fee	Yes ⁷	Yes	Yes	Variable ⁸
Re-inspection fee (when required)	Yes	Yes	Yes	Optional ⁹
Trade waste usage charge/kL	No	Yes	No	No
Human waste disposal charge/kL	No	No	No	Yes
Excess mass charges/kg	No	No	Yes	No
Non-compliance trade waste usage charge/kL	Yes ¹⁰	Yes ¹⁰	No	No
Non-compliance excess mass/kg and pH charges/kL (if required)	No	No	Yes	No

Note: Refer to Appendix D for other applicable charges not included in this Table.

Responsibility for payment of fees and charges

Property (land) owners are responsible for the payment of fees and charges for water supply, sewerage and liquid trade waste services. This includes property owners of marinas, caravan parks, etc.

Where another party (lessee) leases premises, any reimbursement of the lessor (property owner) for such fees and charges is a matter for the lessor and the lessee.

In relation to tankered human waste, transporters who collect and discharge waste at the STW are responsible for the payment. A waste transporter who tankers liquid trade waste to the STW may pay only the liquid trade waste fees and charges as non-residential sewerage fees are not applicable.

Note that a liquid trade waste discharger (except for tankered waste) pays both the non-residential sewerage charges and liquid trade waste fees and charges.

⁶ Not applicable for discharges listed as Deemed to be Approved

⁷ May not be applicable for discharges listed as 'Deemed to be Approved'.

⁸ Refer to Appendix D for guidance on applying annual fees to Category 2S discharges.

⁹ Applicable if re-inspection of facilities is required, e.g. ship-to-shore pump-out facility.

¹⁰ Non-compliance trade waste usage charge, if the discharger fails to install or properly maintain appropriate pre-treatment equipment. Refer to council's Management Plan

4 The NSW framework for regulation of sewerage and trade waste and alignment of with the national framework.

The NSW framework for regulation of sewerage and trade waste and the alignment with the national framework for wastewater source management are listed in Appendix F.

5 Liquid trade waste service agreement

In addition to its approval under the Local Government Act, Council may require certain dischargers, including those who wish to discharge liquid trade waste in large volumes (discharge >20 kL/d) or industrial waste (Concurrence Classification C discharges) or some Classification S discharges into its sewerage system to execute a liquid trade waste services agreement. The agreement will set out the conditions associated with the discharge and execution of the agreement will be a condition of the approval issued by Council.

6 Enforcement of approvals and agreements

If the discharge is not approved or fails to comply with the approval conditions, the discharger is subject to prosecution and imposition of fines under the *Local Government Act 1993* (under s. 626 and s. 627).

Above offences are also prescribed as penalty notice offences under the Act and Council may issue a penalty infringement notice (i.e. on the spot fine) to such discharger (Refer to Schedule 12 of the Local Government (General) Regulation 2021).

In addition to fines, council may recover costs of damages and fines incurred by council as a result of an unauthorised liquid waste discharge. Temporally suspension or ceasing the discharge may also be required.

Note that sections 628 and 634 to 639 also list other offences related to water, sewerage and stormwater drainage.

Polluting of any waters by a discharger of liquid trade waste who does not have a Council approval or who fails to comply with the conditions of the approval is also an offence under section 120 (1) of the *Protection of the Environment Operations Act 1997*. In addition, under section 222 of this Act, Council may issue a penalty infringement notice to such a discharger.

7 Prevention of waste of water

Water must be used efficiently and must be recycled where practicable. It is an offence under section 637 of the *Local Government Act 1993* and its Regulation (refer to Appendix G) to waste or misuse water.

Dilution of liquid trade waste with water from any non-process source including Council's water supply, bore water, groundwater, stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.

8 Effluent improvement plans

Where the quality of liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an Effluent Improvement Plan setting out how Council's requirements will be met. The proposed plan must detail the methods/actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions. Such actions may include more intensive monitoring, improvements to work practices and/or pre-treatment facilities to improve the effluent quality and reliability.

9 Due diligence programs and contingency plans

A discharger may be required to submit a due diligence program and a contingency plan for some liquid trade waste discharges (generally in Concurrence classification C, Charging Category 3) where it is considered that the discharge may pose a potential threat to the sewerage system. If required, a due diligence program and contingency plan must be submitted to Council within the time specified in the liquid trade waste approval.

Appendix A - Glossary

Authorised assumed concurrence—councils with significant experience in liquid trade waste regulation are encouraged to apply to the Secretary, Department of Planning, Industry and Environment seeking to obtain concurrence for council's approval for Classification B and Classification S discharges. If granted, Council will no longer need to forward such applications to the department for concurrence, provided that council complies with the conditions outlined in the notice of concurrence.

Automatic assumed concurrence—council has been granted assumed concurrence for approval for Classification A discharges, provided that council complies with conditions outlined in the notice of concurrence. Such applications may be approved by council without forwarding the application to the department for concurrence.

Biochemical Oxygen Demand (BOD₅) —the amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of five days at 20°C. In practical terms, BOD is a measure of biodegradable organic content of the waste.

Biosolids—primarily organic solids produced by sewage processing. Until such solids are suitable for beneficial use, they are defined as wastewater solids or sewage sludge.

Blackwater—wastewater containing human excrement (i.e. faeces, urine).

Bunding—secondary containment provided for storage areas, particularly for materials with the propensity to cause environmental damage.

Chemical Oxygen Demand (COD) —a measure of oxygen required to oxidise organic and inorganic matter in wastewater by a strong chemical oxidant. Wastewaters containing high levels of readily oxidised compounds have a high COD.

Chemical toilet—toilets in which wastes are deposited into a holding tank containing deodorizing or other chemicals. Stored wastes must be pumped out periodically.

Commercial retail discharge: commercial discharges can be described as wastes that are discharged from businesses dealing directly with the public.

Commercial caterer—a commercial caterer is typically a stand-alone operation and prepares food for consumption off-site. These types of businesses typically cater to wedding functions, conferences, parties, etc. This definition does not apply to a food processing factory supplying pre-prepared meals to a third party.

Council—for the purpose of this document, “council” refers to a local government body (including Local Water Utility) which provides water supply and sewerage services in regional NSW

Contingency plan—a set of procedures for responding to an incident that will affect the quality of liquid trade waste discharged to the sewerage system. The plan also encompasses procedures to protect the environment from accidental and unauthorised discharges of liquid trade waste, leaks and spillages from stored products and chemicals.

Concurrence—under s. 90(1) of the *Local Government Act 1993* and cl. 28 of the Local Government (General) Regulation 2021, council must obtain the written concurrence of the Secretary of the Department of Planning Industry and Environment prior to approving the discharge of liquid trade waste to council's sewerage system. The department's Water Utilities Branch provides concurrence on behalf of the Secretary.

Due Diligence Program—a plan that identifies potential health and safety, environmental or other hazards (e.g. spills, accidents or leaks) and appropriate corrective actions aimed at minimising or preventing the hazards.

Effluent—the liquid discharged following a wastewater treatment process.

Effluent Improvement Plan (EIP)—the document required to be submitted by a discharger who fails to meet the acceptance limits set down in council's approval conditions and/or liquid trade waste agreement. The document sets out measures taken by a discharger in order to meet the acceptance limits within the agreed timeframe.

Fast food outlet —a food retailing business featuring a very limited menu, precooked or quickly prepared food, and take-away operations. Premises of this nature include KFC, McDonalds, Red Rooster, Pizza Hut, Hungry Jack's, Burger King, etc.

Galley waste —liquid waste from a kitchen or a food preparation area of a vessel; not including solid wastes.

Greywater—wastewater from showers, baths, spas, hand basins, laundry tubs, washing machines, dishwashers or kitchen sinks.

Heavy Metals —metals of high atomic weight which in high concentrations can exert a toxic effect and may accumulate in the environment and the food chain. Examples include mercury, chromium, cadmium, arsenic, nickel, lead and zinc.

Housekeeping—a general term, which covers all waste minimisation activities connected within the premises as part of its operation.

Industrial Discharges—industrial liquid trade waste is defined as liquid waste generated by industrial or manufacturing processes. Examples are provided in Trade Waste Management Guidelines 2021.

Liquid Trade Waste—all liquid waste other than sewage of a domestic nature discharged to the sewerage system.

Mandatory Concurrence—for the liquid waste in Classification C, councils need to obtain concurrence for approval of each discharge. The Water Utilities Branch of the Department provides concurrence on behalf of the department's Secretary.

Methylene Blue Active Substances (MBAS) —anionic surfactants. Their presence and concentration are detected by measuring colour change in a standard solution of methylene blue dye.

Minimal Pre-treatment—for the purpose of this document this means sink strainers, basket arrestors for sink and floor waste, plaster arrestors and fixed or removable screens.

Mixed Business—a general store that sells a variety of goods and may also prepare some food.

Open Area—any unroofed process, storage, washing or transport area where rainwater potentially can be contaminated.

Pan—any moveable receptacle kept in a closet and used for the reception of human waste.

PFAS—group of manufactured chemicals, containing a component with multiple fluorine atoms, with many specialty applications. Examples are perfluoro octane sulfonate (PFOS) and perfluorooctanoic acid (PFOA). They are used in a range of products, such as textiles, leather, cosmetics, non-stick coatings in cookware, food packaging, and in some types of fire-fighting foam. These chemicals take a long time to break down in humans and the environment and their persistence and bioaccumulation potential pose concerns for the environment and for human health.

Pit latrines/long-drop toilet/pit toilet —a type of toilet that collects faeces and urine directly into a tank or a hole in the ground

Portable Toilet—toilet in which wastes are deposited into a holding tank used on construction sites, caravans, motor homes, boats, trains and at outdoor gatherings. If chemicals are used to control odours, it is referred to as a chemical toilet.

pH—a measure of acidity or alkalinity of an aqueous solution, expressed as the logarithm of the reciprocal of the hydrogen ion (H^+) activity in moles per litre at a given temperature; pH 7 is neutral, below 7 is acidic and above 7 is alkaline.

Premises—has the same meaning as defined in the Local Government Act Dictionary and includes any of the following:

- a building of any description or any part of it and the appurtenances to it
- land, whether built on or not
- a shed or other structure
- a tent
- a swimming pool
- a ship or vessel of any description (including a houseboat)
- a van.

Prescribed Pre-treatment Equipment—standard non-complex equipment used for pre-treatment of liquid trade waste, e.g. a grease arrestor, an oil arrestor/separator, solids arrestor, cooling pit.

Regional NSW—the areas of the state that are not serviced by the Sydney Water Corporation or the Hunter Water Corporation.

Regulation—Local Government (General) Regulation 2021 under the *Local Government Act 1993*.

Secretary—the head of the Department.

Septage—material pumped out from a septic tank during desludging; contains partly decomposed scum, sludge and liquid.

Septic Tank—wastewater treatment device that provides a preliminary form of treatment for wastewater. It provides sedimentation of settleable solids, flotation of oils and fats, and anaerobic digestion of sludge.

Septic Tank Effluent—the liquid discharged from a septic tank after treatment.

Sewage Management Facility—a human waste storage facility or a waste treatment device intended to process sewage and includes a drain connected to such a facility or device.

Sewage of a Domestic Nature—human faecal matter and urine and wastewater associated with ordinary kitchen, laundry and ablution activities of a household, but does not include waste in or from a sewage management facility.

Sewerage System—the network of sewage collection, transportation, treatment and by-products (effluent and biosolids) management facilities.

Sewage treatment works—this is the facility designed to treat sewage. The level of treatment will vary based on the expected quality of the effluent.

Ship-to-Shore Pump-out—liquid waste from a vessel that may be considered for disposal to the sewerage system. This includes on-board toilet wastes, galley wastes and dry dock cleaning waste from maintenance activities.

Sludge—the solids that are removed from wastewater by treatment.

Stormwater Run-off—run-off resulting from rainfall.

Surfactants—the key active ingredient of detergents, soaps, emulsifiers, wetting agents and penetrants. Anionic surfactants react with a chemical called methylene blue to form a blue-chloroform-soluble complex. The intensity of colour is proportional to concentration.

Suspended Solids (SS) —the insoluble solid matter suspended in wastewater that can be separated by laboratory filtration and is retained on a filter.

Total Dissolved Solids (TDS) —total amount of dissolved material in the water.

Total Recoverable Hydrocarbons (TRH)— Both biological and petroleum hydrocarbons which have been extracted (recovered) from a sample. TRH are equivalent to the previously reported Total Petroleum Hydrocarbons (TPH). TRH is reported in fractions with Carbon chain ($C_6 - C_{40}$). TRH with carbon chain $C_6 - C_{10}$ are flammable.

Waste Minimisation—procedures and processes implemented by industry and business to modify, change, alter or substitute work practices and products that will result in a reduction in the volume and/or strength of waste discharged to sewer

Appendix B – Deemed to be Approved Activities

The list of discharges exempts from obtaining of Council's approval (ie considered as Deemed to be approved) is shown in Table B1. Each such discharger must meet standard requirements specified in this Table.

Table B 1 Discharges deemed to be approved

Activity generating waste	Requirements
Beautician	Solvents not to be discharged to sewer
Bed and Breakfast (not more than 10 persons including proprietor)	Sink strainers in food preparation areas Housekeeping practices (see Note 4)
Cooling tower <500L/h	No chromium-based products to be discharged to the sewer
Crafts ceramic, pottery, etc. (including hobby clubs) <ul style="list-style-type: none"> flows <200 L/d flows 200-1,000 L/d 	Nil
	Plaster arrestor required
Delicatessen (no hot food prepared)	Sink strainers in food preparation areas Housekeeping practices (see Note 4)
Dental technician	Plaster arrestor required
Dental mobile (no amalgam waste)	Nil
Dog/cat grooming/animal wash only	Dry basket arrestor for floor waste outlets and sink strainer required (see Note 3) Animal litter and any disposable waste products must not be discharged to sewer Organophosphorus pesticides are prohibited to be discharged to sewer
Florist	Dry basket arrestor for floor waste outlet and sink strainer required Herbicides/pesticides are not permitted to be discharged to sewer
Fruit and vegetable – retail	Dry basket arrestor for floor waste outlet and sink strainer required (see Notes 3 and 5)

Hairdressing	Dry basket arrestor for floor waste outlet and sink strainer, hair trap
Jewellery shop <ul style="list-style-type: none"> • miniplater • ultrasonic washing • precious stone cutting 	Miniplater vessel to contain no more than 1.5 L of precious metal solution
	Nil
	If: < 1000 L/d plaster arrestor required > 1000 L/d general purpose pit required
*Medical centre/doctor surgery/physiotherapy *(Only if plaster cast are made onsite)	Plaster arrestor required, if plaster of paris casts are used
Mobile cleaning units <ul style="list-style-type: none"> • carpet cleaning • garbage bin washing 	20-micron filtration system fitted to a mobile unit
	Dry basket arrestor for floor waste outlet required. Discharge via grease arrestor (if available)
Motel (no hot food prepared and no laundry facility)	Dry basket arrestor for floor waste outlet and sink strainer required (see Note 3) Housekeeping practices (see Note 4)
Nut shop	Dry basket arrestor for floor waste outlet and sink strainer required (see Note 3)
Optical service - retail	Solids settlement tank/pit required
Pet shop – retail	Dry basket arrestor for floor waste outlet and sink strainer required (see Note 2) Animal litter and any disposable waste products must not be discharged to sewer Organophosphorus pesticides are prohibited to be discharged to sewer
Pizza reheating for home delivery	Housekeeping practices (see Note 4)
Venetian blind cleaning	Nil (see Note 2)

Notes:

1. Where “required” is used, it means as required by council.
2. If activity is conducted outdoors, the work area is to be roofed and bunded to prevent stormwater ingress into the sewerage system.
3. Dry basket arrestors must be provided for all floor waste outlets.
4. Food preparation activities need to comply with sound housekeeping practices including:
 - (a) floor must be dry swept before washing
 - (b) pre-wiping of all utensils, plates, bowls etc. to the scrap bin before washing up

-
5. Use of a food waste disposal unit (garbage grinder) and/or a food waste processing unit (food waste digester, composter etc) is not permitted.

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Appendix C - Prohibited or restricted substances and wastes from discharge to sewer

This Appendix provides additional information regarding substances and waste either prohibited or restricted from being discharged to sewer (as indicated in Table 2 of this Policy).

C1 Stormwater from open areas

The ingress of stormwater into the sewerage system can cause operational problems and result in sewer overflows, as the sewerage system does not have the capacity for such flows. Under clause 137A of the Regulation, the discharge of roof, rain, surface, seepage or groundwater to a sewerage system is prohibited unless specifically approved.

However, it may not be practical or feasible to totally prevent stormwater contamination and ingress into a sewerage system from some non-residential premises.

The discharge of limited quantities of stormwater (generally, 10 mm of rain) from sealed areas can be considered when roofing cannot be provided due to safety or other important considerations. In such instances, the applicant should take measures to minimise the contamination of stormwater and the volume of stormwater entering the sewerage system (e.g. first flush systems, flow separation, bunding, on-site detention, etc.). The discharge from unsealed areas is not permitted.

Refer to Trade Waste Management Guidelines 2021 for further information.

C2 Contaminated groundwater

Similar to stormwater, discharge of groundwater or seepage water to a sewerage system is prohibited under clause 137A of the Regulation. Accordingly, groundwater extracted during construction activities (e.g. building/road construction activities, vacuum excavation, mining/exploration works, etc.) is not permitted to be discharged to Council's sewerage system directly or indirectly.

However, groundwater previously contaminated by human activities (e.g. service station remediation sites) may be considered for discharge to the sewerage system. Limited quantities of groundwater from remediation projects may be accepted under controlled conditions after appropriate pre-treatment for a limited period.

C3 Discharge of landfill leachate

The discharge of leachate from municipal waste landfills to the sewerage system may be considered under controlled conditions, if there is no other viable option of managing this waste and the discharge is within the Council's acceptance limits.

The proponent when seeking approval to discharge leachate to sewer needs to demonstrate that a sound stormwater management plan has been developed and implemented. The plan needs to address:

- segregation of potentially contaminated areas from uncontaminated areas

-
- prevention of surface runoff entering leachate collection ponds/dams and to Council sewerage system.
 - appropriate pre-treatment to meet Council's acceptance limits

Only the excess leachate after on-site management within the premise will be considered for sewer discharge, if it meets Council's acceptance criteria. On-site pre-treatment to reduce ammonia levels (and other substances, e.g. PFAS) may also be required.

C4 Discharge from float tanks

Float tanks, often referred to as floatation pods, iso-pods (isolation tank), sensory deprivation systems, or REST tanks (restricted environmental stimulation therapy tanks) are typically small, enclosed pods containing about 1,000 litres of water. This water usually contains large quantities of Epsom salts (300 - 700 kg of magnesium sulphate), resulting in total dissolved solids concentration up to 700,000 mg/L.

Discharge of such water to sewer is not permitted due to potential adverse impacts associated with the high salt content on the sewer infrastructure and treatment processes. It is also not appropriate to dispose of such waste to septic tanks or on-site soak wells.

If wastewater is proposed to be transported away for off-site management, the operator of such facilities must provide details of liquid waste transporters and written verification from the receival facilities acknowledging and agreeing to receive such wastewater.

C5 Discharge from service station forecourts and other refuelling points

C5.1 New premises

The discharge of wastewater from service station forecourts and other refuelling points (e.g. at bus depot, etc.) is not permitted.

Refer to NSW EPA Practice Note, titled *Managing Run-off from Service Station Forecourts*, June 2019, for options for managing such wastewater.

C5.2 Existing premises

The discharge from existing service stations and other refuelling areas may be permitted, provided appropriate pre-treatment and discharge control requirements are adhered to. Further information is provided in Chapter 3 and Appendix F of the Liquid Trade Waste Management Guidelines 2021.

If a refuelling area is refurbished, then the discharge from this area must be disconnected from the sewerage system.

C6 Discharges from liquefaction and/or pulverisation of solid waste by physical or chemical processes

The wastewater arising from liquefaction or pulverisation of solid waste by physical (e.g. pulping, macerating) or chemical means (e.g. dissolving solid waste in highly acidic or alkaline solutions) is not permitted to be discharged to the sewerage system.

Accordingly, discharges from the following devices/processes are not permitted.

- **Macerators** or similar devices that pulverising of solid waste. Solid waste includes, but not limited to sanitary napkin, placenta, surgical waste, disposable nappy, mache bedpan/urine containers, food waste, disposable products and animal waste (dog/cat faeces, cat litter).
- **Food waste disposal units**, also known as in-sink food waste disposers or garbage grinders in commercial premises. Discharges from existing installations in hospitals and nursing homes may be permitted, provided that wastewater is discharged through an adequately sized grease arrestor (additional charges will be applied).

If the kitchen is refurbished, the food waste disposal unit must be removed.

- **Alkaline hydrolysis waste**, process where a human or animal tissue is broken down using alkaline solutions at elevated temperatures and pH. The process may be used in animal care facilities, veterinary premises, animal research laboratories, funeral parlours etc. The generated wastewater is of a high strength and may exhibit high loadings on the sewerage system. Accordingly, the wastewater generated by this process is **not** permitted to be discharged to the sewerage system.

C6.1 Discharge from Solid Food Waste Processing Units (digesters/composters, etc.)

Discharge from a solid food waste processing unit (digesters/composters, etc) to a Council's sewerage system is a Concurrence Classification C discharge (ie. Charging Category 3), hence Council needs to obtain concurrence to its approval from the department for individual applications.

The quality of wastewater from this equipment depends on the type of solid waste feed into it and the effectiveness of the on-site pre-treatment, hence frequent sampling will be required for monitoring and charging purposes. Sampling needs to be undertaken by either a council officer or an independent party acceptable to council.

Appropriate on-site pre-treatment needs to be provided prior to combining with any other liquid waste stream that discharges to the Council's sewerage system.

Each application will be assessed on a case by case basis.

C7 Use of additives in pre-treatment systems

The use of bacterial, enzyme and/or odour controlling agents in pre-treatment equipment (eg. in grease arrestors) is prohibited unless specifically approved by Council with the department's concurrence.

C8 Discharge of disposable products marketed as flushable

Any disposable solid products including those marketed as “flushable” (eg. wet wipes, cleaning wipes, cat litter, etc.) is not permitted to flush down the sewerage system.

Contrary to manufacturers’ claims, flushable wet wipes do not breakdown in the sewerage system similarly to a toilet paper and may cause blockages within the premises or in the Council’s sewerage system and may cause raw sewage overflow to the environment.

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Appendix D - Non-residential sewerage and liquid trade waste fees and charges

This Appendix provides information on Council's charging criteria for liquid trade waste customers. Some guidance is also provided on the applicable non-residential sewerage charges.

The best practice pricing for non-residential sewerage and liquid trade waste services are to ensure that liquid trade waste dischargers pay a fair share of the cost of sewerage services provided by Council. Appropriate pricing is essential to provide relevant pricing signals to non-residential and liquid trade waste customers to use water and sewerage system efficiently.

D1 Non-residential sewerage pricing¹¹

A non-residential sewerage bill is based on a cost-reflective two-part tariff with an annual access charge and a uniform sewer usage charge per kL. The total discharged volume to the sewerage system can be either measured (by a flow meter) or estimated using the customer's total water consumption multiplied by a sewer discharge factor.

The sewerage bill for a non-residential customer is calculated as follows:

$$B = SDF \times (AC + C \times UC)$$

Where: B = Annual non-residential sewerage bill (\$)
C = Customer's water annual consumption (kL)
AC = Annual non-residential sewerage access charge as shown below (\$)
SDF = Sewer discharge factor
UC = Sewer usage charge (\$/kL)

Access charge

The sewerage access charge is proportional to the square of the size of the water supply service connection.

$$AC = \left(AC_{20} \times \frac{D^2}{400} \right)$$

Where: AC₂₀ = Annual non-residential sewerage access charge for 20 mm water service connection (\$)
D = Water supply service connection size (mm)

Sewer Usage charge

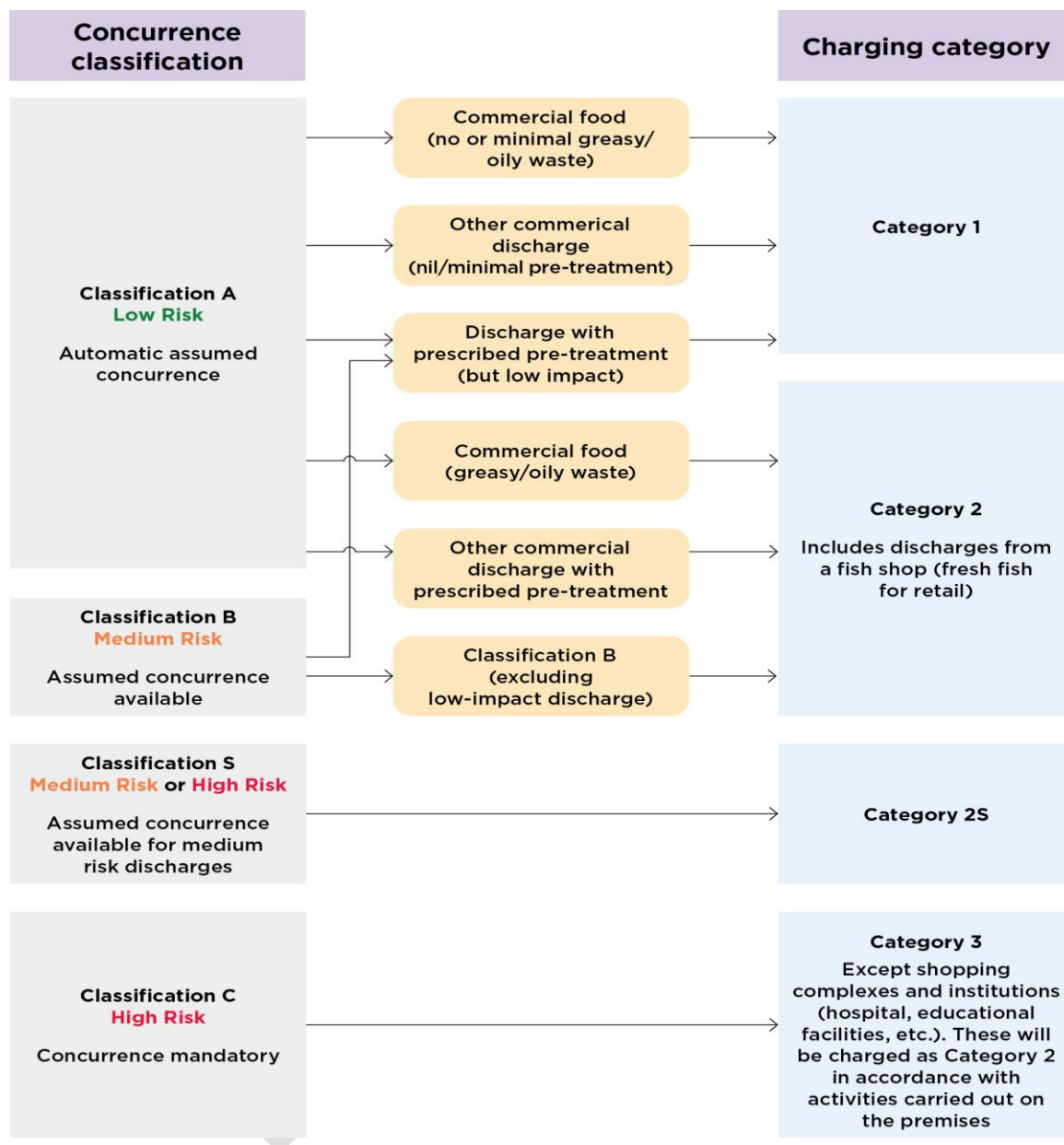
The sewer usage charge (\$/kL) is applied for the total volume of wastewater discharged to the sewerage system.

¹¹ Detailed guidance for calculation of non-residential sewerage prices are provided in the Department's Water Supply, Sewerage and Trade Waste Pricing Guidelines, 2002, Department of Land and Water Conservation

D2 Liquid Trade Waste fees and charges

This section describes various fees and charges associated with liquid trade waste and fees and charges applicable to charging categories. Figure 1 shows the relationship between concurrence classifications and charging categories.

Figure 1 Charging categories for liquid trade waste



In summary, Classification A discharges fall into Charging Category 1 or Category 2. Classification B discharges fall into Charging Category 2, except for a few discharges with low impact on the sewerage system which fall into Category 1. Classification S discharges fall into Charging Category 2S and Classification C discharges fall into Charging Category 3.

D2.1 Description of various trade waste fees and charges

Followings sections describe various trade waste fees and charges and the methodology of calculating them.

D2.1.1 Application fee

The application fee recovers the costs of administration and technical services provided by Council in processing a liquid trade waste application. This fee varies for different charging categories to reflect the complexity of processing the application.

D2.1.2 Annual trade waste fee

The purpose of this fee is to recover the costs incurred by council for ongoing administration and scheduled inspections, in order to ensure that the discharge complies with the approval conditions.

As part of an inspection, Council may undertake monitoring which may include, but is not limited to, flow measurement and the sampling. In general, cost of one inspection is included in the annual fee, in particular for Category 1 and 2 discharges.

Annual liquid trade waste fee varies for different charging categories in order to reflect the complexity of their inspection and administration requirements. In particular, for Category 3 discharges, Council may opt to set the annual fee on a case by case basis to reflect the complexity of monitoring requirements and the extent of inspection.

Refer to section D8.4 with regard to annual fees applicable to premises with **multiple activities**.

Council may require a discharger to pay for monitoring (quantity and quality) based on full cost recovery.

D2.1.3 Inspection fee/re-inspection fee

Cost of one inspection is usually included in annual liquid trade waste fee for charging categories 1 and 2.

However, it may be required to conduct un-planned inspections or re-inspections of a premise (e.g. non-compliance with approved conditions, investigating an accident, etc.). Also, more frequent inspections may be necessary for large and industrial discharges.

Where **more than one inspection** is undertaken in a financial year and/or the cost of inspections is not included in the annual fee, the cost may be recovered from the discharger as the re-inspection fee.

Council may recover the cost of sample analysis from the discharger, in addition to the re-inspection fee.

D2.1.4 Renewal fee

Council may apply a renewal fee if an existing approval needs to be renewed or modified.

D2.1.5 Category specific charges

The following sections describe the charging categories and relevant fees and charges. If a discharge is not listed, council will determine (with the consultation of the department) the relevant charging category, based on the quality and the quantity of discharge.

D3 Category 1 discharger

This charging category includes:

- Classification A discharges (both commercial retail non-oily/greasy food preparation and other commercial discharges, listed below)
- Classifications B discharges identified as low risk.

Some of the above discharges may require prescribed pre-treatment to be installed however, the treated effluent is considered to have a low impact on the sewerage system.

Classification A discharges – commercial retail food preparation activities that do not generate or generate minimal oily/greasy waste: bakery (only bread baked on-site), bistro (sandwiches, coffee only), boarding/hostel < 10 persons, café/coffee shop/coffee lounge (no hot food), canteen/cafeteria (no hot food), community hall/civic centre (minimal food), day care centre (minimal hot food), delicatessen (minimal or no hot food), fruit and vegetable shop, hotel/motel (minimal hot food), ice cream parlour (take away only), juice bar, mobile food van (no hot food), mixed business (minimal hot food), nightclub (no hot food), nut shop, pie shop (re-heating only), pizza no cooking/reheating (pizza heated and sold for consumption off-site), potato peeling (small operation), sandwich shop/salad bar/snack bar (no hot food), take away food outlet (no hot food), school canteen with minimal hot food.

Classification A discharges from other commercial activities: animal wash, beautician/tanning booths/hairdressing, crafts ≤ 1,000 L/d, dental surgery/dental technician (plaster casts), dry cleaning, florist, funeral parlour, jewellery shop, medical centre/physiotherapy (plaster casts), mobile cleaning units, morgue, optical service, pet shop, plants retail (no nursery), non-residential swimming pool/hydrotherapy, veterinary.

Classification A or B discharges with prescribed pre-treatment and low impact on the sewerage system: boiler blowdown, cooling tower, industrial boilers, laboratory (analytical/pathology/tertiary institution), laundry/laundromat, primary and secondary school¹², vehicle washing/detailing (excluding truck washing).

D3.1 Category 1 discharger - Liquid trade waste charges

D3.1.1 “Deemed to be approved” discharges

For “Deemed to be approved discharges” (refer to Appendix B), the annual liquid trade waste fee for a category 1 discharger will be applicable.

¹² If significant hot food preparation is carried out, Category 2 charges may be levied by council.

D3.1.2 Category 1 discharger, other than “deemed to be approved”

Category 1 discharger who installs recommended appropriate pre-treatment equipment and maintains them regularly will be required to pay **only** the annual fee nominated for Category 1.

Liquid trade waste bill for Category 1 discharger (TW_1)

$$TW_1 = A_1$$

A_1 = Annual liquid trade waste fee (\$) for Category 1

D4 Category 2 discharger

Category 2 liquid trade waste dischargers are those discharging waste generated by an activity listed below:

Classification A discharges – commercial retail food preparation/serving activities that generate oily/greasy waste: bakery (pies, sausage rolls, quiches, cakes, pastries with creams or custards), bistro, boarding house/hostel kitchen (exceeding 10 persons), butcher, café/coffee shop/coffee lounge (with hot food), cafeteria/ canteen (with hot food), chicken/poultry shop –fresh/roast, retail BBQ/charcoal chicken, day care centre with hot food, club, civic centre/community hall¹³, commercial kitchen/caterer, delicatessen with hot food, fast food outlet, fish shop (retail and cooking on-site), function centre, hotel, ice cream parlour, mixed business (hot food), mobile food van (base), motel, nightclub, nursing home, patisserie, pizza cooking, restaurant, sandwich shop/salad bar/snack bar (with hot food), supermarket, take away food outlet with hot food, school canteen with hot food.

Classification A discharges – other commercial discharges: car detailing, craft activities > 1000 L/d, lawnmower repairs, mechanical workshop, stone working, surfboard manufacture (wet process only).

Classification B discharges: auto dismantler, bus/coach depot, bakery (wholesale), butcher (wholesale) construction equipment maintenance and cleaning, boutique or artisan foods, engine reconditioning, equipment hire, maintenance and cleaning, fish co-op, graphic arts, hospital, micro-brewery, oyster processing – shucking, panel beating, radiator repairer, screen printing, service station forecourt, shopping complex, truck washing (platforms/flat beds) and truck washing (external).

D4.1 Category 2 discharger - Liquid trade waste charges

Category 2 discharger who installs appropriate pre-treatment equipment and maintains them will pay annual fee nominated for Category 2 plus the trade waste usage charge.

Liquid trade waste bill for Category 2 discharger (TW_2),

$$TW_2 = A_2 + Q_{TW} \times C_2$$

A_2 = Annual liquid trade waste fee (\$) for Category 2

Q_{TW} = Total liquid trade waste discharge volume (kL)

C_2 = Trade waste usage charge (\$/kL)

¹³ If the type and size of kitchen fixtures installed enable catering for large functions.

The liquid trade waste discharge volume is generally estimated by applying a Trade Waste Discharge Factor (TWDF) to the total water consumption unless a discharge meter is installed.

D5 Category 2S discharger

Category 2S dischargers include:

- **transporters who tanker human waste** to council's STWs - septic tank waste (effluent and septage), ablution block waste (blackwater and greywater), portable toilet waste, sludge from on-site aerated wastewater treatment systems (AWTS) for **single households**, waste from pit toilets, night soil.
- **ship-to-shore pump out facility owners/operators** - toilet waste and/or grey water
- **owners/operators of 'dump points'** directly connected to the sewer for disposal toilet waste and/or grey water from a bus or a recreation vehicle (RV), e.g. caravan, motor home.

D5.1 Category 2S discharger - Liquid trade waste charges

D5.1.1 Transported human waste

The transporters of human waste will be required to pay waste disposal charge (\$/kL).

Liquid trade waste bill for Category 2S waste transporter (TW_{TW}),

$$TW_{TW} = A_{TW} + Q_{TW} \times C_{TW}$$

A_{TW} = Annual fee (\$) for transported waste

Q_{TW} = Transported human waste volume (kL)

C_{TW} = Charging rate (\$/kL) for the transported waste (may vary based on the type of waste transported)

Note: Charging rate C_{TW} can be varied for different type of waste, i.e. septic waste, ablution block waste, sludge from AWTS, pit toilets etc. Refer to Council's annual Management Plan.

D5.1.2 Ship-to-shore waste pump-out facility

The owner/operator of a ship-to-shore waste receival facility will be required to pay an annual fee and waste disposal charge based on the discharge volume (\$/kL), if practical to estimate the discharge volume. If the discharge volume cannot be established, council may negotiate the waste disposal charge based on the expected discharge volume.

Liquid trade waste bill for ship-to-shore pump out facility owner (TW_{STS}),

$$TW_{STS} = A_{STS} + Q_{TW} \times C_{STS}$$

A_{STS} = Annual fee (\$)

Q_{TW} = Discharge volume (kL) (measured or negotiated)

C_{STS} = Charging rate (\$/kL)

Note: The above charges are applicable to owners/operators of ship-to-shore pump out facility discharging such waste directly to council's sewerage system and **not** to individual or commercial boat owners using the facility. This policy does not provide information on how to charge individual boat owners using a facility to dispose of their wastewater.

D5.1.3 Waste dump points

Dump points are often located in public places (roadside), hence the monitoring of discharge volumes is not practical. Accordingly, only an annual fee is applied for stand-alone dump points.

Liquid trade waste bill for dump point operator (TW_{DP}) (if applicable),

$$TW_{DP} = A_{DP}$$

A_{DP} = Annual fee for dump point (\$)

D6 Category 3 discharger

Category 3 liquid trade waste dischargers are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes of liquid trade waste to the sewerage system. Any Category 1 or 2 discharger whose volume exceeds the limits shown below becomes a Category 3 discharger (excluding shopping centres and institutions):

Classification A discharge > 20 kL/d

Classification B discharge – as shown in Chapter 5 of the Guidelines.

Classification C discharges include: abattoir, acid pickling, adhesive/latex manufacture, agricultural and veterinary drugs, anodising, bitumen and tar, bottle washing, brewery, cardboard and carton manufacture, carpet manufacture, caustic degreasing, chemicals manufacture and repackaging, contaminated site treatment, cooling towers, cosmetics/perfumes manufacture, cyanide hardening, dairy processing* (milk/cheese/yoghurt/ice cream, etc.), detergent/soaps manufacture, drum washing, egg processing, electroplating, extrusion and moulding (plastic/metal), feather washing, fellmonger, felt manufacture, fertilisers manufacture, fibreglass manufacture, filter cleaning, foundry, food processing* (cereals/cannery/condiments/confectionary/edible oils/fats/essence/flavours/fish/fruit juice/gelatine/honey/meat/pickles/smallgoods/tea and coffee/vinegar/yeast manufacture, etc.), food waste processing unit (digester/composter), fruit and vegetable processing, flour milling, galvanising, glass manufacture, glue manufacturer, ink manufacture, laboratories (excluding those in Category 1 & 2), liquid wastewater treatment facility (grease trap receipt depot and other pump-out waste depot), metal finishing, metal processing (refining/rolling/non-cyanide heat treatment/phosphating/photo engraving/printed circuit etching/sheet metal fabrication etc.), mirrors manufacture, oil recycling (petrochemical) and refinery, paint stripping, paint manufacture, paper manufacture, pet food processing, plants nursery (open areas), pharmaceuticals manufacture, plaster manufacture, powder coating, potato processing, poultry processing, printing (newspaper, lithographic), saleyards, sandblasting, seafood processing, slipway, soft drink/cordial manufacture, starch

manufacture, sugar refinery, tanker washing, tannery, timber processing (joinery and furniture/plywood/hardwood), textile manufacture (wool dyeing/spinning/scouring), tip leachate, transport depot/ terminal, truck washing (internal), waxes and polishes, water treatment backwash, wholesale meat processing, winery, distillery, wine/spirit bottling.

* Excluding small boutique, craft or artisan food industries not exceeding the discharge volume shown in the *Liquid Trade Waste Management Guidelines, 2021*.

D6.1 Category 3 discharger - Liquid trade waste charges

D6.1.1 Excess mass charges

Category 3 discharger will be required to pay the annual liquid trade waste fee plus excess mass charges.

Liquid trade waste bill for Category 3 discharger (TW_3),

$$TW_3 = A_3 + EMC$$

A_3 = Annual liquid trade waste fee (\$)**

EMC = Excess mass charges (\$)

Note: **Annual fee may vary for different business activities, depending on the complexity and time taken for inspection.

How excess mass charges are calculated

Excess mass charges will be applicable for substances discharged in excess of the 'Deemed Concentrations' in domestic sewage. For the purpose of excess mass charge calculation, the deemed concentrations of substances in domestic sewage are listed in Table D1.

Table D1 Deemed concentration of substances in domestic sewage

Substance	Concentration (mg/L)
Biochemical Oxygen Demand (BOD ₅)	300
Suspended Solids	300
Total Oil and Grease	50
Ammonia (as Nitrogen)	35
Total Kjeldahl Nitrogen	50
Total Phosphorus	10
Total Dissolved Solids	1000
Sulphate (SO ₄)	50 [#]

[#] The concentration in the potable water supply to be used if it is higher than 50 mg/L.

NB. Substances not listed above are deemed not to be present in domestic sewage.

For excess mass charge calculation, equation (1) below will be applied for all parameters including for BOD₅ up to 600 mg/L (but excluding COD and pH).

$$EMC (\$) = \frac{(S - D) \times Q_{TW} \times U}{1,000}$$

(1)

Where: S = Concentration (mg/L) of substance in sample
D = Concentration (mg/L) of substance deemed to be present in domestic sewage
Q_{TW} = Volume (kL) of liquid trade waste discharged to the sewerage system
U = Unit charging rate (\$/kg) for the substance (note that this rate varies from substance to substance. Refer to council's annual Management Plan for charging rates for various substances)

D6.1.2 Excess mass charges for BOD

BOD up to 600 mg/L

Equation (1) applies for BOD₅ up to 600 mg/L. Note that there are no excess mass charges if the BOD does not exceed 300 mg/L (deemed concentration of BOD in domestic sewage).

Excess mass charges for BOD exceeding 600mg/L

If council approves the acceptance limits for BOD₅ higher than 600mg/L, an exponential type equation will be used for calculation of the charging rate U_e (\$/kg) as shown in equation (2). This provides a strong incentive for dischargers to reduce the strength of waste. Note that equation (5) will be used where the discharger has failed to meet their approved BOD limit on more than two instances in a financial year.

U_e is the excess mass charging rate U_e (\$/kg) for BOD is calculated as:

$$U_e = 2C \times \frac{(\text{Actual BOD} - 300\text{mg/L})}{600\text{mg/L}} \times 1.05^{\frac{(\text{Actual BOD} - 600\text{mg/L})}{600\text{mg/L}}} \quad (2)$$

Where: C = Charging rate (\$/kg) for BOD₅ 600mg/L

Actual BOD= Concentration of BOD₅ as measured in a sample

D6.2 Tankered Category 3 waste

In some instances, liquid waste that falls into Charging Category 3 is transported to the STW. Examples of such waste may include tankered landfill leachate or dairy waste from un-sewered areas. In such instances, council will determine the appropriate approval holder (waste generator or the transporter) and invoice accordingly.

D7 Non-compliance liquid trade waste charges

Non-compliance charges for Category 1 and 2 dischargers

If the discharger has not installed or maintained appropriate pre-treatment equipment, the following non-compliance trade waste usage charges will be applied for the relevant billing period:

D7.1 Category 1 discharger - non-compliance charges

The trade waste usage charge (\$/kL) as per Council's Management Plan will be applied.

D7.2 Category 2 discharger – non-compliance charges

For Category 2 discharger, a non-compliance charge will be levied as outlined in the Council's Management Plan

Dischargers who have an undersized grease arrestor and improved the effluent quality by other means (e.g. increased pump-outs, installing additional pre-treatment equipment, etc.) will pay a trade waste usage charges in accordance with a Category 2 discharger.

Dischargers who cannot install a grease arrestor or those who have an arrestor with capacity significantly less than the required size and are unable to improve the effluent quality by means described above will have to pay non-compliance trade waste usage charges, as per category 2 non-compliance charge above.

D7.3 Non-compliance charges for Category 3 discharger

If a discharger in charging Category 3 fails to comply with the acceptance limits specified in council's approval conditions, following non-compliance charges will be applicable.

D7.3.1 Non-compliance pH charge

If the pH of the waste discharge by Category 3 discharger is outside the approved range, equation (3) is used for the calculation of non-compliance pH charges. This equation provides an incentive for dischargers to install and properly maintain a pH correction system, so their waste remains within the approved pH limits.

Charging rate for pH, if outside the approved range =

$$K \times |\text{actual pH} - \text{approved pH}|^{\#} \times 2^{| \text{actual pH} - \text{approved pH} |^{\#}} \quad (3)$$

Absolute value to be used.

K = pH coefficient in \$

Example:

Council has approved the pH range 7.0 to 9.0 for a large discharger. pH coefficient (K) listed in council's Management Plan is \$0.45

Case 1: pH measured 6.0

$$\text{Charging rate for pH (\$/kL)} = 0.45 \times |6 - 7|^{\#} \times 2^{|6 - 7|^{\#}} = \$0.90/\text{kL}$$

Case 2: pH measured 11.0

$$\text{Charging rate for pH (\$/kL)} = 0.45 \times |11 - 9|^{\#} \times 2^{|11 - 9|^{\#}} = \$3.60/\text{kL}$$

Absolute value to be used.

D7.3.2 Non-compliance excess mass charges

Equation (4) shall apply for non-compliance excess mass charges for various substances, except for BOD₅ where equation (5) shall apply to calculate the charging rate.

$$\text{Non - compliance Excess Mass Charges (\$)} = \frac{(S-A) \times Q \times 2U}{1000} + \frac{(S-D) \times Q \times U}{1000} \quad (4)$$

Where: S = Concentration (mg/L) of a substance in sample

A = Approved maximum concentration (mg/L) of pollutant as specified in council's approval (or liquid trade waste policy)

Q = Volume (kL) of liquid trade waste discharged for the period of non-compliance

U = Excess mass charging rate (\$/kg) for the substance, as shown in council's annual Management Plan

D = Concentration (mg/L) of the substance deemed to be present in domestic sewage

D7.3.3 Non-compliance excess mass charges for BOD

The non-compliance excess mass charging rate (U_n) for BOD₅ is calculated by using equation (5):

U_n is the BOD₅ non-compliance excess mass charging rate in (\$/kL).

$$U_n = 2C \times \frac{(A - 300\text{mg/L})}{600\text{mg/L}} \times 1.05^{\frac{(A - 600\text{mg/L})}{600\text{mg/L}}} + 4C \times \frac{(\text{Actual BOD} - A)}{600\text{mg/L}} \times 1.05^{\frac{(\text{Actual BOD} - A)}{600\text{mg/L}}} \quad (5)$$

D8 Other applicable liquid trade waste charges

D8.1 Solid food waste processing unit

Discharge of waste from a solid food waste processing unit (digester/composter) is classified as Concurrence Classification C and is in charging Category 3.

Excess mass charges for all parameters in excess of the deemed concentrations in domestic sewage and non-compliance charges, above the council's acceptance limits, will be applicable to the waste stream from such equipment (refer s. D6.1 for further information).

In addition, the discharger needs to bear the cost of frequent sampling as the quality of wastewater dependent on the solid waste input to the processing unit and the effectiveness of the on-site pre-treatment equipment.

D8.2 Discharge of stormwater from large open areas or large quantities of groundwater to the sewerage system

The discharge of roof, rain, surface, seepage or ground water to the sewerage system is prohibited under clause 137A of the Local Government (General) Regulation 2021 and this policy. Consideration will be given to the acceptance of limited quantities of contaminated stormwater (first flush stormwater) based on a case-by-case assessment.

If stormwater run-off from a large areas or groundwater is approved for discharge to sewer for a Category 3 discharger (e.g. saleyards), a volume based charge similar to the non-compliance usage charging rate (\$/kL) for Category 2 will be applied (e.g. 5 to 10 times of Usage charging rate listed in council's Management Plan. Excess mass charges may be also applied to such discharges.

D8.3 Charges for premises with multiple liquid trade waste streams

Examples of premises with multiple waste streams include:

- shopping centres
- commercial strata units
- institutions, e.g. hospitals, tertiary educational facilities and correctional centres
- other premises with multiple waste streams, e.g. premises comprising food cooking/serving activities and “Boutique/artisan food” businesses. For example, a liquid trade waste application may include a restaurant or a hotel, a microbrewery, a chocolate making and/or a cheese making shops, all located on the same site.

D8.3.1 Shopping centre

Council will apply a trade waste usage charge based on the estimated trade waste discharge volume.

The annual liquid trade waste fee will be levied as follows:

Pre-treatment	Annual fees
Individual pre-treatment equipment	A bill to the management that covers all discharges in accordance with the relevant charging category
Shared pre-treatment equipment	Annual fee to centre management as per management plan for category 2, which covers up to four waste streams. A reduced annual fee to be levied for each additional waste stream.

D8.3.2 Commercial strata title units

Councils will issue individual liquid trade waste bills to each owner of the strata title unit

D8.3.3 Hospitals, tertiary educational facilities and correctional centres

Council will generally issue a liquid trade waste bill to the management of the above premises.

The annual fee will be in accordance with the relevant charging category, which is category 2 for hospitals and educational facilities. A correctional centre may fall into category 3 if industrial activities are carried out on-site.

Council will apply trade waste usage charge based on the estimated trade waste discharge volume.

If food preparation activities are carried out by an outside contractor, e.g. take away food outlets in the educational facilities. Council may issue a separate liquid trade waste bill to such individual shops, where practical. It may require an individual water meter or a check meter to be installed at the relevant service line.

D8.3.4 Other premises with multiple waste streams

There are some premises where various “boutique type” businesses are located on the same site as restaurants, café, etc. For example, a premise may include a restaurant, a microbrewery, a chocolate making shop and a cheese making business, all owned by the same owner. When a liquid trade waste application includes a few different activities on the same site, council will assess the application and determine the relevant charging categories and applicable fees and charges.

For situations where there are combined liquid waste streams that belong to charging category 2 (classification A and B) and 3 (classification C) and when the category 2 discharge is predominant category 3 trade waste fees and charges be applicable only to classification C discharge and the rest of the site be charged as category 2.

Appendix E – List of discharges Council may approve

E1 Classification A

Discharges from activities that Council can process without seeking Department concurrence, subject to complying with certain requirements.

Food preparation/serving, generating liquid waste, up to 16 kL/day	Other Activities generating liquid waste, up to 5 kL/day
Bakery (retail)	Animal wash (pound, stables, racecourse, kennels, mobile animal wash)
Bed and Breakfast (<10 persons)	Beautician
Bistro	Boiler blowdown
Boarding house/hostel kitchen	Car detailing
Butcher (retail)	Cooling towers
Café/coffee shop/coffee lounge	Craft activities (pottery, ceramics, cutting and polishing of gemstones or making of jewellery)
Canteen	Dental surgery
Cafeteria	Dental technician
Chicken/poultry shop (fresh chicken/game, retail, barbeque/roast chicken)	Dry-cleaning (separator water, boiler)
Club (kitchen wastes)	Florist
Commercial kitchen/caterer	Funeral parlour/morgue
Community hall/civic centre/function centre (kitchen waste)	Hairdressing
Day care centre	Jewellery shop
Delicatessen	Laboratory (pathology/analytical)
Doughnut shops	Laundry or laundromat (coin operated)
Fast food outlets (McDonalds, KFC, Burger King, Hungry Jack, Pizza Hut, Red Rooster, etc.)	Lawnmower repairs
Fish shop (retail—fresh and/or cooked)	Mechanical repairs/workshop
Fruit and vegetable shop (retail)	Medical centre/doctor surgery/physiotherapy—plaster of paris casts, laboratory
Hotel	Mobile cleaning units
Ice-cream parlour	Nursing home (other than

Food preparation/serving, generating liquid waste, up to 16 kL/day	Other Activities generating liquid waste, up to 5 kL/day
	food-related activities)
Juice bar	Optical services
Mixed business	Per shop (retail)
Mobile food van	Photographic tray work/manual development
Motel	Plants retail (no nursery or open space)
Nightclub	School (other than kitchen waste)
Nursing home kitchen	Stone working
Nut shop	Surfboard manufacturing (wet process only)
Patisserie	Swimming pools/spas/hydrotherapy pools
Pie shop	Vehicle (car) washing (by hand/wand, automatic car wash/bus wash/external truck wash or underbody/engine degrease only)
Pizza shop	Venetian blind cleaning
Restaurant	Veterinary surgery
Salad bar	
Sandwich shop	
School – canteen, home science	
Snack bar	
Supermarket (with butcher/bakery/delicatessen/seafood or roasted chicken)	
Take away food shop	

E2 Classification B

Activity	Maximum daily discharge volume (kL)
Auto-dismantler	20
Bus/coach depot with an existing refuelling point and/or a dump point	20
Bakery (wholesale) – bread only	16
Boutique, craft or artisan food: e.g. honey processing, confectionary, jams, pickles, juices, cheese	1 (not to exceed 5 kL/week)
Butcher (wholesale)	16
Construction equipment and equipment hire maintenance and cleaning	20
Cooling towers over 500 L/h (non-industrial)	20
Educational facilities – tertiary institution (TAFE, university, etc.)	No limit
Engine reconditioning	5
Fish co-op	20
Hospital	No limit
Laboratory Tertiary Institution, except animal health or agricultural research, PC2 and PC3 laboratories	5
Micro brewery	5 (not to exceed 10 kL/week)
Oyster processing – shucking	20
Panel beating	20
Photographic - Graphic arts	5
Radiator repair	5
Screen printing	20
Service station covered forecourt/ other refuelling points (existing only)	5
Shopping complex	No limit
Truck washing - truck platforms/flatbed/garbage truck	20
More than four (4) Concurrence Classification A discharges from a single premises or a complex (excluding discharges from activities deemed to be approved on the list shown in Appendix D).	Refer to volume restrictions for the relevant activity

Appendix F - Framework for regulation of liquid trade waste

F1 The NSW framework for regulation of sewerage and trade waste

The NSW framework is driven by the NSW Government's *Best Practice Management of Water Supply and Sewerage Guidelines, 2007*. Sound regulation of sewerage and liquid trade waste is a key element of the 2007 guidelines, and requires each council to implement all the following integrated measures:

1. Preparation and implementation of a sound trade waste regulation policy, assessment of each trade waste application and determination of appropriate conditions of approval. The conditions must be consistent with the LWU's *Integrated Water Cycle Management Strategy* and demand management plan. In addition, execution of a liquid trade waste services agreement is required for large dischargers to assure compliance.
2. Preparation and implementation of a sound *Development Servicing Plan*, with commercial sewerage developer charges to ensure new development pays a fair share of the cost of the required infrastructure.
3. Full cost recovery with appropriate sewer usage charges and trade waste fees and charges in order to provide the necessary pricing signals to dischargers. These charges must include non-compliance trade waste usage charges and non-compliance excess mass charges in order to provide the necessary incentives for dischargers to consistently comply with their conditions of approval.
4. Monitoring, mentoring and coaching of dischargers in order to achieve cleaner production and assist them to comply with their conditions of approval.
5. Enforcement, including appropriate use of penalty notices in the NSW legislation. Orders may also be issued under the *Local Government Act 1993*.
6. Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval.

Together, the above six measures comprise the NSW framework for regulation of sewerage and trade waste. The framework involves a preventive risk management approach, which has been developed to address the use of common pool resources by providing economic incentives for dischargers to minimise their waste and to consistently comply with their conditions of approval.

F2 Alignment with the national framework for wastewater source management

The NSW framework for regulation of sewerage and trade waste is outlined in section 3.1. The NSW framework is driven by the NSW Government's *Best-Practice Management of Water Supply of Sewerage Guidelines, 2007* and is consistent with that in the *National Framework for Wastewater Source Management*.¹⁴

In particular, under the *Best-Practice Management Guidelines* each LWU is required to achieve the following outcomes:

- Prepare and implement a 30-year Integrated Water Cycle Management Strategy, demand management plan, pay-for-use water supply pricing and community and customer involvement (Elements 1, 6, 8)
- Annual performance monitoring, including an annual triple bottom line (TBL) Performance Report and Action Plan to identify and address any areas of under-performance (Elements 5, 6, 9, 10, 11, 12)
- Achieve full cost recovery for water supply, sewerage and trade waste services and apply an appropriate non-residential sewer usage charge (Elements 3, 8)
- Prepare and implement a sound trade waste regulation policy and issue an appropriate approval to each trade waste discharger, including waste minimisation and cleaner production (Elements 1, 2, 3, 4, 7, 8)
- Appropriate trade waste fees and charges (including incentives to comply with LWU's approval conditions through non-compliance trade waste usage charges and non-compliance excess mass charges) (Elements 3, 8)
- Trade waste services agreement for large dischargers to assure compliance (Elements 3, 8)
- Appropriate training of LWU staff and monitoring, mentoring and coaching of trade waste dischargers (Elements 1, 4, 5, 7, 8)
- Enforcement, including appropriate use of penalty notices or orders (Elements 3, 8)
- Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval (Element 8).

¹⁴ The following 12 elements of the *National Framework for Wastewater Quality Management*:

COMMITMENT

1. Commitment to Wastewater Source Management

SYSTEM ANALYSIS and MANAGEMENT

2. Assessment of the Wastewater System
3. Preventive Measures for Wastewater Input Quality Management
4. Operational Procedures and Process Control
5. Verification of Wastewater Inputs Quality
6. Management of Incidents/Complaints and Emergencies

SUPPORTING REQUIREMENTS

7. Employee Awareness and Training
8. Customer and stakeholder involvement and awareness
9. System Validation and Research and Development
10. Documentation and Reporting

REVIEW

11. Evaluation and Audit
12. Review and Continual Improvement

Appendix G – Legislative provisions

Provisions in the Local Government (General) Regulation 2021 in regard to acceptance of liquid trade waste into the sewerage system

Clause 25 Matters to accompany applications relating to discharge into sewers

An application for approval to discharge trade waste into a sewer under the control of a Council or that connects with such a sewer must be accompanied by the information required by Table 1 to the Liquid Trade Waste Management Guidelines[#].

Clause 28 Approval to discharge waste into sewers: concurrence required

A council must not grant an approval under [section 68](#) of [the Act](#) to discharge trade waste (whether treated or not) into a sewer of the council unless the Director-General* of the Department of Trade and Investment, Regional Infrastructure and Services (or that Director-General's nominee) has concurred with the approval.

Note: [Section 90](#) (2) of [the Act](#) permits any person or authority whose concurrence is required before an approval may be granted to give the council notice that the concurrence may be assumed (with such qualifications or conditions as are specified in the notice).

Clause 32 Disposal of trade waste

- (1) An approval to dispose of trade waste into a sewer of the council is subject to such conditions (if any) as the council specifies in the approval.
- (2) In imposing any such conditions, the council is to have regard to the matter set out in Table 5 to the Liquid Trade Waste Management Guidelines[#].

Clause 159 Prevention of waste and misuse of water

The owner, occupier or manager of premises to which water is supplied by the council must:

- (a) prevent waste of water by taking prompt action to repair leaking taps, pipes or fittings located on the premises
- (b) take any other action that is reasonable to prevent waste and misuse of water.

137A Substances prohibited from being discharged into public sewers

- (1) For the purposes of [section 638](#) of [the Act](#) (Discharge of prohibited matter into sewer or drain), roof, rain, surface, seepage or ground water is prescribed as prohibited matter.
- (2) This clause does not apply in relation to:
 - (a) a discharge that is specifically approved under [section 68](#) of [the Act](#), or
 - (b) a discharge into a public drain or a gutter of a council, or
 - (c) a discharge in an area of operations within the meaning of the [Sydney Water Act 1994](#) or the [Hunter Water Act 1991](#).

143 Inspection of pipes and drains and measurement of water and sewage

- (1) The council may, at any reasonable time:
 - (a) inspect any service pipe connected to a water main, and

* In accordance with the *Government Sector Employment Act 2013*, this is the Secretary of the NSW Department of Industry.

- (b) inspect any drain connected to a sewer main, and
 - (c) install meters or other devices for measuring the quantity of water supplied to, or the quality and quantity of sewage discharged from, premises, and
 - (d) measure the quantity of water supplied to, or the quality and quantity of sewage discharged from, premises, and
 - (e) inspect any pre-treatment devices connected to the council's sewerage system.
- (2) The occupier of the relevant premises must provide to the council such information as it requires to enable it to estimate the quantity of water actually supplied to, or the quality and quantity of sewage actually discharged from, the premises.
- (3) In this clause, "**pre-treatment device**" means any device used to reduce or eliminate contaminants in trade waste, or to alter the waste's nature, before it is discharged into a sewer.

SCHEDULE 12 – Penalty notice offences

Column 1	Column 2
Offence under Local Government Act 1993	Penalty
Section 626 (3)-carry out without prior approval of council an activity specified in item 4 of Part C (Management of waste) of the Table to section 68	\$330
Section 627 (3)-having obtained the council's approval to the carrying out of an activity specified in item 4 of Part C (Management of waste) of the Table to section 68 , carry out the activity otherwise than in accordance with the terms of that approval	\$330

"Liquid Trade Waste Management Guidelines" means the Guidelines of that name produced by the Department of Energy, Utilities and Sustainability in March 2005, as in force from time to time. The 2005 Guidelines have now been superseded by *Liquid Trade Waste Management Guidelines, 2021*.

SCHEDULE OF INVESTMENTS - 31 AUGUST 2022**External investments**

In accordance with Regulation 212 of the *Local Government (General) Regulation 2005*, details of Murrumbidgee Council's external investments are set out below.

Institution	Balance (\$)	Yield (p.a.)	Maturity	Term (months)	No.
Bendigo	815,164.54	1.60%	2/09/2022	3	28
St George	509,790.12	0.32%	3/09/2022	7	27
IMB Ltd	800,000.00	1.60%	6/09/2022	3	41
NAB	503,154.17	0.40%	7/09/2022	6	23
IMB Ltd	750,661.64	1.75%	8/09/2022	3	42
Westpac	1,000,000.00	2.11%	15/09/2022	3	43
St George	1,002,659.97	1.65%	18/09/2022	5	31
Westpac	1,200,000.00	1.17%	19/09/2022	5	39
Bendigo	3,000,000.00	0.40%	16/10/2022	7	38
Westpac	1,200,000.00	2.99%	21/10/2022	4	30
IMB Ltd	750,863.01	2.40%	3/11/2022	4	29
Bendigo	1,500,000.00	0.45%	16/12/2022	7	40
IMB Ltd	1,012,052.51	3.00%	20/12/2022	6	24
Suncorp - Metway	1,576,296.82	3.30%	9/01/2023	6	34
Bendigo	502,047.64	3.40%	8/02/2023	6	26
Bendigo	1,500,000.00	3.40%	14/02/2023	6	44
Bendigo	3,000,000.00	3.30%	20/02/2023	6	45
Suncorp - Metway	1,500,000.00	3.43%	21/02/2023	6	36
Westpac	1,204,071.89	3.31%	22/02/2023	6	25
Suncorp - Metway	1,000,000.00	3.53%	27/02/2023	6	20
Bendigo	1,200,000.00	3.20%	16/03/2023	7	21
Bendigo	3,000,000.00	3.45%	18/05/2023	9	37
	<u>28,526,762.31</u>				

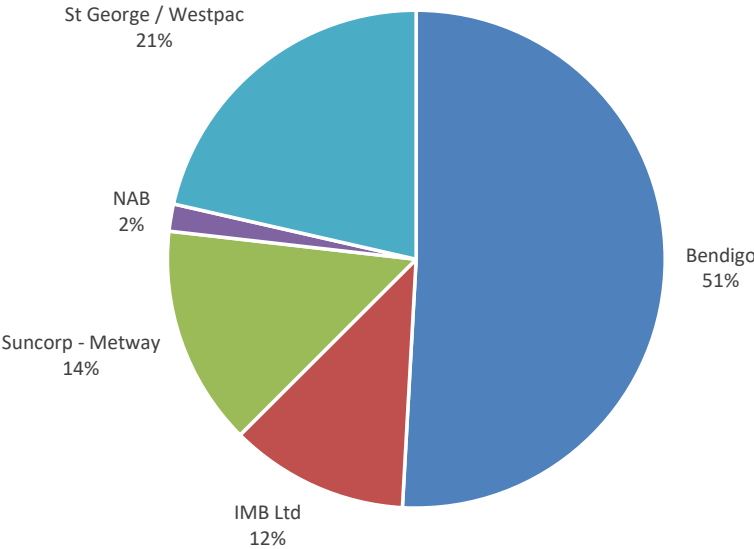
Maturity

All investments comply with the maximum duration set out for each rating category in the *Investment Policy*.

Month	\$	Funds Maturing
August 2022	\$ -	
September 2022	\$ 6,581,430	
October 2022	\$ 4,200,000	
November 2022	\$ 750,863	
December 2022	\$ 2,512,053	
January 2023	\$ 1,576,297	
February 2023	\$ 8,706,120	
March 2023	\$ 1,200,000	
April 2023	\$ -	
May 2023	\$ 3,000,000	
June 2023	\$ -	
	<u>\$ 28,526,762</u>	

Counterparties to Investments

Institution	Balance	S&P / Moody's / Fitch	Highest	Limit	% Invested	Compliant
Bendigo	14,517,212	BBB+ / A3 / A-	A	N/A	50.89%	N/A
IMB Ltd	3,313,577	- / Baa1 / BBB+	BBB	10%	11.62%	●
Suncorp - Metway	4,076,297	A+ / A1 / A	A	14%	14.29%	●
NAB	503,154	AA- / Aa3 / A+	AA	30%	1.76%	●
St George / Westpac	6,116,522	AA- / Aa3 / A+	AA	30%	21.44%	●
	28,526,762				100%	

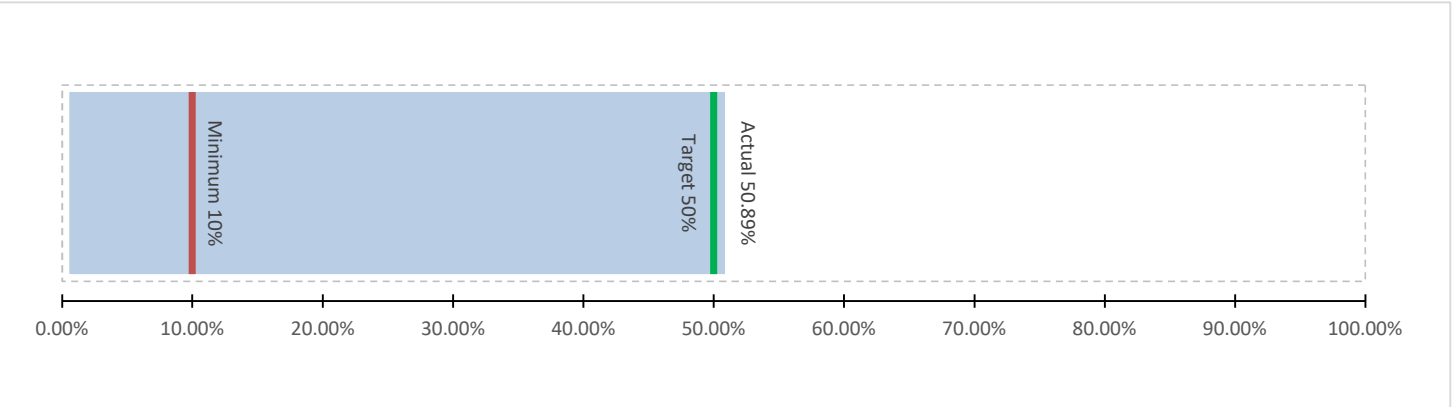


Investment with Coleambally Community Bank

50.89% ●

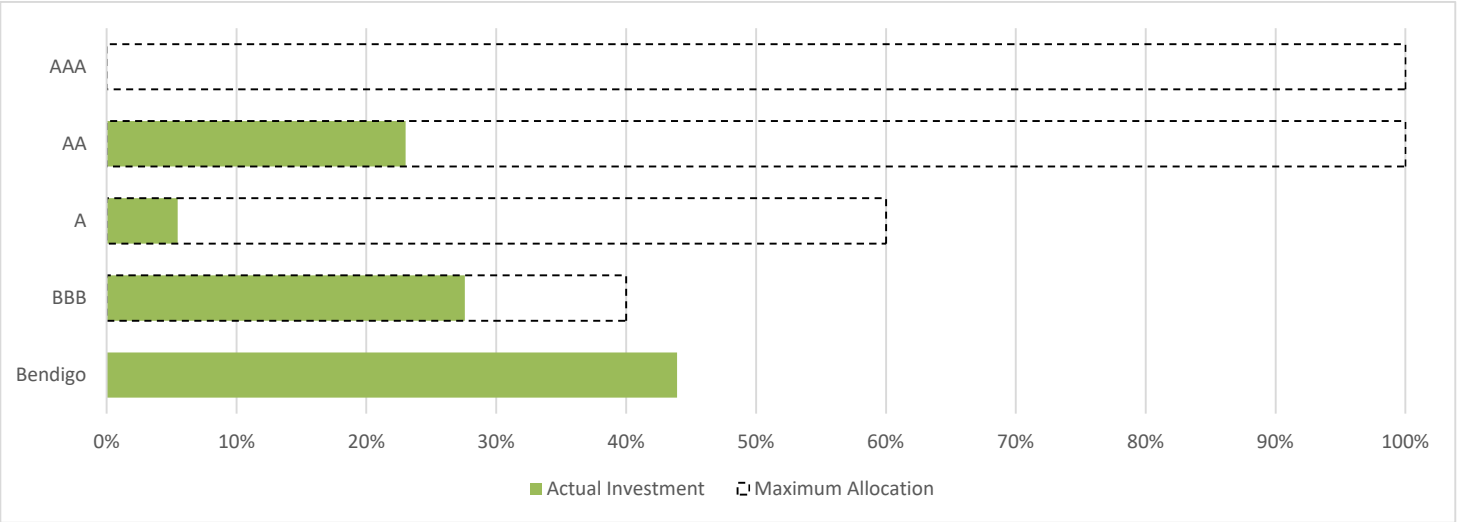
In recognition of the significant community role, support and activities undertaken within the Council area, Council aims to hold 50% of its investment portfolio with the Coleambally Community Bank.

If, when considering a new investment, an equivalently-rated or better-rated institution is offering an interest rate 0.40% p.a. (or more) higher than Coleambally Community Bank with a comparable term to maturity, Council may invest in that institution in preference to Coleambally Community Bank, irrespective of the target set out above. However, Council will hold a minimum of 10% of its portfolio with the Coleambally Community Bank at all times.



Overall Credit Quality Limits

Credit Rating	Maximum	Balance	% Invested	Compliant
AAA	100%	\$ -	0.00%	<div></div>
AA	100%	\$ 6,619,676	23.21%	<div></div>
A	60%	\$ 4,076,297	14.29%	<div></div>
BBB	40%	\$ 3,313,577	11.62%	<div></div>
Bendigo	N/A	\$ 14,517,212	50.89%	N/A
Total		\$ 28,526,762	100%	



Monthly investment movements

Redemptions

Institution - No.	Balance (\$)	Comments
IMB - 20	502,260	Reinvested in Suncorp Metway
IMB - 22	1,016,014	Reinvested in Bendigo
IMB - 33	803,013	Reinvested in Bendigo
IMB - 36	1,305,408	Reinvested in Suncorp Metway
Bendigo - 45	6,021,150	Reinvested in Bendigo in 2 lots
IMB - 44	1,005,175	Reinvested in Bendigo
	10,653,020.91	

New Investments

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
Suncorp - Metway - 20	1,000,000.00	3.53%	6 months	
Bendigo - Coly - 21	1,200,000.00	3.20%	7 months	
Suncorp - Metway - 36	1,500,000.00	3.43%	6 months	
Bendigo - FM - 37	3,000,000.00	3.45%	9 months	
Bendigo - FM - 44	1,500,000.00	3.40%	3 months	
Bendigo - FM - 45	3,000,000.00	3.30%	6 months	
	11,200,000.00			

Rollovers

Institution - No.	Balance (\$)	Yield (p.a.)	Term	Comments
			(months)	
Bendigo - 26	502,047.64	3.40%	6 months	
Westpac - 25	1,204,071.89	3.31%	6 months	
	<u>1,706,119.53</u>			

Investment performance

	Aug-22	FYTD
Total investment income, including accrued interest	\$43,439	\$187,855
Money-weighted rate of return (% p.a.)	1.83%	1.47%
Bloomberg AusBond Bank Bill Index	1.86%	1.67%
Overperformance/(underperformance)	-0.02%	-0.19%