

ATTACHMENT BOOKLET

ORDINARY COUNCIL MEETING

TUESDAY 24 MARCH 2020

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Audit, Risk and Improvement Committee

Annual Report - 2019

Northern Beaches Council Audit, Risk and Improvement Committee Annual Report - 2019

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About this Report

This annual report documents the operation and activities of the Audit, Risk and Improvement Committee for Northern Beaches Council from 1 January to 31 December 2019.

The Northern Beaches Council Audit, Risk and Improvement Committee (Committee) has been established to promote good corporate governance at Northern Beaches Council (Council). Good corporate governance supports Council's vision of delivering the highest quality service valued and trusted by the community in an effective and efficient manner and with transparency and accountability.

The Committee provides independent assurance and assessment to the Council on risk management, internal control, governance, internal audits, organisational performance and improvement and external accountability responsibilities.

There are 4 independent members on the Committee and 3 Councillors who are nominated by Council.

All Committee member profiles are featured on pages 7-9 of this report.

Northern Beaches Council

Our vision and values underpin and drive everything we do and every decision we make. Holding to an ideal of connectedness, inclusion and preservation, these underlying principals protect our futures and the future of this unique and beautiful place we call home.

Our community's vision for Northern Beaches

Northern Beaches – a safe, inclusive and connected community that lives in balance with our extraordinary coastal and bushland environment

Our vision for serving our community

We want to add value, to earn your trust and respect, by delivering the highest quality service through, leadership, integrity and collaboration. We all want to preserve our unique habitat, our culture, our sense of place. As our community grows and develops, together, we'll protect all that makes it so special for future generations

Our corporate values

Trust	Teamwork	Respect	Integrity	Service	Leadership
being open brings out our best	working together delivers	valuing everyone is how we make a difference	we are proud of doing what we say	we care as custodians for the community	everyone has a leading role

Community Strategic Plan Goals

Our organisation's structure is aligned to the community's goals and strategies in the Community Strategic Plan 'Shape 2028':

- | | |
|----------------------------------|--|
| 1 Protection of the Environment | 5 Vibrant Local Economy |
| 2 Environment and Sustainability | 6 Transport, Infrastructure and Connectivity |
| 3 Places for People | 7 Good Governance |
| 4 Community and Belonging | 8 Partnerships and Participation |

The Committee

The Committee has an important role in the governance framework by providing Council with independent oversight, objective assurance and monitoring of Council's audit processes, internal controls including fraud and corruption control, external reporting, risk management activities, compliance of and with Council's policies and procedures, governance processes and continuous improvement activities.

Pursuant to Part 4A (428A) of the Local Government Amendment (Governance and Planning) Act 2016, the Committee must keep under review the following aspects of the Council's operations:

- a. compliance
- b. risk management
- c. fraud control
- d. financial management
- e. governance
- f. implementation of the strategic plan, delivery program and strategies
- g. service reviews
- h. collection of performance measurement data by Council
- i. any other matters prescribed by the regulations.

As part of this objective, the Committee will assess and advise whether there are adequate and effective systems of internal control in place throughout Council and will assist in the implementation of the internal and external audit plans. The Committee is also to provide information to the Council for the purpose of improving the Council's performance of its functions.

Committee profiles



Stephen Horne, PFIIA-Aus, CIA, CGAP, CRMA, FGIA, GAICD, BBus, GradCertMgtComm, GradCertFraudControl, CertPublicAdmin, MIPAA

Committee Chair

Stephen had a 38-year career in the NSW public sector. His executive roles included Assistant Auditor-General for NSW, looking after Performance Audits, and Chief Executive of IAB, a Government Trading Enterprise undertaking internal audits and misconduct investigations for NSW State Government and Local Government bodies.

In 2015 Stephen established himself as a professional Non-Executive Director, trainer and probity adviser. In that role Stephen has developed extensive experience serving on many Local Government and State Government Audit Risk & Improvement Committees and running ARIC training across NSW.

Stephen was Australian President of the Institute of Internal Auditors 2013-2015; Australia's delegate on the IIA Global Board 2015-2019, and Global Chair of the IIA's Public Sector Guidance Committee 2016-2019.

Mark McCoy, BCom MBA FCA FFin FGIA FCIS FAICD

Independent Member

Mark is a business, governance and investment advisor, an experienced non-executive director in the banking, hospital, aged-care and software sectors, an experienced chair of board committees, a casual academic and author. His career includes auditing (for over a decade with KPMG) and risk management experience (Chief Manager, Risk Management for a major bank for six years), and CFO and COO roles in other organisations.

He has been a member of the equivalent committee for City of Parramatta Council for the last six years (so familiar with the local government context), and similar committees for a local health district and a church synod.



Sarah Richardson, BA, BCA, MBA (Hons) GAICD

Independent Member

Sarah brings strategic, financial and corporate governance skills from three decades of board and executive experience in not-for-profits, SMEs and multinationals in Australia, France and the US. She has served on 15 health / infrastructure / education / sport / agrifoods boards in the last decade and is Director of her own SME consultancy.

Sarah holds a BA, BCA, MBA (Hons) and GAICD and has received multiple awards for her not-for-profit, consultancy and corporate work. She is a member of Governance Institute (Fellow), Australian Marketing Institute (Fellow, CPM, Awards Head Judge), Women on Boards, Australian Fulbright Alumni Association, Victoria University of Wellington Alumni Association (Regional Ambassador – Sydney) and University of Chicago Alumni Association (Founder and former Chair, Perth Branch).

Sarah is enjoying combining her passion for the community sector with her communication skills to build awareness and advocacy for community services within Australia.



Julie Walton

Independent Member

Julie has qualifications in both law and urban planning. During her career she has held senior positions in the fields of probity, governance and corruption prevention. She has Board level experience in the areas of public transport, property services, museum governance and consumer protection, and is a member of the Australian Institute of Company Directors NSW. She has a background in local government and is a former Councillor of the City of Sydney.

She is the author of "The Ways of the World: implications of political donations for planning systems", published by the Henry Halloran Trust (University of Sydney) in November 2015.



Cr Sarah Grattan, BEc (Hons) LLB GAICD

Councillor Member

Councillor Grattan graduated from University of NSW with a Bachelor of Economics (Honours), a Bachelor of Laws and the UNSW University Medal for Economics (First Class Honours) in 1995.

After graduation, Sarah worked with LEK Consulting for five years and then Sydney Airport Corporation. Since 2009 she has run her own management and strategy consultancy working across diverse projects and industries such as retail, airports, technology, agribusiness, health and not-for-profit. Her work in the community includes being the driving force behind the Stop Heaton Avenue Closure Committee in 2016/17 and chair of the Seaforth Public School P&C Association from 2010-2012. In early 2018 she was appointed to the role of Chief Operating Officer, UNICEF Australia.



Cr Sue Heins

Councillor Member

Councillor Heins is a Councillor for Narrabeen Ward and former Deputy Mayor of Northern Beaches Council.

Councillor Heins currently chairs the Partnership & Participation Strategic Reference Group, co-chairs the Economic & Smart Communities Strategic Reference Group and the Bushfire Management Committee. She is an active committee member of the Audit, Risk and Improvement Committee, Northern Beaches Safety Committee and Northern Beaches Flood Management Committee.

In 2015 Councillor Heins received the Minister's Award for Women in Local Government in recognition of her outstanding contributions to Council and the community.

Councillor Heins has lived on the Northern Beaches for well over 20 years and is a past President of Warringah Chamber of Commerce & Industries, a past Director of Business Education Network and is currently Chairperson of the Manly Warringah Women's Resource Centre.



Cr David Walton

Councillor Member

Councillor David Walton is a long term Northern Beaches resident. During his career as a policeman he became Commander of the Northern Beaches Local Area Command. David also held executive roles with large government organisations in internal audit and risk management. Currently he is non-executive director and chairman on the board of a banking and financial planning company. Councillor Walton has a Bachelor of Business, Master of Management and is a Fellow of the Australian Institute of Company Directors.

Within the community, Councillor Walton has served as Deputy President of Queenscliff SLSC, Deputy Chairman of the Special Olympics Sydney Northern Beaches branch and was President of Manly Swimming Club. He's been awarded the National Medal, the NSW Police Medal, the National Police Medal, a Commissioner's Commendation and was twice awarded the Commissioner's Unit Citation.

Committee Report Card

Committee Charter	Fulfilment
Committee meetings	The Committee met five times, with an additional meeting to review the draft 2018/19 financial statements and support them as suitable for consideration by Council for referral to external audit. A quorum was maintained at every meeting.
Composition	Four (4) independent members Three (3) Councillor members
Broad range of personal qualities, skills and experience	Committee members have a diverse skill set, with extensive experience across local government, financial management, audit, risk management, legal, governance, business management and performance improvement.
Functional separation	Pursuant to the requirements of the Act, the Committee kept under review the following aspects of Council's operations, as further detailed on pages 10-12: <ul style="list-style-type: none"> • compliance • risk management • fraud control • financial management • governance • implementation of the strategic plan, delivery program and strategies • service reviews • collection of performance measurement data by Council • implementation of internal and external audit plans • performance improvement.
Code of Conduct	Members comply with the Northern Beaches Council Code of Conduct and declare any conflicts of interest as/if they arise.
Induction	Members received an induction in February 2019 with relevant information on Council operations to support them in meeting their Committee responsibilities.
In-camera meetings	The Committee met in December 2019, in-camera, with the Head of Internal Audit, the internal audit service provider and external audit representatives from the Audit Office to receive feedback on audit activities and processes. The Committee further met in-camera to undertake a detailed review of Committee operations during the year.
Charter Review	The Committee Charter was reviewed and updated to confirm it remains current, relevant and accurately reflects the Committee's role and responsibilities. The revised Charter was adopted by Council on 24 September 2019. A Committee responsibility matrix and forward meeting workplan was endorsed which details the Committee's address of its responsibilities as outlined in the Charter.
Action items register	The Committee monitored management's progress with addressing and closing off action items raised by the Committee in a timely manner.

Audit Committee Performance

Committee members' participation in 2019 meetings

As per the conditions of the Charter, the Committee is to meet at least four times per year (quarterly). If necessary, an additional meeting may be held to review and endorse the annual audited financial reports and external audit opinion.

Five meetings were held in 2019, with an additional meeting to review the financial statements. Meeting attendance for the 2019 calendar year was as follows:

Name	Role	Eligible	Attended
Stephen Horne	Chair	5	5
Mark McCoy	Independent external member	5	5
Sarah Richardson	Independent external member	5	4
Julianna Walton	Independent external member	5	5
Cr Sue Heins	Councillor	5	5
Cr Sarah Grattan	Councillor	5	5
Cr David Walton	Councillor	5	5

Committee business, special and standing reports

Meeting date	Number of business reports	Number of special reports	Number of standing reports
19 February 2019	7	3	5
30 April 2019	6	0	5
18 June 2019	0	6	1
13 August 2019	6	4	4
3 September 2019*	1	0	0
10 December 2019	5	5	5

* The meeting on 3 September 2019 was scheduled to review the financial statements only.

Business report:

Information presented to the Committee pertaining to the Committee's address of its responsibilities as outlined in the Act.

Special report:

Where the Committee or management sought to provide the Committee with additional information on a particular activity or process for assessment and advice by the Committee.

Standing report:

Information presented to the Committee at each full meeting (e.g progress on action items, finance update, implementation of internal and external audit recommendations, and risk status update on major projects).

Activities of the Committee

Risk management

The Committee assessed and provided advice on the Enterprise Risk and Opportunity Management Framework and Guidelines, including the revised risk matrices, the Risk Management Plan 2019/20, the Risk Appetite Statement, and the risk maturity self-assessment and action plan.

The Committee assessed and provided advice on management's strategic risk management plans for major projects, contracts and undertakings.

The Committee assessed and provided advice on Council's insurance coverage, the 2019/20 insurance renewal process and summary, and uninsurable risks to Council.

The Committee assessed and provided advice on management's approach to establishing business continuity and disaster recovery processes and procedures and their integration into the IMT Framework.

The Committee assessed and provided advice on the adequacy and effectiveness of Council's process and controls for managing its activities and risks, with targeted reporting provided to the Committee on Work Health & Safety management, cybersecurity, and external combustible cladding.

Compliance

The Committee monitored and provided advice on management's progress with the development of the legislative compliance program and legislative compliance policy.

The Committee reviewed and provided advice on compliance reviews undertaken as part of the scope of internal audit projects, which included, where applicable, a review of the organisation's compliance with applicable standards, laws and legislation.

Received quarterly reports on Council's compliance with Office of Local Government obligations.

Fraud control

The Committee assessed and provided advice to management in the development of the Fraud and Corruption Control Policy and Fraud and Corruption Control Plan, and endorsed the Policy and Plan for presentation to Council.

The Committee assessed and provided advice on Council's complaints management and resolution process and improvement opportunities identified and undertaken by management.

The Committee reviewed and commented on reports in relation to GIPA, PIDs, ICAC, Code of Conduct matters, complaints and compliments received.

Financial management

The Committee assessed and provided advice on Council's financial and investment performance, including review of the Quarterly Budget Review Statements (QBRs) presented to Council.

The Committee assessed and commented on management's assessment of the impact of the new accounting standards on the financial statements for Northern Beaches Council and highlighted these as noteworthy and ahead of most councils.

The Committee reviewed management's gap analysis undertaken against key recommendations raised in the NSW Auditor-General's Report on Local Government 2018 and assessed the appropriateness of management's actions proposed to close identified gaps.

The Committee assessed and provided advice on the process undertaken by management to review the Investment Policy, and noted the advice relied upon in determining that no changes to the Policy were required.

Governance

The Committee assessed and provided advice on management's Governance Experience Delivery Plan following the Governance Framework Review undertaken.

The Committee reviewed and commented on management's progress on policy harmonisation to establish an integrated policy environment for the Northern Beaches Council.

External audit

The Committee reviewed and commented on the Audit Office of NSW Management Letter on the Final Phase of the Audit and the issues raised in the Management Letter, following the finalisation of the financial statements for the year ended 30 June 2018.

The Committee assessed and provided advice on management's progress with the implementation of external audit recommendations reported at each ARIC meeting.

The Committee reviewed and commented on the NSW Audit Office Annual Engagement Plan for the audit of the Northern Beaches Council Financial Statements for the year ending 30 June 2019.

The Committee reviewed and commented on the draft 2018-19 Financial Statements, and following feedback provided by management, supported these as suitable for consideration by Council for referral to external audit.

The Committee reviewed and commented on the Audit Office of NSW Closing Report and Management Letter for the 2018-19 Financial Year, and assessed the appropriateness of management's response to recommendations raised and timeframes for completion.

Internal audit

The Committee reviewed and endorsed the 3 Year Strategic Internal Audit Plan 2019-2021 and recommended the Plan to Council for adoption, and further endorsed the activity proposed to be undertaken as part of the Internal Audit Annual Plan 2019-20.

The Committee monitored the status of internal audit activity undertaken in relation to the approved 3 Year Strategic Internal Audit Plan and Annual Internal Audit Plan.

The Committee reviewed and commented on internal audit findings and recommendations presented in completed internal audit reports, and assessed the appropriateness of agreed management actions and timeframes for completion.

The Committee assessed and provided advice on management's progress with the implementation of internal audit recommendations reported at each ARIC meeting.

The Committee reviewed and endorsed the Internal Audit Annual Report 2018-19 for presentation to Council.

Continuous improvement

The Committee assessed and provided advice on Council's improvement direction and initiatives, performance measures, benchmarking data, and implementation of the Strategic Plan and Delivery Program.

The Committee assessed and provided advice on reports on the Northern Beaches Council Performance Measurement Framework and the progress in developing Corporate Performance Measures for public reporting, namely Community Strategic Plan (CSP) performance measures adopted by Council and Delivery Program performance measures to be reported quarterly and annually.

The Committee assessed and provided advice to management on the performance of Council in the Australasian LG Performance Excellence (Benchmarking) Program for 2017-18.

The Committee assessed and provided advice on the Northern Beaches Council Business Excellence Strategy and associated Shaping Business Excellence Plan; Measuring Business Excellence Plan and Leading and Learning Business Excellence Plan.

The Committee assessed and provided advice on Council's community satisfaction research survey results and performance and improvement opportunities identified, noting the significance of customer satisfaction with Council services in informing areas of focus and improvement.

The Committee reviewed and commented on Northern Beaches Council's amalgamation progress in comparison to the audit results and key findings of the May 2019 NSW Auditor-General's Performance Audit Report on Workforce reform in three amalgamated councils.

Other items brought to the Committee

The Committee assessed and provided advice on the appropriateness of information proposed for inclusion in Council's Leases and Licences Register with key consideration to transparency and accountability.

The Committee assessed and provided advice on the results of the 2019 Employee Engagement Survey undertaken, and the quality data to further inform Council's People Plan.

The Committee assessed and provided advice on Council's consolidated summary of Asset Management Plans for the four infrastructure groups (Roads, Stormwater, Buildings, and Park Assets), noting management's update on the development of these Asset Management Plans.

Audit, Risk and Improvement Committee Chairperson



MINUTES

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

Held in the Flannel Flower Room, Civic Centre, Dee Why on

TUESDAY 10 DECEMBER 2019

Meeting commenced at 2:16pm

**Minutes of the Audit, Risk and Improvement Committee Meeting
held on Tuesday 10 December 2019 in the Flannel Flower Room,
Civic Centre, Dee Why**

ATTENDANCE:

Voting Members of the Committee

Mr Stephen Horne (Chair)
Mr Mark McCoy
Ms Sarah Richardson (via conference call)
Ms Julie Walton
Cr Sarah Grattan
Cr Sue Heins
Cr David Walton

Council Officers (non-voting)

Mr Ray Brownlee PSM	Chief Executive Officer
Mr Jeff Smith	Director Corporate & Legal
Ms Karen Twitchett	Director Workforce & Technology
Mr Todd Dickinson	Director Environment & Sustainability
Mr David Walsh	Chief Financial Officer
Ms Caroline Foley	Executive Manager Financial Planning & Systems
Mr Campbell Pfeiffer	Executive Manager Property
Ms Sonya Gallery	Executive Manager Governance & Risk
Mr Mark Jones	Executive Manager Strategy Performance & Improvement
Ms Mary Ruppung	Acting Executive Manager Internal Audit & Complaints Resolution
Mr Terry Burrell	Deputy CFO Transactional Accounting
Ms Kristie Debney	Manager Property Commercial & Tourist Assets
Mr Michael McDermid	Manager Corporate Strategy
Ms Karen McLoughlin	Manager IT Projects & Improvement
Mr Rob Koopman	Manager Insurance & Risk
Ms Julieri De Florio	Business Support Coordinator
Ms Pamela Tasker	Administration Officer Internal Audit

Council Auditors (non-voting)

Ms Karen Taylor	Director of Financial Audit Services, Audit Office of NSW
Ms Monique Bartley	Audit Leader, Financial Audit Services, Audit Office of NSW
Ms Sarah Cain	Internal Audit, Partner, KPMG
Ms Aisling Kilgannon	Internal Audit, Senior Manager, KPMG

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1.0 APOLOGIES

NOTES

1. Ms Sarah Richardson attended the meeting via conference call.
2. An apology was received from Mr Prakash Wilson, Internal Audit Partner KPMG.

2.0 DISCLOSURES OF INTEREST

There were no disclosures of interest.

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETINGS HELD 13 AUGUST 2019 AND 3 SEPTEMBER 2019

COMMITTEE RESOLUTION

1. That the Minutes of the Audit, Risk and Improvement Committee meeting held 13 August 2019, copies of which were previously circulated to all members, be confirmed as a true and correct record of the proceedings of that meeting.
2. That the Minutes of the Audit, Risk and Improvement Committee meeting held 3 September 2019, copies of which were previously circulated to all Members, be confirmed as a true and correct record of the proceedings of that meeting.

(Mr Horne / Ms Walton)

4.0 ACTION ITEMS FROM MINUTES

4.1 ACTION ITEMS FROM MINUTES

PURPOSE

To provide the Audit, Risk and Improvement Committee with a progress update on the actions arising from the Minutes of previous meetings of the Committee.

PRECIS

Action items arising from Audit, Risk and Improvement Committee meetings are minuted and responsibility assigned. Progress is tracked and reported to the Committee at subsequent meetings.

PROCEEDINGS IN BRIEF

Ms Mary Ruppig, Acting Executive Manager Internal Audit and Complaints Resolution, addressed the meeting on this item.

NOTES

The Committee voiced its appreciation that action items from meetings are being addressed as they arise and that there were no overdue or long outstanding action items reported.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the progress on actions arising from the Minutes of previous meetings.

(Ms Walton / Mr McCoy)

5.0 STANDING ITEMS**5.1 VERBAL UPDATE BY THE CHIEF EXECUTIVE OFFICER****PURPOSE**

To advise the Committee with a brief update on current issues, particularly those relating to areas of potential risk for Council.

PRECIS

The Chief Executive Officer provides the Committee with an update on current issues under consideration by Council, particularly any issues which may present a potential risk of which the Audit, Risk and Improvement Committee members should be aware.

PROCEEDINGS IN BRIEF

Mr Ray Brownlee PSM, Chief Executive Officer, provided the Committee with an update on the Waste Collection contract, particularly the monthly reconciliation process to be undertaken to safeguard the integrity of data in the customer database; and an additional review requested to be undertaken by internal audit in the new year.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the verbal update by the Chief Executive Officer.

(Cr Heins / Cr Grattan)

NOTE

Mr Walsh, Ms Foley and Mr Burrell joined the meeting at 2.25pm.

5.2 FINANCE UPDATE**PURPOSE**

To provide an update on the financial performance of the Council as at 30 September 2019.

PRECIS

As at 30 September 2019 the Council is forecast to exceed its key financial performance ratios with income net operating expenses tracking to budget overall.

Investment performance over the period 1 July 2019 to 30 September 2019 was strong having exceeded the benchmark: 2.40%pa vs 1.82%pa. However investment returns are lower than budget reflecting the impact of the Reserve Bank's decision to lower cash rates on three occasions since June 2019 and a decline in margins.

PROCEEDINGS IN BRIEF

Mr David Walsh, Chief Financial Officer, and Ms Caroline Foley, Executive Manager Financial Planning and Systems, addressed the meeting on this item.

NOTES

1. The Committee participated in a broad discussion regarding the financial performance results as at 30 September 2019 and the basis behind reported year-to-date budget variances.
2. The Committee recommended that performance ratios be expanded to include prior year budget and current year-to-date results.
3. The Committee recommended that consideration be given to the visual representation of financial performance graphs and charts aligned to those of a dashboard.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the finance update as at 30 September 2019.

(Cr Grattan / Cr Heins)

6.0 SPECIAL AGENDA ITEMS**6.1 ANNUAL INVESTMENT POLICY REVIEW****PURPOSE**

To provide the Investment Policy to the Audit, Risk and Improvement Committee for review in accordance with that Policy.

PRECIS

Council's Investment Policy was adopted by Council on 28 September 2016 and is now due for its annual review by the Audit, Risk and Improvement Committee in accordance with Clause 3.7.

The Policy has been reviewed by Council's Investment Advisors (Laminar Capital Pty Ltd) in August 2019. Council's Investment Advisors confirmed that the current policy "remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet" and that they "do not recommend any changes to the list of approved investments or credit limit frameworks."

A circular issued by the Office of Local Government (OLG) on 10 October 2017 advised that they will undertake a broader review and update of the Ministerial Investment Order and Investment Guidelines in the coming months and will consult with councils as part of that process. The OLG has not released any further information in relation to this matter and has not yet commenced any consultation process with Councils in relation to their proposed review and update of the Ministerial Investment Order and Investment Guidelines.

PROCEEDINGS IN BRIEF

Mr David Walsh, Chief Financial Officer, addressed the meeting on this item.

NOTES

1. The Committee noted the process undertaken by management to review the Investment Policy and the advice relied upon in determining that no changes to the Policy were required as part of the annual review undertaken.
2. The Committee recommended that management consider the suitability of the current portfolio exposure limits within the Overall Portfolio and Institutional Credit Frameworks within the Investment Policy.
3. The Committee participated in extensive discussions surrounding the 'Emerald Series 2006-1 Class A' Mortgage Backed Securities and recommended that consideration be given for Council's Investment Advisors providing further advice on the valuation methodology and opportunities for the potential sale of the investment.

ACTION ITEMS

- *That if practicable, a representative from Council's Investment Advisors attend a future meeting to discuss the valuation methodology and opportunities for the potential sale of the Emerald II Reverse Mortgage Series 2006-1 Trust.*

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the review of the Investment Policy and no changes to the Policy were recommended by the Committee necessitating a report to Council.

(Cr Walton / Cr Grattan)

NOTES

1. Mr Walsh, Ms Foley and Mr Burrell left the meeting at 2.50pm.
2. Mr Pfeiffer and Ms Debney joined the meeting at 2.51pm.

6.2 LEASES AND LICENCES REGISTER**PURPOSE**

To present to the Audit, Risk and Improvement Committee a proposed Leases and Licences Register (Register) and seek their input regarding the information to be contained within the Register, how that Register should be published and how often.

PRECIS

At Council's 28 May 2019 ordinary meeting a Notice of Motion was put forward for Council to maintain and publish a lease and licence register annually, and that the Audit, Risk and Improvement Committee have input into the design of the Register.

PROCEEDINGS IN BRIEF

Mr Campbell Pfeiffer, Executive Manager Property, and Ms Kristie Debney, Manager Property Commercial and Tourist Assets, addressed the meeting on this item.

NOTES

1. The Committee assessed and discussed the appropriateness of information proposed for inclusion in Council's Leases and Licences Register with key consideration to transparency and accountability.

2. The Committee recommended that a complete consolidated register be provided to the ARIC and Councillors to review annually and that any personal and sensitive information be thereafter removed prior to making the Leases and Licences Register publicly available.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the proposed information and the format of the information to be published within the Lease and Licence Register.

(Cr Heins / Cr Walton)

NOTES

1. Mr Pfeiffer and Ms Debney left the meeting at 3.07pm.
2. Ms Karen McLoughlin joined the meeting at 3.08pm.

6.3 REVIEW SYSTEM ISSUE EXPOSING CUSTOMER DATA

PURPOSE

To present to the Audit, Risk and Improvement Committee (ARIC) a review of the causal factors that resulted in the exposure of customer data and the associated remediation steps.

PRECIS

On 11 September 2019 Council was made aware that a customer's personal data was available on the Council's website. An investigation identified that a specific set of Salesforce coding and TechnologyOne integration errors occurring in a particular sequence had enabled Google to access customer data from the customer portal in the Customer Relationship Management System. The issue affected 74 customers and resulted in the data of 5 out of 74 customers being accessed by a third party. The five affected customers were contacted by phone and the remaining 69 customers received email notification. The extent of change in data security places priority on Council to have the appropriate response and escalation process in place. Council commissioned an external review into the incident, the response and the change control process. A technical review also considered the Salesforce code and remediation steps. The findings from the two external reviews have been considered and the actions in response have either been taken or are in progress to mitigate further exposures of a similar kind occurring in the future, and to best position Council to maintain and support community trust and confidence.

PROCEEDINGS IN BRIEF

Ms Karen Twitchett, Director Workforce and Technology, and Ms Karen McLoughlin, Manager IT Projects and Improvement, addressed the meeting on this item.

NOTES

1. The Committee acknowledged that an important test when encountering cyber issues was how to respond and that this had been handled well by Council management and staff.
2. The Committee acknowledged the significant role played by an experienced customer services officer with the underlying knowledge and awareness to recognise the potential data breach. This facilitated the timely escalation and address of the issue by management.
3. The Committee recommended management continue working on knowledge sharing across the organisation and specifically for users of systems, including training and awareness, and the documentation of applicable processes and procedures.

4. The Committee noted that the incident was reported to the Information and Privacy Commission NSW (IPC) as a Voluntary Data Breach Notification, and that no response had been received from the IPC following notification.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted:

1. the external review findings, recommendations and the actions agreed;
2. that the 2020 cybersecurity report be brought to the ARIC to confirm the completion of actions relating to the security breach.

(Cr Grattan / Ms Walton)

6.4 INFORMATION & DIGITAL TECHNOLOGY RISK REGISTER REVIEW

PURPOSE

To present to the Audit, Risk and Improvement Committee (ARIC) the updated Information & Digital Technology risk register in support of good corporate governance.

PRECIS

At the ARIC meeting of 18 June 2019, the ARIC endorsed a biannual risk reporting schedule to ensure that Information & Digital Technology risks were regularly reported to those charged with governance.

The Northern Beaches Council's Information & Digital Technology Risk Register was internally updated 3 October 2019 in consideration of risk related events in the past six months and to reflect the risk assessment matrices adopted by Council on 24 September 2019.

PROCEEDINGS IN BRIEF

Ms Karen Twitchett, Director Workforce and Technology, and Ms Karen McLoughlin, Manager IT Projects and Improvement, addressed the meeting on this item.

NOTES

1. The Committee expressed that cyber is one of the most prevalent risks facing organisations and acknowledged the discipline and process undertaken by management in reviewing cyber risks and mitigating controls on a systematic basis.
2. The Committee recognised Council's participation in local government cyber network groups as an invaluable opportunity to leverage knowledge and experience on cyber matters, thereby facilitating a proactive rather than reactive approach to cyber risks.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the update to the Information & Digital Technology Risk Register.

(Cr Walton / Cr Heins)

NOTES

1. Mr Walsh and Ms Foley re-joined the meeting at 3.26pm.
2. Ms McLoughlin left the meeting at 3.35pm.

6.5 HIGH LEVEL RESULTS 2019 EMPLOYEE ENGAGEMENT SURVEY**PURPOSE**

To present to the Audit, Risk and Improvement Committee (ARIC) the high level organisational results of the October 2019 employee engagement survey.

PRECIS

The Northern Beaches Council aspires to be an employer of choice (principle 4 of the Northern Beaches Council Corporate Strategy) and to embed and continuously improve leadership, systems and processes that support a highly engaged workforce. The VOICE Project, a leading survey provider, was engaged to partner with Council to conduct the October 2019 survey which sets a benchmark for employee engagement and well-being, identifies the views of staff in relation to the progress of the Northern Beaches Council, and the perception of lived organisational values. The survey results are primarily within the moderate range (50% < 80%). Five high performing performance domains and five lower performing domains are outlined in the report which also identifies the areas for action that can best improve employee engagement and performance. There are clear areas for improvement at the organisational level and while there are nuances across the Divisions and Business Units the patterns for responses are remarkably similar. The results are being communicated during November and December and are being workshopped by Directors and Executive Leaders to determine the best actions in response to incorporate in 2020/21 Divisional Plans. The next all staff engagement survey will be conducted in late 2021.

PROCEEDINGS IN BRIEF

Ms Karen Twitchett, Director Workforce and Technology, addressed the meeting on this item.

NOTES

1. The Committee acknowledged that the survey participation rate of 85% was noteworthy and a great achievement.
2. The Committee acknowledged that the survey results reflect positively on the organisation and provide management with good quality data to further inform their People Plan.
3. The Committee recommended management revisit any proposed key organisational actions following survey participant workshops, which may provide further insights into applicable key drivers.
4. The Committee recommended that employee wellbeing be at the forefront of the final action plan.
5. The Committee noted that a 'pulse' survey is scheduled for October 2020 to gauge success of interim programs, with a focus on lower performing items, ahead of the next full survey to be undertaken in October 2021.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the bi-annual engagement survey results, the communication plan and the action-planning phase that commenced in November.

(Cr Heins / Cr Grattan)

7.0 EXTERNAL AUDIT

7.1 AUDIT OFFICE CLOSING REPORT AND MANAGEMENT LETTER FOR THE 2018-19 FINANCIAL YEAR

PURPOSE

To provide the Audit, Risk and Improvement Committee (ARIC) with the Audit Office of NSW Engagement Closing Report and Management Letter for the year ended 30 June 2019 for their review and an update on the implementation of recommendations raised in the 2018 interim and 2019 final audit Management Letters.

PRECIS

The Engagement Closing Report informs the Chief Executive Officer, the Mayor and the ARIC of audit findings relevant to their responsibilities and oversight of Council's financial statements. Following the completion of the final phase of the audit of Northern Beaches Council's 2019 financial statements, the Audit Office of NSW have provided their Management Letter. Three issues have been raised in the management letter:

1. High numbers of staff with privileged user access to all roles within the TechOne application in the Office of the Chief Information Officer;
2. Active Directory password management, with a small number of users (mostly IT staff including systems administrators) authenticated by the legacy domains and noted there is no account lockout policy being enforced on these domains. This results in an increased risk of unauthorised access to key systems, as sufficiently robust password parameters are not in place; and
3. Council runs payroll compliance reports to analyse variances between pay runs and results of the review are stored in HP Content Manager (HPCM) but there is no evidence of sign-off by the preparer and/or the reviewer.

Audit recommendations from the 2018 interim and 2019 final audit of Council's financial statements have been input into the Status Tracker. There were 10 recommendations in the Interim Audit Management Letter, all of which have been addressed. Of the three recommendations made in the Final Audit Management Letter, one has been implemented and the remaining recommendations are currently in progress to be completed in the next few months.

PROCEEDINGS IN BRIEF

Ms Karen Taylor, Director of Financial Audit Services, Audit Office of NSW, Ms Monique Bartley, Audit Leader, Financial Audit Services, Audit Office of NSW, Mr David Walsh, Chief Financial Officer, and Ms Caroline Foley, Executive Manager Financial Planning and Systems, addressed the meeting on this item.

NOTES

1. The Committee acknowledged the clean Engagement Closing Report prepared by the Audit Office of NSW, and an appreciation for management's contribution to the audit process and timely clearance of audit recommendations arising from prior year audits.
2. The Committee noted the Audit Office of NSW remarks on the exceptional quality of financial reporting at Northern Beaches Council.
3. The Chair acknowledged that management's preparedness for the new accounting standards is noteworthy and ahead of most councils.

COMMITTEE RESOLUTION

1. The Audit, Risk and Improvement Committee noted the Audit Office of NSW Management Letter on the Audit for the year ended 30 June 2019, the 2019 Engagement Closing Report and the status of the implementation of Interim and 2019 Final Audit Management Letter recommendations.
2. The Audit, Risk and Improvement Committee noted that Management's progress with the implementation of the audit recommendations will continue to be reported at each Audit, Risk and Improvement Committee meeting.

(Cr Grattan / Cr Heins)

NOTES

1. Mr Walsh and Ms Foley left the meeting at 4.04pm.
2. Mr Todd Dickinson joined the meeting at 4.05pm.
3. Ms Taylor and Ms Bartley left the meeting at 4.06pm.

8.0 INTERNAL AUDIT**8.1 INTERNAL AUDIT ACTIVITY UPDATE****PURPOSE**

To provide the Audit, Risk and Improvement Committee (ARIC) with an update on internal audit activities since the most recent meeting.

PRECIS

Internal audit projects have been undertaken in accordance with the approved Strategic Internal Audit Plan and 2019-20 Internal Audit Annual Plan. Further reviews have been undertaken as requested by the Chief Executive Officer. Internal audit activity which has taken place since the most recent meeting of the ARIC on 13 August 2019 is outlined below.

Audits and Reviews Completed:

The following audits and reviews have been completed, with reports presented to the ARIC at the meeting of 10 December 2019:

- Procurement
- Fleet Management
- Parking Operations
- Development Applications Assessment
- Councillor Expenses
- District Park Post Project Review (*additional review requested by the CEO*)
- Bin Replacement Project Post Implementation Review (*additional advisory review requested by the CEO*)

Audits in Progress:

The following audits are in various stages of fieldwork and scheduled to be presented to the ARIC at the subsequent meeting of 10 March 2020:

- Data Analytics: Core Transactions
- Privacy Management

PROCEEDINGS IN BRIEF

Mr Ray Brownlee PSM, Chief Executive Officer, Mr Todd Dickinson, Director Environment & Sustainability, Mr Jeff Smith, Director Corporate & Legal, Ms Mary Ruppington, Acting Executive Manager Internal Audit and Complaints Resolution, Ms Sarah Cain, Internal Audit Partner KPMG and Ms Aisling Kilgannon, Internal Audit Senior Manager KPMG, addressed the meeting on this item.

NOTES

1. The Committee participated in extensive discussions on key findings and recommendations arising from completed audits and review, with particular focus on findings of higher risk.
2. The Committee acknowledged the key strengths identified by internal audit as part of each audit and review undertaken.
3. The Committee noted management's comments and overall response to each completed audit and review, as well as actions undertaken and planned to address audit recommendations and areas of improvement.
4. The Committee acknowledged that policies and processes of the three former councils continue to be harmonised.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted:

1. the update provided on internal audit activities since the most recent meeting on 13 August 2019;
2. the completed internal audit reports, including findings, recommendations and actions to be taken by management.

(Cr Grattan / Cr Walton)

NOTE

Mr Dickinson left the meeting at 5.15pm.

8.2 IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS**PURPOSE**

To provide the Audit, Risk and Improvement Committee (ARIC) with a status update on the implementation of audit recommendations arising from completed internal audits.

PRECIS

Audit recommendations arising from completed internal audits are input into the Internal Audit Recommendations Status Tracker, with assigned management responsibility and due date for implementation. Management's progress with the implementation of internal audit recommendations is reported at each ARIC meeting to evaluate the adequacy, effectiveness and timeliness of actions taken by management on reported findings and recommendations.

PROCEEDINGS IN BRIEF

Ms Mary Ruppington, Acting Executive Manager Internal Audit and Complaints Resolution, addressed the meeting on this item.

NOTES

The Committee expressed its appreciation for the timely closure of audit recommendations by management and that there were no audit recommendations reported as overdue.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee note the status of implementation of internal audit recommendations by management.

(Ms Walton / Mr Horne)

NOTE

Mr Jones and Mr McDermid joined the meeting 5.18pm.

9.0 IMPROVEMENT**9.1 NORTHERN BEACHES COUNCIL IMPROVEMENT REPORT****PURPOSE**

To provide the Audit, Risk and Improvement Committee (ARIC) with an update on the Northern Beaches Council's improvement initiatives.

PRECIS

This Report provides an overview of Council's improvement initiatives being undertaken.

The Report will brief the ARIC on the new strategies and plans associated with improvement, improvement initiatives underway within Council, progress of the Business Process Management Program, the outcomes of the recent Community Research Survey, the performance results in the Annual Report 2018/19 and for the September 2019 Quarter.

PROCEEDINGS IN BRIEF

Mr Mark Jones, Executive Manager Strategy Performance and Improvement, and Mr Michael McDermid, Manager Corporate Strategy, addressed the meeting on this item.

NOTES

1. The Committee participated in broad discussions on customer satisfaction and its significance on Council services in informing areas of focus and improvement, with consideration to priorities in relation to customer importance and satisfaction.
2. The Committee acknowledged the meaningful results arising from the multi-fronted community satisfaction survey undertaken, and that the process undertaken by management in interpreting and analysing the responses can be viewed as an alternative way to undertake service reviews.
3. The Committee acknowledged management's innovative way of benchmarking, which included NSW councils as well as its own community.
4. The Committee noted that effective communication on Council's performance can aid in mitigating misconceptions on service level shortfalls.

5. The Committee noted the importance of sharing performance data with other councils as a valuable benchmarking exercise.
6. The Chair noted that Northern Beaches Council is a leading example on reporting on improvements to the Audit, Risk and Improvement Committee and the Committee expressed its appreciation for the report.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the report on improvements.

(Cr Grattan / Cr Heins)

NOTE

Mr Jones and Mr McDermid left the meeting at 5.33pm.

10.0 FRAUD AND RISK MANAGEMENT**10.1 GOVERNANCE AND RISK UPDATE****PURPOSE**

To provide the Audit, Risk and Improvement Committee (ARIC) with an update on governance and risk management activities.

PRECIS

The report provides an update to the ARIC on governance and risk management activities over the period May 2019 to November 2019, noting the last full update to the ARIC on governance and risk management activities was at the May 2019 ARIC meeting.

PROCEEDINGS IN BRIEF

Ms Sonya Gallery, Executive Manager Governance and Risk, and Mr Rob Koopman, Manager Insurance and Risk, addressed the meeting on this item.

NOTES

The Committee acknowledged the noteworthy progress made by management on the legislative compliance register, a management letter recommendation raised by the Audit Office applicable to all councils. The Committee further noted the potential for future collaboration with Local Government NSW on a centralised legislative compliance register, and recommended the Chair consider enlisting the support of the Audit Office of NSW on the matter.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the governance and risk management update.

(Cr Walton / Cr Grattan)

10.2 MAJOR PROJECTS - RISK STATUS UPDATE

PURPOSE

To provide the Audit, Risk and Improvement Committee with an updated summary as at December 2019 of current major organisational and capital works projects and their key risks.

PRECIS

This report provides an outline of key Council projects of substantial size, value or risk; and provides an updated summary of the key risks, the risk status and the mitigating actions or controls in place for these projects.

PROCEEDINGS IN BRIEF

Mr Ray Brownlee PSM, Chief Executive Officer, and Ms Sonya Gallery, Executive Manager Governance and Risk, addressed the meeting on this item.

NOTES

1. The Committee acknowledged the significance of the major project risk reporting framework.
2. The Committee noted that it may be appropriate for management to consider a revised list of major projects for future ARIC reporting.

ACTION ITEMS

- *That the Committee be provided with a list of major projects of significance to the ARIC for future reporting.*

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the summary as at December 2019 of the major organisational projects of significant size, value or risk, and the mitigating actions or controls relating to the key risks of these projects.

(Cr Heins / Cr Walton)

10.3 COMPLAINTS MANAGEMENT AND RESOLUTION UPDATE

PURPOSE

To present to the Audit, Risk and Improvement Committee information relating to complaints received, including alleged breaches of the Code of Conduct, complaints made under the Public Interest Disclosures Act 1994 (PID), and referrals to or from The Independent Commission Against Corruption (ICAC) and the NSW Ombudsman.

PRECIS

The report presents information on complaints received, including alleged breaches of the Code of Conduct and enquiries from the ICAC and the NSW Ombudsman for the quarter 1 July 2019 – 30 September 2019. There were no complaints made under the Public Interest Disclosures Act 1994 for the quarter. The report also sets out key outcomes of complaints received and improvement opportunities identified and undertaken.

PROCEEDINGS IN BRIEF

Mr Ray Brownlee PSM, Chief Executive Officer, Mr Jeff Smith, Director Corporate and Legal, and Ms Mary Ruppig, Acting Executive Manager Internal Audit and Complaints Resolution, addressed the meeting on this item.

NOTES

1. The Committee noted that the complaints reported for the quarter were deemed reasonable and that the emphasis should be on the resolution of such complaints.
2. The Committee acknowledged the useful information and insights provided in the report.
3. The Committee acknowledged that the complaints reporting mechanism can be viewed as a valuable tool to identify potential areas of improvement given that a complaint is the most direct customer feedback available to any organisation.

COMMITTEE RESOLUTION

The Audit, Risk and Improvement Committee noted the information provided in the report.

(Cr Heins / Cr Grattan)

11.0 GENERAL BUSINESS**11.1 OTHER MATTERS****NOTES**

1. The ARIC members held in-camera sessions with Internal and External Audit prior to the meeting as per the conditions of the ARIC Charter.
2. The ARIC members met in-camera prior to the meeting to discuss ARIC operations for 2020.
3. The ARIC members to complete a self-assessment as per the conditions of the ARIC Charter.
4. The ARIC Annual Report to Council will be prepared out of session ahead of the next scheduled ARIC meeting.
5. The ARIC members to consider Council's proposed submission to the OLG on the Risk Management and Internal Audit Framework Discussion Paper and prepare an Addendum for inclusion as part of the submission.

12.0 2020 MEETINGS SCHEDULE

The schedule for meetings of the Audit, Risk and Improvement Committee in 2020 is as follows:

Tuesday, 10 March, 2020
Tuesday, 9 June, 2020
Tuesday, 8 September, 2020
Tuesday, 8 December, 2020

All meetings commence at 2.00pm unless otherwise advised. Each meeting location is to be confirmed as venues become available.

Meeting closed at 5.55pm.

Council Policy

Asbestos Management

Introduction

Northern Beaches Council acknowledges the serious health hazards posed by 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 legacy asbestos 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.

Council has an important 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

Policy Statement

To ensure the health, safety & wellbeing of the Northern Beaches community, staff and workers within the local government area with respect to asbestos containing material. This policy focuses on eliminating or minimising the exposure when working with asbestos (including storage, transport and disposal) in accordance with SafeWork NSW requirements. When used in conjunction with the accompanying Asbestos Management Guideline, this policy aims to:

- clarify the role of Council and other organisations in managing asbestos;
- specify Council's regulatory powers;
- identify the approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents;
- advise residents on the safe renovation of homes that may contain asbestos;
- outline the development approval process for developments that may involve asbestos and conditions of consent;
- outline the waste management and regulation procedures for asbestos waste in the LGA; and
- outline Council's approach to managing asbestos containing materials in council workplaces.

Principles

Council is committed to:

1. Functional land management through ensuring appropriate planning controls and conditions of consent within the development approval process for proposals that may involve asbestos
2. Productive waste management (storage, transport and disposal) through regulatory enforcement to ensure compliance with conditions of consent and SafeWork NSW requirements where Council is the regulatory authority
3. Being a responsible employer and manager of land, buildings and assets by effectively identifying and dealing with asbestos. This is achieved by eliminating or minimising exposure, education, training and health monitoring through the implementation of the Northern Beaches Council 519: Asbestos Risk Management Standard
4. Providing information and advice to the community about prohibition on the use and re-use of asbestos containing materials; the risks of exposure to asbestos; requirements in relation to development, land management and waste management; and the requirements in relation to the safe management and removal/ disposal of asbestos containing materials
5. Effective management of complaints and investigations and where necessary, an emergency response in accordance with Council's Compliance and Enforcement Policy.

Scope and application

This policy applies to all land within the jurisdiction of the Northern Beaches Council, and applies to all employees, agents, officers, councillors, committee members, residents, workers and visitors of the Northern Beaches Council.

The policy, along with the Northern Beaches Council Asbestos Management Guideline provides information for the local community and wider public. Definitions for key terms used in the policy are provided in Appendix C of the Asbestos Management Guideline.

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 general advice is contained within the Asbestos Management Guideline.

For specific advice, individuals are encouraged to contact Council or the appropriate organisation.

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, published by SafeWork NSW;
- Code of practice on how to safely remove asbestos, published by SafeWork NSW ;
- Code of practice on demolition work, published by SafeWork NSW; and

Additional guidance material is also provided within Council's Asbestos Management Guideline.



Regulatory responsibilities

Council has regulatory responsibilities under the following legislation as the appropriate regulatory authority or planning authority:

- Contaminated Land Management Act 1997;
- Environmental Planning and Assessment Act 1979 and Regulation 2000;
- Local Government Act 1993;
- Protection of the Environment Operations Act 1997 and associated Regulations.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; and
- State Environmental Planning Policy No. 55 – Remediation of Land.

The situations in which Council has a regulatory role in the safe management of asbestos are set out in the Asbestos Management Guideline.

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.

Please refer to Council's Asbestos Management Guideline for details of the agencies involved in managing asbestos.

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 NSW Environmental Protection Authority.

Council will respond to complaints and inquiries in accordance with its Compliance and Enforcement Policy regarding:

- development and management of land and waste management;
- derelict properties;
- general asbestos safety enquiries;
- illegal dumping; and
- safe removal and disposal of minor quantities of asbestos materials.

Communicating this policy

This is a publicly available policy, and is to be made available via Council's website:

www.northernbeaches.nsw.gov.au

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).

Variations and revisions

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

References and related documents

- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Regulation 2000*
- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No.55 – Remediation of Land*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2017*
- Northern Beaches Council Compliance and Enforcement Policy
- Northern Beaches Council 519: Asbestos Risk Management Standard
- Northern Beaches Council 519-1: Asbestos Materials and Asbestos Register
- Northern Beaches Council Asbestos Management Guideline

Responsible Officer

Director Planning & Place

Review Date

April 2024

Revision History

Revision	Date	Status	TRIM Ref
1	28 May 2019	First draft policy	2019/420022
2	30.Sep 2019	For public consultation	2019/559310
3	26 Feb 2020	For Council meeting 24 March 2020	2020/114080

Asbestos Management Guideline - 2020



Administrative information

File number	2019/559320
Document status	Draft
Version number	V2
Date last modified or Amendment history	4 March 2020
Created by	Regulatory Support, Environmental Compliance Business Unit
Approved by	Director Planning and Place
Effective date	
Review period	This guideline will be reviewed at the time of any relevant legislative changes, or may be reviewed at a minimum, every three years.
Review date	
Responsibility for review	Regulatory Support, Environmental Compliance Business Unit

Council disclaimer

This guideline was formulated to be consistent with council's legislative obligations and within the scope of council's powers. This guideline 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 guideline is based upon the *Model Asbestos Policy for NSW Councils* developed by the Heads of Asbestos Coordination Authorities to promote a consistent Local Government approach to asbestos management across NSW.

This guideline does not constitute legal advice. Individuals will need to independently obtain their own legal advice in relation to their particular circumstances as Council will not accept liability for any losses incurred because of reliance on this guideline.

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1. Introduction

Northern Beaches Council acknowledges the serious health hazard posed by 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 legacy asbestos materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos. Within the Northern Beaches Council, there are a number of residential and industrial buildings, which may also contain asbestos.

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

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

Council has an important 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.

1.1 Purpose

This guideline 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

1.2 Scope

This guideline applies to the entirety of the Northern Beaches Council local government area, and provides information for council workers, the local community and wider public. Part 1 of the guideline includes the sections that are likely to be of most interest to the local community and wider public. Part 2 is information that applies to workers associated with council including employees, contractors, consultants, and volunteers (as defined by the *NSW Work Health and Safety Regulation 2017*). Definitions for key terms used in the guideline are provided in Appendix C and acronyms are listed in Appendix D.

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

The guideline 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).

Specific procedures and practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found within:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW.
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW.
- Additional guidance material listed at 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 at 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 under the provisions of the *Local Government Act 1993*. This may include land with naturally occurring asbestos as described in section 5 and land contaminated with asbestos as outlined in section 6.

3.3 Managing waste

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

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

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

3.4 Regulatory responsibilities

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

- *Contaminated Land Management Act 1997* (NSW)
- *Environmental Planning and Assessment Act 1979* (NSW)
- *Environmental Planning and Assessment Regulation 2000* (NSW)
- *Local Government Act 1993* (NSW)
- *Protection of the Environment Operations Act 1997* (NSW)
- *Protection of the Environment Operations (General) Regulation 2009* (NSW)
- *Protection of the Environment Operations (Waste) Regulation 2014* (NSW)
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *Demolition work code of practice 2015* (catalogue no. WC03841).

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

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

Issue	Council's role	Section of policy
Contaminated land	<ul style="list-style-type: none"> Record known asbestos site contamination on section 149 certificates where practicable and for council workplaces, record on council's asbestos register. Notify stakeholders of land use planning policy requirements relating to contamination. Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of SafeWork NSW). 	Section 6
Development assessment	<ul style="list-style-type: none"> Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. Ensure compliance with development conditions. Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9. 	Section 9
Demolition	<ul style="list-style-type: none"> Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>. Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. 	Section 9
Emergencies and incidents	<ul style="list-style-type: none"> Regulate the clean up of asbestos waste following emergencies where sites are handed over to the council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i>. 	Section 7
Naturally occurring asbestos	<ul style="list-style-type: none"> Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos. Prepare an asbestos management plan for council workplaces or road works which occur on land containing naturally occurring asbestos. 	Section 5
Residential premises	<ul style="list-style-type: none"> Respond to any public health risks (risks to council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW). Respond to public health risks posed by derelict properties or asbestos materials in residential settings. 	Section 9
Waste	<ul style="list-style-type: none"> Manage waste facilities in accordance with environmental protection legislation. Respond to illegal storage, illegal dumping and orphan waste. Regulate non-complying transport of asbestos containing materials. 	Section 10

3.5 Responsibilities to workers

Council is committed to fulfilling its responsibilities to workers under the NSW *Work Health and Safety Act 2011* and NSW *Work Health and Safety Regulation 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

There is the potential for asbestos to be found as a natural occurring mineral although we are not aware of any such areas within the Northern Beaches Council.

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 can be inhaled. 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 within the LGA, council will develop risk controls, and an asbestos management plan and provide guidance material as necessary.

6. Contamination of land with asbestos

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

6.1 Responsibilities for contaminated land

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

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

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

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

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

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

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

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

6.2 Finding out if land is contaminated

A person may request from council a planning certificate containing advice on matters including whether council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under section 149(2) of the *Environmental Planning and Assessment Act 1979*.

Factual information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When council receives a request for a certificate under section 149(2), it may also inform applicants of any further information available under section 149(5). Council may also use section 149(5) certificates to record other information, particularly anything else of a factual nature about contamination which council deems appropriate (such as details of land history, assessment, testing and remediation).

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

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

6.3 Duty to report contaminated land

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

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

6.4 Derelict buildings

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

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

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

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

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

7. Responding to emergencies and incidents

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

7.1 Responsibilities in the clean up after an emergency or incident

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

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

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

Council will determine an appropriate response depending on the nature of the situation. This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to council as soon as practicable.
- Follow the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW.

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

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

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

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

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

8. Council's process for changing land use

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

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

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

9. Council's process for assessing development

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

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

9.1 Responsibilities for approving development

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

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

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

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

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

9.2 Providing advice to home owners, renovators and developers

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

The key points are:

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

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

9.3 Identifying asbestos

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

A person may apply to council for a planning certificate (called a section 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 licences are outlined below and summarised in the table in Appendix K. SafeWork NSW is responsible for issuing asbestos licences.

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

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

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

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

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

All asbestos removal should be undertaken in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

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

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

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

All licensed asbestos removal must be:

- supervised by a supervisor named to SafeWork NSW
- notified to SafeWork NSW at least five days prior to the work commencing. Requirements for the transport and disposal of asbestos waste are covered in section 10.

9.4.2 Removing asbestos at workplaces

The *NSW Work Health and Safety Regulation 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 2000* provides mandatory conditions for complying development certificate applications.

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

9.5 Exempt or complying development

9.5.1 Exempt development

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

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

9.5.2 Complying development

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

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

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

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

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

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

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

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 guideline, fact sheets or websites. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos including those with building materials from prior to 2004.

9.6.2 Conditions of consent

Council has a number of standard development consent conditions for the management of asbestos which are applied dependant on the circumstances of the development.

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 guideline.

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.

Any regulatory process undertaken will follow the principles of Council's Compliance and Enforcement Policy and associated guidelines.

10. Managing asbestos as a waste

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

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

10.1 Responsibilities for asbestos waste management

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

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

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

10.2 Handling asbestos waste for disposal

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

10.3 Transporting asbestos waste

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

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

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

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

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

10.4 Disposing of asbestos waste at waste facilities

KIMBRIKI RESOURCE RECOVERY CENTRE

Monday - Sunday 7am - 5pm

Kimbriki Road, off Mona Vale Road, Ingleside/Terrey Hills NSW

Website: www.kimbriki.com

Email: kimbriki@kimbriki.com

Vehicle Updates: vehicles@kimbriki.com

Postal: PO Box 196, Terrey Hills NSW 2084

Telephone: 02 9486 3512 or 02 9486 3542

Complaints Line: 02 9450 0561

[Click here for a location map](#)

What you need to know about disposing Asbestos at Kimbriki

Bringing Asbestos to Kimbriki Resource Recovery Centre

Kimbriki accepts **BONDED ASBESTOS material only**. [Special Conditions apply](#)

- All loads of Asbestos must be double-bagged or double-wrapped in 200um heavy duty builders plastic, securely sealed with duct tape.
- Asbestos parcels must not exceed 20kgs.
- Hand-unload ONLY.
- Minimum charges apply. See [Fees and Charges](#)

If the Asbestos tipping conditions are not met, the load will be rejected. Please read full details [here](#).

Friable asbestos products and contaminated soil are NOT accepted.

For more information about Asbestos Safety, [click here](#)

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

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

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

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

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

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

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

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

10.5 Illegal dumping of asbestos waste

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

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

- on the spot fines of up to \$15,000
- prosecution for pollution of land of up to \$1 million for a corporation and \$120,000 for each day the offence continues (under section 142A of the *Protection of the Environment Operations Act 1997*), or
- up to \$1 million, or seven years imprisonment, or both for an individual (under section 119 of the *Protection of the Environment Operations Act 1997*).

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

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

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

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

10.6 Asbestos remaining on-site

The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long term management to ensure the material does not pose unacceptable risks to future site activities and occupants. For on-site burial of asbestos waste, council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls whether or not consent is required and will require recording of on-site disposal on the zoning certificate (section 149 certificate).

11. Complaints and investigations

Complaints and inquiries may be directed to council about incidents in public places and private properties. Complaints and inquiries regarding a workplace 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 Chief Executive Officer

The CEO has a duty to exercise due diligence to ensure that council complies with the NSW *Work Health and Safety Act 2011* and the NSW *Work Health and Safety Regulation 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 guideline 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 guideline 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 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.

Council will not carry out or direct or allow a worker to carry out work involving asbestos if that work involves manufacturing, supplying, selling, transporting, storing, removing, using, installing, handling, treating, disposing, of or disturbing asbestos or ACM except in prescribed circumstances, as set out in the Northern Beaches Council "Asbestos Risk Management Standard".

While working with asbestos is generally prohibited, the Work Health and Safety Regulation allows work to occur on asbestos in certain circumstances, i.e. asbestos related work, including:

- Sampling and identification
- Maintenance of, or service work on, non- friable asbestos and ACM
- Transport for disposal of asbestos waste
- Demonstrations, education or practical training
- Management of in-situ asbestos

12.2 Responsibilities of council to council workers

12.2.1 Council's general responsibilities

Council has general responsibilities under the NSW *Work Health and Safety Act 2011* and the NSW *Work Health and Safety Regulation 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 2017*.

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

12.2.2 Education, training and information for workers

As required by the *NSW Work Health and Safety Act 2011* and *NSW Work Health and Safety Regulation 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.

Relevant content that any training may cover is outlined in the Code of practice on how to safely remove asbestos (catalogue no. WC03561). Education and training will only be provided by appropriately accredited individuals.

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 from Learning and Development Team

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*.

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*. Council will ensure these employees are kept on the health monitoring program.

Additional information is available within Section 9.2 Health Monitoring of the "Asbestos Risk Management Standard".

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 has a Hazardous Materials & Asbestos Register which is located on the intranet and within Trim Folder: C000375 and document number is 2018/339914, entitled "[Hazardous Materials & Asbestos Register](#)".

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*.

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

13.4 Suspected asbestos

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

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

14. Managing asbestos-related risks in the council workplace

14.1 Asbestos management plan

Council will prepare an asbestos management plan for dealing with asbestos within the workplace. 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. If naturally occurring asbestos is discovered, a specific asbestos management plan will be prepared in accordance with the *NSW Work Health and Safety Regulation 2017*.

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.

For further information, please refer to the Northern Beaches Council "Asbestos Risk Management Standard" Trim Number 2018/788647

14.4 Sites contaminated with asbestos that are council workplaces

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

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

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

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

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

14.5 Demolition or refurbishment of council buildings and assets

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

14.6 Removal of asbestos in the council workplace

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

- NSW *Work Health and Safety Act 2011*
- NSW *Work Health and Safety Regulation 2017*.

Council may also refer to the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

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

Authorised Council Removal Employees

A register of employees authorised by Council to remove or supervise removal of asbestos is maintained by Human Resources, Learning & Development.

Managers shall ensure that before any Council employee undertakes asbestos (or suspected asbestos) removal work they:

- Are appropriately trained in the identification, safe handling and suitable control measures for asbestos and ACM e.g. Asbestos Awareness course
- Have read and understood the relevant risk assessment
- Have read and understood the relevant SHEWMS and signed off (for construction work), or
- Are trained in a Safe Work Procedure for the task (for non-construction work)
- Are adequately supervised e.g. by a worker who has completed the Asbestos Awareness course
- Are provided with appropriate PPE (including RPE) and equipment
- Are provided with the Management Plan and Register

Safe Work Procedure

Managers shall ensure that Council employees authorised to remove or supervise removal of asbestos are trained in a [SHEWMS](#) or [Safe Work Procedure](#) for the removal task. This procedure shall provide step-by-step instructions on how to safely perform the task, including establishment of an exclusion zone and signage, appropriate PPE, equipment and tools, and decontamination.

Refer to Appendix B within the "Asbestos Risk Management Standard"

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.

Accidental asbestos disturbance or unexpected finds may result from asbestos or ACM exposed during excavation, waste illegally dumped in bushland or a public area, or exposure to old fill material buried in the ground.

- Stop works in the vicinity of the asbestos immediately.
- Inform the Supervisor and Manager immediately. Inform necessary workers and others present to clear the area until the hazard has been contained.
- Evacuate the area, establish an exclusion zone using barricades and warning signs to restrict access by other persons.
- Raise a Customer Service CRM if another Council business unit is the asset owner and needs to be involved in the safe removal of asbestos.
- Record the incident in SolvSafety within 12 hours.
- Workers who have or may have been exposed to friable asbestos shall be decontaminated as soon as possible (refer **Appendix B**). Clothing shall be treated as asbestos waste and disposed of in asbestos waste bags with any disposable PPE. Any item that cannot be decontaminated such as socks shall also be disposed of as asbestos waste.
- Workers suspected of being exposed to friable asbestos or ACM should be given information on asbestos exposure, support as needed, and undertake a baseline medical examination as soon as practicable after the exposure.

For additional information, refer to the Northern Beaches Council “Asbestos Risk Management Standard-Section 8”

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

16.1 Responding to illegal dumping

Removal of illegally dumped asbestos material or suspected asbestos material by council employees will be undertaken in accordance with section 14.6.1 or section 14.6.2. For additional information, refer to Section 8 of “Asbestos Risk Management Standard”

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 Kimbriki Resource Recovery Centre facility licensed to accept bonded 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.

16.3.1 Asbestos waste incorrectly presented to Kimbriki Resource Recovery Centre facility

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

- not correctly packaged for delivery and disposal (as per sections 9.2 and 9.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials
- taken to a waste facility that does not accept asbestos waste. In these situations, council may record relevant details such as the:
 - contact details of the transporter
 - origin of the asbestos or asbestos containing material
 - amount and type of asbestos or asbestos containing material
 - reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste
 - development consent details (if applicable).

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

- reject the asbestos waste from the facility
- suggest the transporter re-package the load correctly at the facility
- provide a bay for wetting and/or wrapping the asbestos and protective equipment for the transporter e.g. the option to purchase an asbestos waste handling kit (for non-commercial operators with less than 10 square metres of non-friable asbestos)
- provide the transporter with educational material such as SafeWork NSW fact sheets on correct methods for packaging, delivery and disposal of asbestos
- question the transporter about the source of asbestos waste
- issue a clean up notice or prevention notice under the *Protection of the Environment Operations Act 1997*

-
- issue a compliance cost notice under the *Protection of the Environment Operations Act 1997*
 - issue a penalty infringement notice for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).

Where asbestos waste is taken to a waste facility that does not accept asbestos waste, council may reject the waste. Where waste is rejected, council should complete a rejected loads register (a template is available from SafeWork NSW). Council will also inform the transporter of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*). If council suspects that there is a risk of illegal dumping of the rejected waste, council will inform council's rangers or council's compliance officers. Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and at a later date the transporter will need to demonstrate to council that the waste has been appropriately disposed.

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

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

16.4 Recycling facilities

Kimbriki Resource Recovery Centre facility should screen and inspect incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

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

Council may develop procedures to avoid asbestos contaminated material intended for resource recovery if required.

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 guidelines

18.1 Supporting documents

The implementation of this guideline is supported by Council's adoption of the Asbestos Management Guideline.

Council also has several internal documents and processes that support this Asbestos Management Guideline, including:

- an asbestos register
- complaints handling procedures

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- *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 (eg RiskMAP)*
 - *safe work method statements/procedures for asbestos handling and removal for council employees*
 - *site maps and GPS coordinates for asbestos in landfill*
 - *site specific safety management plans*
 - *training registers/ records (relevant to identifying, handling and removing of asbestos materials).*
 - *asbestos inquiries and complaints response flowchart and checklist*
 - *asbestos management plan*
 - *conditions of consent*
 - *community education strategy.*

18.2 Communicating the guideline

This is a publicly available guideline which is to be made available via:

- Council's customer service centres
- Council's website www.northernbeaches.nsw.gov.au
- Council's electronic record keeping system (Trim) and intranet.

All employees shall receive information about the guideline 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 guideline 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 guideline 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 guideline.

Council shall incorporate a statement regarding compliance with this guideline 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 guideline, the revisions will be approved by the CEO and the CEO 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 guideline

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

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

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

19. Variations to this guideline

Council reserves the right to review or vary this guideline. The CEO may allow variations to the guideline 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 the potential for asbestos to be found as a natural occurring mineral although there is no indication of any such area existing within the Northern Beaches 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 guideline under section 5 and in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW, which provides a photograph of naturally occurring asbestos. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

2.2 Residential premises

As a general rule, a house built:

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

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

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

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

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

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

Asbestos can also be found in:

- angle mouldings (internal and external)
- board around windows and fireplaces
- brake pads and clutch pads to vehicles
- buried and dumped waste materials
- carpet underlay
- ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity and may have moved to wall cavities, cornices and sub-floor areas)
- cement flooring
- external toilets
- fencing
- guttering, downpipes and vent pipes
- inside appliances e.g. 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, e.g., 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 e.g., 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, e.g., asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

2.4.2 Significantly contaminated land

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

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

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

3. Potentially hazardous activities

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

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

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

- renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials
- sealing, painting, brushing and cleaning asbestos cement products
- demolitions of homes or other structures (dismantling or destruction)
- relocating a house, building or structure
- using compressed air on asbestos containing materials
- water blasting asbestos containing materials
- cleaning gutters on asbestos cement roofs

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- 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.

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/qu_contam.pdf

Emergency management

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

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

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

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

Environmental risk assessment

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

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

Health

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

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

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

Renovation and development

Asbestos: A guide for householders and the general public, Environmental Health Standing Committee (enHealth), Australian Health Protection Principal Committee, Canberra, 2013 (available at: www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

Asbestos Awareness website (Asbestos Education Committee) www.asbestosawareness.com.au

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

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

Practical guidance

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

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

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

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

Tenants

Tenants rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW) www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW)

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

Appendix C – Definitions

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

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*
- *Protection of the Environment Operations Act 1997*
- *Waste classification guidelines part 1 classifying waste 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 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 2017*, 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 2017*. 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 2017* to carry out Class A asbestos removal work or Class B asbestos removal work.

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

NATA means the National Association of Testing Authorities, Australia.

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

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

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

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

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

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

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

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

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

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

respirable asbestos fibre means an asbestos fibre that:

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

specified VET course means:

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

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

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

waste includes:

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

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

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

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

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

Appendix D – Acronyms

ACD Asbestos Containing Dust (an acronym used in the legislation) ACM Asbestos Containing Material (an acronym used in the legislation)

ARA Appropriate Regulatory Authority (an acronym used in the legislation) DA Development Application

EPA Environment Protection Authority JRPP Joint Regional Planning Panel LGA Local Government Area

NATA National Association of Testing Authorities NSW New South Wales

SEPP State Environmental Planning Policy VET Vocational Education and Training

Appendix E – Relevant contacts

Northern Beaches Council Customer Services are happy to help you!

Phone 1300 434 434 - 24 hours a day, 7 days a week.

Outside Australia +61 2 9970 1111

Council Email council@northernbeaches.nsw.gov.au

Online Customer Service

Our [online customer service](#) makes it easy and convenient for customers to find more information or [report an issue](#) ([Opens in a new window](#)).

If the matter you're reporting is urgent or a hazardous situation endangering people or property, please call Council on 1300 434 434 - 24 hours a day 7 days a week.

Fax 9971 4522

PO Box 82 Manly NSW 1655 Australia

Customer Service Centres

If you prefer to visit in person, we have Customer Service Centres - open Monday to Friday 8.30am to 5pm:

<p>Manly</p> <p>1 Belgrave Street</p> <p>Manly NSW 2095 Australia</p> <p>(map(Opens in a new window))</p>	<p>Mona Vale</p> <p>Village Park, 1 Park Street</p> <p>Mona Vale NSW 2103 Australia</p> <p>(map(Opens in a new window))</p>
<p>Dee Why</p> <p>725 Pittwater Road</p> <p>Dee Why NSW 2099 Australia</p> <p>(map(Opens in a new window))</p>	<p>Avalon Beach</p> <p>59A Old Barrenjoey Road</p> <p>Avalon Beach NSW 2107 Australia</p> <p>(map(Opens in a new window))</p>



Health
Northern Sydney
Local Health District
Northern Sydney Public Health Unit

36-76 Palmerston Road, Hornsby, NSW 2077
Tel (02) 9477 9400 | Fax (02) 9482 1650

NSLHD-PHUHornsby@health.nsw.gov.au

Asbestos-related disease organisations (non-exhaustive)

Asbestos Diseases Foundation Australia Inc

Phone: (02) 9637 8759
Helpline: 1800 006 196
Email: info@adfa.org.au
Website: www.adfa.org.au

Asbestos Diseases Research Institute

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

Australian Institute of Occupational Hygienists Inc.

Phone: (03) 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.

KIMBRIKI RESOURCE RECOVERY CENTRE

Kimbriki accepts **BONDED ASBESTOS material only**. [Special Conditions apply](#)

Monday - Sunday 7am - 5pm

Kimbriki Road, off Mona Vale Road, Ingleside/Terrey Hills NSW

Website: www.kimbriki.com

Email: kimbriki@kimbriki.com

Vehicle Updates: vehicles@kimbriki.com

Postal: PO Box 196, Terrey Hills NSW 2084

Telephone: 02 9486 3512 or 02 9486 3542

Complaints Line: 02 9450 0561

[Click here for a location map](#)

Waste management facilities in other areas that accept asbestos wastes

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

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

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

Appendix G – Asbestos-related legislation, policies and standards

- *Contaminated Land Management Act 1997*
- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Demolition work code of practice 2015*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 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)

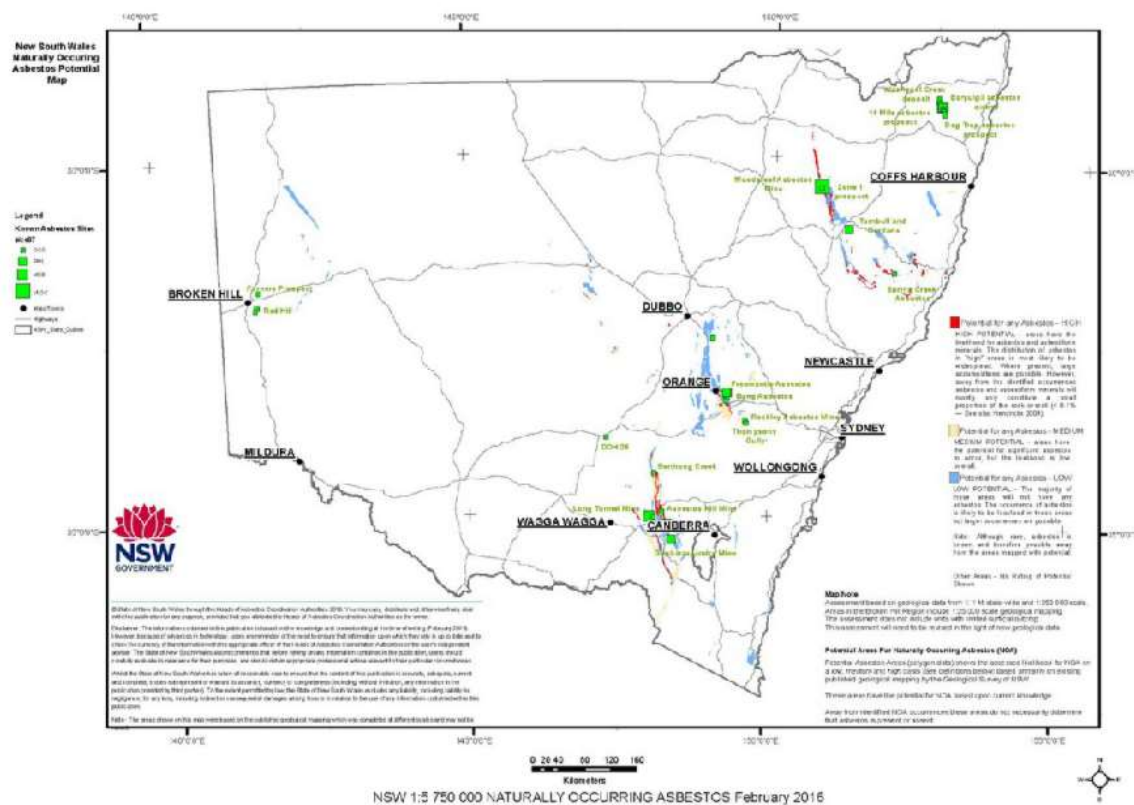
www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

Appendix K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	Can remove any amount or quantity of asbestos or asbestos containing material, including: <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	Can remove: <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	Can remove: <ul style="list-style-type: none"> up to 10 m² of non-friable asbestos or asbestos containing material asbestos containing dust that is: <ul style="list-style-type: none"> associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

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

Appendix L – Map





**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

12 March 2020

Mr Andrew Piggot
Northern Beaches Council
PO Box 82
Manly NSW 1655

Dear Andrew,

21 WHISTLER STREET, MANLY – HERITAGE PEER REVIEW

INTRODUCTION

Urbis has been engaged to undertake a Peer Review of the heritage documentation associated with a Development Application which proposes to demolish all structures on the subject site at 21 Whistler Street, Manly. This letter sets out an independent assessment of heritage significance for the property and specifically addresses assertions regarding significance set out in the heritage reports prepared by Heritage 21 (September 2018, April 2019, February 2020), Full Circle Heritage (April 2019) and Robertson & Hindmarsh (June 2019). A review of the legal records was also prepared by OCK lawyers in support of the application. A full list of the documents reviewed to inform this letter has been appended.

The history and description of the site has been comprehensively documented over the course of the Development Application. This report relies on the previously prepared documentation.

PEER REVIEW

Various assertions made in regard to significance in the existing heritage documentation have been set out below. Urbis has provided comment under each.

HERITAGE 21 HERITAGE IMPACT STATEMENTS AND ANALYSIS OF HISTORICAL INFORMATION

Heritage 21 noted that ... *the current façade coupled with the introduction of intrusive infill works to the building allows for little legibility of the character of the original structure.*

It is acknowledged that the structure represents an ancillary part of what was originally a significant residence in the area. However, the house has been demolished and the only part which remains constitutes remnants of the outbuilding. There is contention in the documentation regarding the extent of remnant original fabric which Urbis acknowledges however the remaining fabric has a history which is entirely indiscernible without interpretation. Urbis agrees with the statement above.

21WhistlerStreetManly_HeritagePeerReview_March2020



Heritage 21 noted that *There are no plans or Title Deeds which link Thomas Rowe to the Site at 21 Whistler Street, Manly.*

It is agreed that there is no categorical evidence that shows that Rowe owned or designed the residence at 21 Whistler. Urbis considers however that based on the existing documentation the depth of association has neither been proven nor disproven. There is conjecture in the documents prepared by all heritage reports and by OCK Lawyers and a thorough reading of these documents does not conclusively prove that the original building was actually designed or built by Thomas Rowe. Rowe was associated with the building and in particular his wife, Charlotte Jane Rowe, who was granted a life tenancy by Sydney Moore Green.

Heritage 21 states that *It is certain that the footprint of the building that stands today does not match that of the footprint of the original outbuildings (service wing) of 'Roseville'.*

Urbis agrees with this statement.

Heritage 21 states that the *current building standing today possibly only includes a very small amount of original, intact, fabric (the western kitchen wall) of the original 'Roseville' service wing*

Urbis generally agrees with the statement that the places only includes a very small amount of original, intact, fabric. Without having undertaken a detailed fabric analysis (which is outside the scope of this report) Urbis is not able to independently identify the date of each element however the evidence presented in the documentation which shows substantial alterations is compelling and convincing enough to conclude that little is remnant and the association with the historical period is substantially obscured.

Heritage 21 states that *in regard to the above evidence, it becomes difficult to understand the basis for a heritage listing when there is so little evidence linking Thomas Rowe to the Site and so little remaining fabric left of the remnant service wing building of the Site.*

Urbis agrees with this statement.

FULL CIRCLE HERITAGE PEER REVIEW

Full Circle Heritage noted that

These are the factors which detract from the site's heritage potential:

- ***It is only part of the original complex of outbuildings/domestic service buildings, and what remains has been modified, including the removal of significant material such as the original roofing, internal modifications etc.***
- ***Whilst a remnant does remain, lack of documentary evidence makes it difficult to gain a true understanding of what its original purpose was, how it was used and its original configuration (such as its relationship with the now demolished structures to its north).***
- ***The demolition of "Restormel", subdivision of original allotment and encroachment of neighbouring recent infill has meant that its original context has been heavily compromised.***



Urbis agrees with the above statements. However, it is not considered that the report gives due weight to the effect of the irreversible impacts carried out on the place. The report contends that despite the above assertions that the place remains a rare example of Manly's late Nineteenth Century town centre-built environment. It is acknowledged that the place is a representative example of this. However, the irreversible material impacts are such that the place cannot possibly be assessed to have significance when considered in the context of the exclusion guidelines set out by NSW Heritage Council for assessing significance.

Full Circle Heritage noted that... *it is still easily possible to discern the original elements of the cottage, particularly from Whistler Street.*

It is not agreed that it is easily possible to discern the original elements of the cottage. It is considered that the only original element of the cottage which is discernible from the street is the general form and scale (albeit the scale has been somewhat impacted by the two storey form immediately to the north). The detailing has entirely been removed, and the finishes and fenestration is not original. The utilisation of the term cottage in this phrase is particularly problematic and demonstrates that the place has a presentation substantially dissimilar to its original. The place is now used as a residence/cottage however was previously the service wing of a principal form to the centre of the site. Section 4.1 of the report goes on to more correctly refer to it as a late 19th century outbuilding.

Full Circle Heritage noted that the place has *rare remaining fabric in Manly having an association with Thomas Rowe, architect and first Mayor of Manly* which contributes to the site's heritage potential.

It must firstly be noted that there is no categorical evidence which shows that the place was designed by Rowe. Even so, the below assessment has been set out based on the assumption that this claim is correct.

It is acknowledged that there may be little evidence of Rowe's body of work in Manly. However, it is not agreed that this constitutes a reason for listing the place. Rowe's work is well represented by a range of highly significant, intact and heritage listed buildings around Sydney generally. Further, the fabric has been so altered it no longer displays a clear association with Rowe. The loss of the remnant fabric would not have and notable impact on the architectural legacy of Rowe.

Full Circle Heritage noted that the place *Reflects original function of Whistler Street as a service lane or secondary roadway, compared with prominence of East Promenade/Belgrave Street*

It is considered that the place is so altered that it now presents as a residence/cottage (as evidenced earlier in the report). It does not obviously present as a rear service wing given the associated principal form has been demolished and the eastern façade has been substantially altered. Robertson & Hindmarsh convincingly assert that the east façade likely had no windows facing the street. It is not agreed that the place is so strongly representative of the original function of Whistler Street that it gives the place historic significance.

Full Circle heritage noted that *Demolition of "Restormel" and subdivision of original allotment reflects the changing nature of Manly in the early twentieth century, with growing CBD and increased need for commercial spaces rather than villa style residences*

While this point alludes to the site making some contribution to an understanding of the history of the area this would not be considered enough alone to demonstrate historic significance. Further, the values demonstrated here are intangible and can be interpreted in devices in absence of the remaining fabric on the site, they should not prohibit or notably influence the development of the site.



Full Circle Heritage noted that *whilst its construction as a service building makes it atypical when compared to normal residential building design, it has been used as a residential building in its own right, since 1923.*

There is no evidence that it was originally used for accommodation. The evidence shows that the place comprised a collection of utility spaces. Its adaptive reuse for a generic residential use starting from the 1920s is not considered to vest historic significance in the place.

ROBERTSON & HINDMARSH FURTHER INVESTIGATIONS AND COMPARATIVE REVIEW

Robertson & Hindmarsh make assertions that Thomas Rowe designed the building on the subject property based on the evidence of mortgages.

The advice provided by O'Brien, Connors and Kennett Lawyers is relied upon in this instance. It is noted that the assertions made by Robertson & Hindmarsh are concluded to be speculative, however it is also noted that the advice provided by the former is also in part based on conjecture.

Robertson & Hindmarsh State that Thomas Rowe *was involved in the design of buildings and civic improvements from the late 1860s in Manly including public swimming baths, a public wharf and the planting of Norfolk Island pines. Whilst these features all survive, the configurations have largely been altered.*

Robertson & Hindmarsh State that the *sequence of family residences, the full extent of which has not been determined, is of significance in that it demonstrates his expanding family and also his increasing wealth and status, eventually resulting in his move to "Mona" in Darling Point*

Urbis agrees with the above statement. This statement properly acknowledges the number of properties which Rowe and his family resided in.

Robertson & Hindmarsh States that *as a service building designed to be concealed behind the main building the subject building is aesthetically simple, unadorned, functional and utilitarian. There is no architectural style or pretence. In its simplicity it resembles the simple houses found in areas such as The Rocks and other colonial settlements in the colony in the early years of the nineteenth century (albeit with Victorian details) and the surviving outbuildings for substantial houses from the 1870s.*

Urbis agrees with the above. The place is a representation of a typical outbuilding. However, the above statement does not give due weight to the periodic and substantial alterations that have taken place which also render the place a poor representation of a typical outbuilding.

Robertson & Hindmarsh States that *The underlying significance of this remnant of "Roseville" is that the separation of the kitchen, washhouse and earth closet facilities in a separate wing, connected by a covered walkway to the main house, demonstrates the architect's, Thomas Rowe's, attention to the requirement for health and sanitation in an urban location that did not have any municipal services such as a piped water supply or a piped sewerage system.*

Urbis agrees with the statement made by Greg Boston that there is no evidence that the statements that support this assessment are factual. It relies on the assumption that Rowe constructed the property which cannot be proven. It is noted that Heritage 21 purport that most houses prior to 1900 would have had an earth closet. Sufficient research has not been done for Urbis to state that the latter claim is correct, however it is anticipated that there would have been enough by this time that the subject site is not significant on this account. There is conjecture about the rear wing which was more typical of earlier buildings as by the time the dwelling was erected the service wing was directly attached to the rear of the dwelling. Robertson and Hindmarsh clearly show that the subject building



also contains a later conjoined addition to the original outbuilding on the site and its configuration as a cottage is misleading as the fabric has been altered and extended.

Robertson & Hindmarsh States that ***The previous rationale for not listing the building in 2007 was an assessment of its physical fabric, without picking up the association with the first Mayor of Manly, Thomas Rowe, or that it formed part of the outbuilding complex of a large villa he designed for his family that faced Belgrave Street and the park. Very little survives of Rowe's body of work in Manly undertaken between c. 1868 and 1890.***

This statement appears to accept that the only significance associated with the place is based on its assumed association with Rowe. However, all documentation relevant to the question of the extent of the association is based on conjecture and it has therefore not been proved (or disproved). Failing this association, it must be noted that Robertson & Hindmarsh do not find any further significance in the place.

Furthermore, Urbis is not of the opinion that resolution of this question is necessary to conclude the significance and retention value of the place. The fact remains that the subject fabric constitutes an altered part of a rear extension wing which has been periodically altered since its construction and displays no features which indicate its period of construction or architect. Urbis' assessment of the significance of the place does not draw a different conclusion based on the different assumption regarding the extent of the association with Rowe.

Robertson & Hindmarsh noted that very little survives of Rowe's body of work (between c 1868 and 1890) in Manly.

Urbis finds that the above statement is based on conjecture as the author previously states that the extent of Thomas Rowe buildings in Manly cannot be determined with any certainty.

ASSESSMENT OF SIGNIFICANCE

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' guides.



Table 1 – Assessment of heritage significance

Criteria	Significance Assessment
A – Historical Significance <i>An item is important in the course or pattern of the local area's cultural or natural history.</i>	<p>Although parts of the subject site date from a period of development in the late 19th century it is no longer altered that it no longer shows evidence of this association. The clear association with the period of construction and the notable contribution of the place to the morphology of the area in the 19th century was lost upon the demolition of Roseville.</p>
<u>Guidelines for Inclusion</u> <ul style="list-style-type: none"> shows evidence of a significant human activity <input type="checkbox"/> is associated with a significant activity or historical phase <input type="checkbox"/> maintains or shows the continuity of a historical process or activity <input type="checkbox"/> 	<u>Guidelines for Exclusion</u> <ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/> provides evidence of activities or processes that are of dubious historical importance <input type="checkbox"/> has been so altered that it can no longer provide evidence of a particular association <input checked="" type="checkbox"/>
B – Associative Significance <i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i>	<p>The remnant fabric has association with the first Mayor of Manly, Thomas Rowe as it formed part of the outbuilding complex of a residence designed for his family that faced Belgrave Street. It is understood that the second Mayor of Manly resided in the place following Rowe.</p> <p>Thomas Rowe was also one of the founders of the Institute of Architects and designed a substantial number of buildings around Sydney and particularly along Pitt Street.</p> <p>The documentary evidence to date has not categorically proved or disproved the assumption that Thomas Rowe designed the house. The house and its link to an outbuilding have been demolished. Even so, the range of alterations undertaken to the rear outbuilding, notably the complete removal of its principal form, alteration of the roof and the referential Tudor style detailing applied to the original form, have</p>



Criteria	Significance Assessment
	<p>substantially and irreparably diminished the original presentation of the place. The strongest connection with Rowe would have been vested in the principal form on the site which has since been removed. Any possible association between the remaining fabric and Rowe is no longer evident.</p> <p>It is further considered that there are a number of more substantial and intact properties around Sydney which constitute former residences of Rowe. His two former substantial dwellings in Elizabeth Bay are listed heritage items.</p> <p>It is not considered that the limited remaining fabric of an outbuilding associated with the residence of a person of significance which has been substantially altered meets the requisite threshold of associative significance.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> shows evidence of a significant human occupation <input type="checkbox"/> is associated with a significant event, person, or group of persons <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important people or events <input type="checkbox"/> provides evidence of people or events that are of dubious historical importance <input type="checkbox"/> has been so altered that it can no longer provide evidence of a particular association <input checked="" type="checkbox"/>



Criteria	Significance Assessment
C – Aesthetic Significance <i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i>	<p>The most significant part of the dwelling, i.e. the principal form of Roseville Cottage was demolished at the start of the 20th century. The existing fabric constitutes a small remnant of a residence with a complex of outbuildings.</p> <p>Later development within and around the subject site and the demolition of Roseville Cottage has substantially and irreparably altered the setting of the place. The remnant fabric therefore does not indicate the layout of the complex of outbuildings and any indication that the fabric was associated with a house fronting Belgrave Street is lost.</p> <p>The place does not clearly represent a particular historical period. The place dates to the late 19th century however has been so materially altered internally and externally that it does not represent a particular taste or style.</p>
<u>Guidelines for Inclusion</u> <ul style="list-style-type: none"> shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/> is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/> is aesthetically distinctive <input type="checkbox"/> has landmark qualities <input type="checkbox"/> exemplifies a particular taste, style or technology <input type="checkbox"/> 	<u>Guidelines for Exclusion</u> <ul style="list-style-type: none"> is not a major work by an important designer or artist <input type="checkbox"/> has lost its design or technical integrity <input checked="" type="checkbox"/> its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input checked="" type="checkbox"/> has only a loose association with a creative or technical achievement <input type="checkbox"/>



Criteria	Significance Assessment
D – Social Significance <i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i>	<p>There is no information in the detailed historical overview which has been prepared which indicates a connection with a definable cultural group of people during a particular period.</p>
<u>Guidelines for Inclusion</u> <ul style="list-style-type: none"> is important for its associations with an identifiable group <input type="checkbox"/> is important to a community's sense of place <input type="checkbox"/> 	<u>Guidelines for Exclusion</u> <ul style="list-style-type: none"> is only important to the community for amenity reasons <input type="checkbox"/> is retained only in preference to a proposed alternative <input type="checkbox"/>
E – Research Potential <i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i>	<p>The building is so altered it does not clearly display the techniques employed at a particular time including those for sanitary reform. There would no more advantage in conserving the building than recording the remaining fabric and providing interpretation of the history of the site.</p>
<u>Guidelines for Inclusion</u> <ul style="list-style-type: none"> has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/> is an important benchmark or reference site or type <input type="checkbox"/> provides evidence of past human cultures that is unavailable elsewhere <input type="checkbox"/> 	<u>Guidelines for Exclusion</u> <ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history or culture <input type="checkbox"/> has little archaeological or research potential <input type="checkbox"/> only contains information that is readily available from other resources or archaeological sites <input type="checkbox"/>
F – Rarity <i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i>	<p>Remnant outbuildings are not rare in Sydney in general.</p> <p>It has not been proven that the place was designed by Rowe and therefore it cannot be concluded that it is a rare example of his work. Nonetheless if the place was designed by Rowe it is so materially altered it would not be considered to be a good example of its type.</p>



Criteria	Significance Assessment
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> provides evidence of a defunct custom, way of life or process <input type="checkbox"/> demonstrates a process, custom or other human activity that is in danger of being lost <input type="checkbox"/> shows unusually accurate evidence of a significant human activity <input type="checkbox"/> is the only example of its type <input type="checkbox"/> demonstrates designs or techniques of exceptional interest <input type="checkbox"/> shows rare evidence of a significant human activity important to a community <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> is not rare <input checked="" type="checkbox"/> is numerous but under threat <input type="checkbox"/>
<p>G – Representative</p> <p><i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):</i></p> <ul style="list-style-type: none"> cultural or natural places; or cultural or natural environments. 	<p>The place represents the remnants of the rear wing of a once much larger residence which fronted Belgrave Street.</p> <p>If this building was designed by Thomas Rowe it represents a very altered example of his work as a substantially altered ancillary building with no remnant associated principal structure.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> is a fine example of its type <input type="checkbox"/> has the principal characteristics of an important class or group of items <input type="checkbox"/> has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/> 	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> is a poor example of its type <input checked="" type="checkbox"/> does not include or has lost the range of characteristics of a type <input type="checkbox"/> does not represent well the characteristics that make up a significant variation of a type <input type="checkbox"/>



Criteria	Significance Assessment
<ul style="list-style-type: none"> is a significant variation to a class of items <input type="checkbox"/> is part of a group which collectively illustrates a representative type <input type="checkbox"/> is outstanding because of its setting, condition or size <input type="checkbox"/> is outstanding because of its integrity or the esteem in which it is held <input type="checkbox"/> 	

CONCLUSION AND RECOMMENDATIONS

- There remains a question of whether Thomas Rowe owned, designed and built the residence. It is Urbis' opinion that no documentation to date proves or disproves this fact. All documentation including that provided by O'Brien, Connors & Kennett rely on conjecture. It is agreed that Rowe and his wife had a strong association with the original dwelling. Even so, Urbis is of the opinion that resolution of this question is not necessary to conclude the significance and retention value of the place. The fact remains that the subject fabric constitutes highly altered remains of an outbuilding which displays no features which clearly indicate its period of construction or architect.
- It is assessed that the place does not have heritage significance warranting retention.
- It is recommended that Northern Beaches Council does not continue with the proposal to list the item on the Manly LEP.
- Any significance associated with this site (if it is found that Thomas Rowe had extensive association with the site) is intangible. The remnant fabric is not considered to be of such significance to preclude or influence the development potential of the site.
- The site should be archivally recorded. There is an opportunity to incorporate a marker or other interpretation into the new development which notes that the place was the site of one of the residences of the first Mayor and significant architect Thomas Rowe's.

I trust this information assists in the progress of the potential listing and the Development Application.

Kind regards,



Stephen Davies
Director



APPENDIX A

Reports reviewed to inform this letter include the below. Please note the correspondence between the parties has also been reviewed however not recorded below.

- Manly's Sustainable Heritage, Clive Lucas, Stapleton and Partners, 12 February 2008
- Statement of Heritage Impact, Heritage 21, September 2018
- Independent Heritage Review, Full Circle Heritage, April 2019
- Further Investigation and Comparative Review, Robertson & Hindmarsh, 1 July 2019
- Heritage Peer Review, Weir Phillips Heritage, 22 July 2009 (sic)
- Comments on "Response to Intended Heritage Order", Robertson & Hindmarsh, 1 August 2019
- Additional letter, Heritage 21, 28 August 2019
- Comments on Letter from Heritage 21, Robertson & Hindmarsh, 30 August 2019
- Historical Records and searches, OCK Lawyers, 3 December 2019
- Norton Survey Partners, 6 December 2019
- Proof that Thomas Rowe Architect did not own, design or build Roseville Cottage, 9 December 2019
- Comments on additional documents received, Robertson & Hindmarsh, 12 December 2019
- Correspondence, OCK Lawyers, 19 December 2019
- An investigation of the Evidence Regarding the Association of Thomas Rowe with 21 Whistler Street, Manly, Dr Terry Cass, January 2020
- Response to Proposed Heritage Listing, OCK Lawyers, 28 January 2020
- Response to Proposed Heritage Listing, OCK Lawyers, 30 January 2020
- Analysis of Historical Information, Relating to 21 Whistler Street, Manly, 2 February 2020



Australian Government
**Department of Industry,
Innovation and Science**

Your reference no: CEP77799

Mr Malcolm Fisher
Vice Chair
SAVE MANLY DAM CATCHMENT COMMITTEE
INCORPORATED
c/o 37 King St
Manly Vale NSW 2093

GPO Box 2013
CANBERRA ACT 2601
p: 13 28 46

e: CEP2019Contracts@industry.gov.au

w: business.gov.au
abn: 74 599 608 295

Dear Mr Malcolm Fisher

Letter of Agreement

Your application is successful

As outlined in your Communities Environment Program application and the grant opportunity guidelines, on receipt of this letter you are a party to a grant agreement (Agreement). You must contact us immediately if your circumstances have changed and you are no longer able to carry out your project.

The Agreement

This Agreement is a binding agreement between SAVE MANLY DAM CATCHMENT COMMITTEE INCORPORATED ABN 22647254567 (Grantee/you) and the Commonwealth of Australia as represented by the Department of Industry, Innovation and Science (Commonwealth/we).

The Agreement includes:

- this letter
- the grant schedule (attachment A)
- the letter of agreement terms and conditions (attachment B)
- your application
- the grant opportunity guidelines applicable on the date you submitted your application.

We may use information contained in this Agreement for public reporting purposes, including the grantee name and grant amount.

What you must do

1	Complete your project in line with this agreement.	2	Submit your end of project report via email to CEP2019Contracts@industry.gov.au
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You must undertake the project in line with this Agreement. You must only spend the grant on the project or on eligible activities to undertake the project.

If you spend any amount of the grant on activities not identified in the project, or if you have a grant amount unspent at the project end date, you will need to repay those amounts to the Commonwealth.

You must provide the report set out in the reporting table of the grant schedule (attachment A) by the due date. A sample report template is at attachment C. We will send you the report template to complete after you finish your project. Please note photographic evidence of the project site(s) before and after completion of project activities will be required.

You must ensure that anyone who has direct, unsupervised contact with children as part of your project under this Agreement has undertaken and passed a working with children check, if required under relevant state or territory legislation. You are also responsible for assessing the suitability of the people you engage as part of your project to ensure children are kept safe.

You must provide us with a statement of compliance with working with children legislation if requested.

If you make a public statement, publish any material or erect signage in relation to your project you must acknowledge the funding you received from this grant. You must use any form of acknowledgement the Commonwealth reasonably specifies. You must notify us about events relating to the project and provide an opportunity for the Minister or their representative to attend.

What we will do

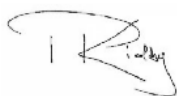
We will pay the grant into your nominated bank account within 28 days of the date of this Agreement.

We may, at our absolute discretion, unilaterally extend the project end date, the final report due date and the Agreement end date, by notice where we consider it appropriate to enable you to complete your project. The extension will take effect from your receipt of the notice. For the avoidance of doubt such notification will act to vary the Agreement despite clause 15.2 of the grant terms and conditions.

Any questions?

If you have any questions please contact 13 28 46.

Yours sincerely



Peter Kidby

Manager – Communities Environment Program
AusIndustry – Support for Business

18 November 2019

Attachment A – Grant schedule

Program	Communities Environment Program
Grantee	SAVE MANLY DAM CATCHMENT COMMITTEE INCORPORATED
Grantee ABN	22647254567
Project title	Local Flora and Fauna Surveying and Monitoring Project
Project number	CEP77799
Project description (Grant Activity)	As set out in the Project Details and Funding Section of your application
Project start date	01/02/2020
Anticipated completion date	31/05/2020
End of project report due date	29/08/2020
Total project expenditure	\$20,000.00
Grant percentage	Up to 75%
Total/maximum grant	\$15,000.00 (plus GST where applicable)
Capped amount in financial year 2019/20	\$15,000.00 (plus GST where applicable)
Project end date	31/12/2020
Agreement end date	09/06/2021

Reporting table

Report type	Agreed evidence	Report due date
End of Project Report	Evidence of project completion is to be demonstrated through photographic evidence of the project site(s) before and after completion of project activities	29/08/2020

Attachment B - Letter of Agreement Terms and Conditions

1. Undertaking the Grant Activity

The Grantee agrees to use the Grant and undertake the Grant Activity in accordance with this Agreement.

2. Acknowledgements

The Grantee agrees to acknowledge the Commonwealth's support in any material published in connection with this Agreement and agrees to use any form of acknowledgment the Commonwealth reasonably specifies.

3. Notices

The Grantee agrees to promptly notify the Commonwealth of anything reasonably likely to affect the performance of the Grant Activity, including any actual, perceived or potential conflict of interest which could affect the Grantee's performance of this Agreement and to take action to resolve the conflict.

4. Payment of the Grant

4.1 The Commonwealth agrees to pay the Grant to the Grantee in accordance with this Agreement.

4.2 The parties agree that the amount of the Grant is inclusive of any GST payable and the Grantee agrees to pay all taxes, duties and government charges in connection with the performance of this Agreement. The Grantee must on request provide the Commonwealth with a tax invoice before the Commonwealth is obliged to pay any amount under this Agreement.

4.3 Where applicable, the parties acknowledge and agree that they are each registered for GST purposes, have each quoted their Australian Business Number to the other and must notify the other of any changes in their GST status. The Grantee agrees that the Commonwealth will issue the Grantee with a recipient created tax invoice, and the Grantee will not issue any tax invoices, for any taxable supply the Grantee makes under this Agreement.

5. Spending the Grant

The Grantee agrees to spend the Grant for the sole purpose of undertaking the Grant Activity, and to provide a statement, in the form required by the Commonwealth and signed by the Grantee, verifying that the Grant Activity has been undertaken and the Grant was spent in accordance with this Agreement.

6. Repayment

If any of the Grant amount has been spent other than in accordance with this Agreement or on expiration or termination of this Agreement is additional to the requirements of the Grant Activity, the Grantee agrees to repay that amount to the Commonwealth, unless the Commonwealth agrees in writing otherwise.

7. Record keeping

The Grantee agrees to maintain records of the performance of the Grant Activity and the expenditure of the Grant for two years after completing the Grant Activity and to make them available to the Commonwealth on request.

8. Privacy

When dealing with Personal Information (as defined in the *Privacy Act 1988*) in carrying out the Grant Activity, the Grantee agrees not to do anything which, if done by the Commonwealth, would be a breach of the *Privacy Act 1988*.

9. Grant Activity material

The Grantee gives (or procures for) the Commonwealth a non-exclusive, irrevocable, royalty-free licence to use, reproduce, communicate, publish and adapt all material that is provided to the Commonwealth under this Agreement. This includes a right to sub-license that material.

10. Confidentiality

A party agrees not to disclose the other's confidential information without its prior written consent unless required or authorised by law or Parliament.

11. Insurance

The Grantee agrees to maintain adequate insurance for the duration of this Agreement and provide the Commonwealth with proof when requested.

12. Licences and approvals

The Grantee must ensure that all persons engaged to work on the Grant Activity obtain and maintain all relevant licences, registrations or other approvals required by applicable laws or as directed by the Commonwealth, including but not limited to police checks, Working With Children checks and Working with Vulnerable People checks.

13. Dispute resolution

13.1 The parties agree not to initiate legal proceedings in relation to a dispute unless they have tried and failed to resolve the dispute by negotiation.

13.2 The parties agree to continue to perform their respective obligations under this Agreement where a dispute exists.

13.3 The procedure for dispute resolution does not apply to action relating to termination or urgent litigation.

14. Termination for default

The Commonwealth may terminate this Agreement by notice where it reasonably believes the Grantee:

- (a) has breached this Agreement; or
- (b) has provided false or misleading statements in their application for the Grant; or
- (c) has become bankrupt or insolvent, entered into a scheme of arrangement with creditors, or come under any form of external administration.

The Commonwealth will not be required to make any further payments of the Grant after the termination of the Agreement.

15. General provisions

15.1 A party is not by virtue of this Agreement an employee, agent or partner of the other party.

15.2 This Agreement may only be varied by the parties' signed written agreement.

15.3 Clauses 5 (Spending of the Grant), 6 (Repayment), 7 (Record keeping), and 9 (Grant Activity material) survive the expiry or termination of this Agreement.

15.4 This agreement is governed by the law of the Australian Capital Territory.

Attachment C - Communities Environment Program

End of project report

Project number	
Grantee name	
Project title	

The project number, grantee name and project title can be found in the letter of grant agreement.

The amount of detail you provide in this report should be commensurate with the size, complexity and grant amount of your project.

Submit your completed report to CEP2019contracts@industry.gov.au.

1. Project achievements

a. Please confirm:

YES NO*

All project activities have been completed in line with your grant agreement		
You spent the entire grant amount and any financial contribution and cash co-contribution to undertake the approved project		
You spent the majority of the grant amount on on-ground eligible activities		

*Contact us at CEP2019contracts@industry.gov.au if you cannot answer YES to all of the above questions and/or your project is not complete.

2. Project outcomes

a. Explain how your project:

- delivered positive environmental and social outcomes
- provided communities with the resources, skills and knowledge to care for the environment.

If applicable, outline any lessons learned in delivering your project that have or will lead to improvements in monitoring, managing or conserving your local natural environment.

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b. Complete the following table on community participation.

	Question	Number
1.	How many people participated in your project (excluding employees)?	
2.	What was the total area (ha) over which your project on-ground activities were undertaken?	
3.	How many participants had no previous involvement in undertaking activities that monitor, manage or conserve the environment or in training to obtain these skills?	
4.	Has your organisation completed similar activities prior to participating in the Communities Environment Program? If yes, (a) how many activities/events were held in the 12 months before this project? (b) on average, how many people participated in each activity/event?	<div>Yes / No</div> <div></div> <div></div>

- c. Complete the following table on activities. Choose the activities that best describe those completed in your project. Provide a measurement for all activities using the metrics provided.

Activity	Unit	Unit of measure
Citizen science activities (e.g. monitoring flora, fauna, water quality, marine debris)		number of participants collecting and contributing information about their local environment
Education activities and raising community awareness / participation (e.g. field days, planting days, workshops)		number of community participation and engagement events
		number of community groups participating in project activities
		number of people who learned a new skill to monitor, manage or conserve the environment

Activity	Unit	Unit of measure
Access management infrastructure (e.g. boardwalk)		total area protected by access control installations (ha)
Disease management (e.g. Phytophthora)		total area managed (ha)
Erosion management		total area of erosion treated (ha)
Fencing (e.g. to protect revegetation/sensitive sites)		total length of fence erected (km)
		total area protected by fencing (ha)
Pest management (e.g. rabbit, feral pig/cat control)		total area of pest management (ha)
		total number of individual animals or colonies killed or removed
Revegetation		total area of revegetation (ha)
		total kilograms of seed sown (kg)
		total number of new plants planted
Weed control		total area controlled (ha)
Waste reduction – prevent/remove (e.g. clean up days, litter collection traps)		total area over which waste was removed from the environment (ha)
To avoid double counting, report either weight <u>or</u> volume for any given item.		total kilograms of waste prevented from entering, or removed from, the environment (kg)
		total volume of waste prevented from entering, or removed from, the environment (m ³)
Waste reduction – recover/recycle (e.g. recycled waste drop off / clean up day / litter collection trap materials)		total kilograms of waste recovered for re-use or recycled (kg)
To avoid double counting, report either weight <u>or</u> volume for any given item.		total cubic metre volume of waste recovered for re-use or recycled (m ³)

3. Project Benefits

Where relevant to your completed project, please respond to the questions below.

- a. What impact has your project had on the extent, condition, connectivity and/or level of protection of natural habitats and / or on the health of native species? Include the following:
- issue addressed
 - name or type of native habitat / name(s) of species addressed
 - what changed and by how much? Where relevant, include details of output amounts that help explain the change.

- b. How have management practices / stewardship of the local environment and waste resources improved as a result of your project? Include reference to any anticipated long term improvements / environmental benefits.

- c. How has your project contributed to improving participants' skills in monitoring, managing or conserving your local natural environment and/or native species? Include the following:
- type of skill(s) learned (e.g. monitoring a threatened species breeding success)
 - how will this skill contribute to future management, monitoring and/or conservation?

4. Attachments

Submit two before and two after photographs showing each project site before and after completion of project activities as evidence of your completed project as specified in the grant agreement. Include two good quality photographs that are representative of the project sites and activities.

5. Certification

I, [first name/last name], [position/title], am a person duly authorised by the grantee to certify that:

- the information in this report is accurate, complete and not misleading and that I understand that giving of false or misleading information is a serious offence under the *Criminal Code 1995* (Cth).
- the grant was spent on the approved project in accordance with the grant agreement.
- I am aware of the grantee's obligations under their agreement, including the need to keep the Commonwealth informed of any circumstances that may impact on the objectives, completion and/or outcomes of the agreed project.
- I am aware that the grant agreement empowers the Commonwealth to terminate the grant agreement and to request repayment of funds paid to the grantee where the grantee is in breach of the agreement.

Signature:

Date/...../.....



**SAVE MANLY DAM
CATCHMENT COMMITTEE Inc.**
ABN 22 647 254 567

SMDCC Biodiversity Study 2020 – Grant Information for Northern Beaches Council

(Some information taken from CEP Grant Request Application)

Overview: The Save Manly Dam Catchment Committee Incorporated (SMDCC) was successful in receiving a grant from the Communities Environment Program which runs over one year in 2019-20. The Australian Government announced the program as a measure to support small scale, community-led environment projects that address local environmental priorities in each of the 151 federal electorates across Australia. The local Federal Member of Parliament, Ms Zali Staggall AOM MP, invited us to apply for the grant.

The objectives of the Communities Environment Program are to:

- deliver positive environmental and social outcomes; and to
- give communities the resources, skills and knowledge to care for the environment.

The intended outcomes of the Communities Environment Program are:

- improved management of native species, including threatened species, and their habitat;
- improved management of the environment, including coastal, wetland and riparian areas;
- reduced levels of threats and risks to the environment, including from the impact of litter/waste, run-off to waterways, feral animals, diseases and weeds;
- increased community knowledge of, and participation in, activities that protect and restore environmental assets; and
- increased community connection with the natural environment in their local area.

The SMDCC is an incorporated Not for Profit organisation with ABN 22 647 254 567. The project is to be carried out for Manly Warringah War Memorial State Park.

As per discussions with the Manly Warringah War Memorial State Park Advisory Committee, this document outlines the project and forms a request for an additional \$15,000 from Northern Beaches Council in this Financial year 2019-2020.

Project Title: Monitoring local flora & fauna in Manly Warringah War Memorial State Park.

Brief Project Description: Manly Warringah War Memorial State Park ("Manly Dam") is a unique area home to numerous species of threatened flora and fauna – with the iconic Eastern Pygmy Possum, the Seaforth Mint Bush and the Climbing Galaxias Fish all previously recorded within its boundaries. Unfortunately there's never been a comprehensive biodiversity survey conducted of the area. This project would see a group of volunteers and professionals monitor local flora and fauna in the area to produce a systematic survey that would be of valuable assistance in conservation and education efforts as well as local planning. Such a project would also be valuable in developing recovery plans for those species known to be at risk.

Summary of activities and project outcomes:

A comprehensive review, survey and documentation of the Manly Warringah War Memorial Park's flora and fauna is long overdue. There are significant gaps in what exists and the data base has never been integrated into a single coherent and cross referenced document. This is vital to assist conservation and educational effort. The growing demands to accommodate the rapidly expanding local population via residential and infrastructure construction is placing unprecedented pressure on Manly Dam and surrounding residual bushland. The need to fully comprehend the complexity and

hence ecological value of this land is urgent. This is especially so due to the location of such an area of high quality bushland so close to the Sydney CBD. A larger information base will assist in the retention and sustainability of viable local ecosystems within the memorial park to retain species diversity. The importance of this for local planning is obvious. It also makes possible the retention and regeneration of those critical wildlife corridors linking Manly Dam to Sydney Harbour and Garigal Parks plus areas of remnant bushland and a number of estuaries on the immediate coast. The possibility of creating recovery plans for certain species is also enhanced. Manly Warringah War Memorial State Park is such a precious place with numerous species of threatened fauna and fauna previously recorded within its boundaries (such as the iconic Eastern Pygmy Possum, the Seaforth Mint Bush and the Climbing Galaxias Fish). A systematic survey never seems to have been completed, however, and no recovery plans appear to be in place for those species known to be at risk. There would also be great value in cross referencing and collating all the Environmental Impact Studies that have been completed for developments that have impacted the boundaries of the park. For many years there has been talk of protecting and including adjoining bushland corridors and this project could, for example, give the Mermaid Pool restoration and the Niche survey of that area more relevance. The result would be a wonderful bank of knowledge that could be used for education, conservation and planning purposes. A vital "Green Lung" and place of refuge for so many in this area – both humans and native fauna!

The types of activities included in the project include:

- Citizen Science activities
- Protect or enhance the natural environment and/or support recovery of native species/communities
- Educational activities that build community knowledge

Project plan:

Original: The Save Manly Dam Catchment Committee has liaised with Northern Beaches Council to confirm that there is a long overdue need for this work to be carried out. Using their guidance a professional environmental consultancy would be employed to carry out survey work and establish species recovery plans. (For example - The Red Crowned Toadlet which has seen a dwindling of its population). We would also engage a specialist to carry out cross referencing and collation of the various EIS documents that we (and Council) has on file from development applications in the area. Amalgamating these would provide great insight in regards to the plants and animals that have been recorded previously (but never properly documented on a wholistic basis). There is additional (volunteer) scope for Citizen Science input and community involvement via our Facebook page.

Current: The Project will be co-ordinated in 4 streams using SMDCC members Jacqui Marlow, Edwina Laginestra, Ann Collins and Malcolm Fisher. These streams will cover:

a) Formal studies by local experts in key areas of flora and fauna after reviewing existing EIS documentation available for the area. The areas include – Mammals & Bats, Reptiles and Frogs, and Flora. They could also include specialist focused studies of the endangered species including Climbing Galaxias, Red Crowned Toadlet and Seaforth Mint Bush. Most of these experts will be providing some component of pro-bono assistance.

b) Desktop review of existing studies of the area culminating in the development or use of a Geographical Information System (GIS). We are planning to utilise some student assistance in this area through Macquarie University PACE program and UTS. We would seek NBC advice in this area.

c) Citizen Science component. This will take a number of forms which will evolve throughout the year. Suggestions from NBC and MWWMSA Advisory Committee are welcome. These could include:

- Students from a local school assisting with the monitoring of nest-boxes. (e.g. Queenwood Yr 11 students).
- SMDCC plans to host another Frog walk with Jodie Rowley (local resident and Australian Museum legend) for the community, including promotion and use of the FrogID App.
- SMDCC will be utilising its connections with WIRES and Sydney Wildlife to educate in native animal rescue and care.
- Involvement of local ACF members to create a local wildlife food collection station.
- Indigenous component – possible identification of flora and fauna using their indigenous names liaising with David Tribe and Aboriginal experts, and identification of their indigenous food, medicinal and cultural values.

d) Identify gaps. A meeting with SMDCC and NBC representatives in February 2020 highlighted the need and benefit of using this study to identify the gaps in information so that future projects could be scoped. We recognise this is a large project and there is a requirement to formalise this information somehow. We would seek NBC staff assistance in this process.

Project duration:

The original project dates were from 1 February 2020 until 31 May 2020, however we have asked for an extension until 31 December 2020 which is likely to be approved.

Project budget:

Received - \$15,000 from CEP Federal Funding;

Received - \$1,000 from Australian Conservation Foundation particularly focused on Citizen Science;

Requesting - \$15,000 matching grant from Northern Beaches Council to assist with funding of local experts; preparation of collated information and potential access/assistance with GIS. This money would also assist with Citizen Science component and some joint events could be arranged.

End of Project Report (requirement):

The End of Project report requires an explanation of how the project met the project goals; included community participation; included citizen science activities; and included education activities. Evidence of project completion can be demonstrated through photographic evidence of the project site(s) before and after completion of project activities. The Project Benefits are to be documented.

Request:

We seek funding of \$15,000 to contribute to the Manly Warringah War Memorial State Park project as above. This would significantly increase the amount of information that would be able to be gathered, provide the foundations for better management, planning and conservation of the flora and fauna in Manly Dam and surrounds, and provide some citizen science opportunities locally. Ideally this project could provide a model that could be used in other areas under NBC management.

Important fact:

It is important to note that 46% of Australia's nationally threatened animal species can be found (have at least part of distribution) in the 0.23% of the continent that is our cities and towns. The research paper can be found here: https://nespurban.edu.au/wp-content/uploads/2019/01/lves_et_al-2015-Global_Ecology_and_Biogeography.pdf

DRAFT Code of Meeting Practice

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1 Introduction

This Code of Meeting Practice is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of council and committees of council of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

2 Meeting Principles

2.1 Council and committee meetings should be:

Transparent	Decisions are made in a way that is open and accountable.
Informed	Decisions are made based on relevant, quality information.
Inclusive	Decisions respect the diverse needs and interests of the local community.
Principled	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful	Councillors, staff and meeting attendees treat each other with respect.
Effective	Meetings are well organised, effectively run and skilfully chaired.
Orderly	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 Definitions

chief executive officer	means the person who carries out the role of the general manager of a council in accordance with <i>the Local Government Act 1993</i> .
the Act	means the <i>Local Government Act 1993</i> .
the Regulation	means the <i>Local Government (General) Regulation 2005</i> .
act of disorder	means an act of disorder as defined in clause 16.11 of this code.
amendment	in relation to an original motion, means a motion moving an amendment to that motion.
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 7.1 and 7.2 of this code; and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 21.11 of this code.
this code	means the council's adopted code of meeting practice
committee of council	means a committee established by the council in accordance with clause 21.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 13.1.
council official	has the same meaning as in the Model Code of Conduct for Local Councils in NSW and includes councillors, administrators, council staff, council committee members and delegates of the council.
day	means calendar day
division	means a request by two councillors under clause 12.6 of this code requiring the recording of the names of the councillors who voted both for and against a motion.
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 11.18 of this code during debate on the first amendment.
foreshadowed motion	means a motion foreshadowed by a councillor under clause 11.17 of this code during debate on an original motion.
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 2A of Part 6 of that Act.
performance improvement order	means an order issued under section 438A of the Act.
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting.
year	means the period beginning 1 July and ending the following 30 June.

4 Before the Meeting

Timing of ordinary council meetings

- 4.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

- 4.2 If the mayor receives a request in writing, signed by at least two councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 4.2 reflects section 366 of the Act.

- 4.3 The mayor or the chief executive officer, in consultation with the mayor, may call an extraordinary meeting without the need to obtain the signature of two councillors to consider urgent business.
- 4.4 For the purpose of clause 4.3, urgent business is any matter that, in the opinion of the mayor or the chief executive officer, requires a decision by the council before the next scheduled ordinary meeting of the council.

Notice to the public of council meetings

- 4.5 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 4.5 reflects section 9(1) of the Act.

- 4.6 For the purposes of clause 4.5, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 4.7 For the purposes of clause 4.5, notice of more than one meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 4.8 The chief executive officer must send to each councillor, at least three days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 4.8 reflects section 367(1) of the Act.

- 4.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 4.9 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 4.10 Notice of less than three days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 4.10 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 4.11 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 12 noon, 7 days before the meeting is to be held.
- 4.12 A councillor may, in writing to the chief executive officer, request the withdrawal of a notice of motion or question on notice submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 4.13 The first two notices of motion submitted by each councillor will be dealt with in the order they are received at an ordinary meeting. Any subsequent notices of motion will be dealt with in the order they are received once all of the councillors' first two notices of motion have been put to the meeting.
- 4.14 If the chief executive officer considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the chief executive officer may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 4.15 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. Councillors should liaise with the chief executive officer for assistance in costing notices of motion and identifying potential funding sources in sufficient time to complete the notice of motion and meet the deadline in clause 4.11. If the notice of motion does not identify a funding source, the chief executive officer must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 4.16 A councillor may, by way of a notice submitted under clause 4.11, ask a question for response by the chief executive officer about the performance or operations of the council.
- 4.17 A councillor is not permitted to ask a question with notice under clause 4.16 that comprises a complaint against the chief executive officer or a member of staff of the council, or a question that implies wrongdoing by the chief executive officer or a member of staff of the council.

- 4.18 The chief executive officer or their nominee may respond to a question with notice submitted under clause 4.16 by way of a report included in the business papers for the relevant meeting, or orally at the meeting. If the preparation of a response is likely to divert significant time and resources of staff the response will be provided no later than the third ordinary meeting of council following the meeting that the question was published.

Agenda and business papers for ordinary meetings

- 4.19 The chief executive officer must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 4.20 The chief executive officer must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 4.11.
- 4.21 Nothing in clause 4.20 limits the powers of the mayor to put a mayoral minute to a meeting under clause 10.9.
- 4.22 The chief executive officer must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the chief executive officer, the business is, or the implementation of the business would be, unlawful. The chief executive officer must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 4.23 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the chief executive officer, is likely to take place when the meeting is closed to the public, the chief executive officer must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 4.23 reflects section 9(2A)(a) of the Act.

- 4.24 The chief executive officer must ensure that the details of any item of business which, in the opinion of the chief executive officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of agenda and business papers to the public

- 4.25 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and

at such other venues determined by the council.

Note: Clause 4.25 reflects section 9(2) and (4) of the Act.

- 4.26 Clause 4.25 does not apply to the business papers for items of business that the chief executive officer has identified under clause 4.23 as being likely to be considered when the meeting is closed to the public.

Note: Clause 4.26 reflects section 9(2A)(b) of the Act.

- 4.27 For the purposes of clause 4.25, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 4.27 reflects section 9(3) of the Act.

- 4.28 A copy of an agenda, or of an associated business paper made available under clause 4.25, may in addition be given or made available in electronic form.

Note: Clause 4.28 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 4.29 The chief executive officer must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 4.30 Despite clause 4.29, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 4.31 A motion moved under clause 4.30(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 4.32 Despite clauses 11.20–11.30, only the mover of a motion moved under clause 4.30(a) can speak to the motion before it is put.
- 4.33 A motion of dissent cannot be moved against a ruling of the chairperson under clause 4.30(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 4.34 Prior to each ordinary meeting of the council, the chief executive officer **may** arrange a pre-meeting briefing session to brief councillors on the items of business to be considered at the meeting. The pre-meeting session may include other matters as determined by the chief executive officer including, but not limited to, legal briefings and staff reports deferred from previous council meetings for further discussion. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 4.35 Pre-meeting briefing sessions are to be held in the absence of the public.
- 4.36 The chief executive officer or a member of staff nominated by the chief executive officer is to preside at pre-meeting briefing sessions.
- 4.37 Councillors (including the mayor) are to make all reasonable efforts to attend pre-meeting

briefing sessions.

- 4.38 Councillors (including the mayor) must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 4.39 It is the responsibility of councillors (including the mayor) to declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

5 Public Forum and Public Address

Public forum

- 5.1 A public forum will be conducted at each ordinary council meeting for a period of 30 minutes (maximum of 10 speakers at 3 minutes each).
- 5.2 A public forum should not be used to raise routine questions, matters or complaints. Such matters should be forwarded in writing to council where they will be responded to by appropriate council officers.
- 5.3 Any question to council must be submitted with the request to address council and will be reviewed by staff prior to the meeting:
 - (a) If the question is deemed to be a routine matter it will be processed as a customer request and a response will be provided in accordance with customer service standards.
 - (b) If the question is accepted staff and councillors are under no obligation to answer questions at the meeting however a written response will be provided in accordance with customer service standards.
- 5.4 The order of speakers at the public forum is determined by the order of receipted applications.

Public address

- 5.5 Following the public forum, the council will hold a public address at each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business, being mayoral minutes, reports to council and notices of motion, to be considered at the meeting. Public addresses may also be held at extraordinary council meetings and meetings of committees of the council if included on the order of business.
- 5.6 No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting. The order of speakers for each item is determined by the order of receipted "for" and "against" applications.
- 5.7 Councillors (including the mayor) must disclose and manage any conflicts of interest they may have in relation to any item of business at public address.

Conducting the public forum and public address

- 5.8 For each meeting, a person may apply to speak during a public address on no more than two items of business on the agenda of the council meeting and no more than once at a public forum.
- 5.9 Legal representatives acting on behalf of others are not to be permitted to speak at a public address or public forum unless they identify their status as a legal representative when applying to speak at the public address.
- 5.10 To speak at the public forum or public address, a person must first make an application to the council in the approved form. Applications to speak must be received by 12 noon of the date on which the council meeting is to be held, and must identify:
 - (a) the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item, or
 - (b) the subject matter of what they would like to speak to at the public forum.

- 5.11 The chief executive officer or the executive manager, governance and risk may refuse an application to speak at the public forum or public address for the following reasons:
- (a) the application does not meet the requirements of the Code of Meeting Practice
 - (b) there is a genuine and demonstrable concern relating to the applicant or their dealings with council or their intentions.
- 5.12 Speakers may use and distribute information such as photos, maps and petitions to councillors in support of their address if submitted to and approved by the chief executive officer (or the executive manager, governance and risk) by 12 noon on the day of the meeting.
- 5.13 Each speaker will be allowed three minutes to address the council. This time is to be strictly enforced by the chairperson with no extensions given.
- 5.14 Speakers at the public forum or public address must not digress from the item on the agenda of the council meeting or the subject matter they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 5.15 A councillor (including the chairperson) may through the chairperson, for the purpose of clarification only, ask a question of a speaker following their address at the public forum or public address. A question put to a speaker must be direct, succinct and without argument. Once the speaker has answered any questions there will be no further debate on the matter.
- 5.16 Speakers are under no obligation to answer a question put under clause 5.15. Answers by the speaker, to each question are to be limited to two minutes per question. A maximum of two questions may be asked of a speaker.
- 5.17 Speakers at the public forum or public address may ask questions of the council, councillors or council staff. Councillors or council staff are under no obligation to answer questions at the meeting and a written response to questions will be provided in accordance with customer service standards.
- 5.18 When addressing the council, speakers must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 5.19 If the chairperson considers that a speaker has engaged in conduct of the type referred to in clause 5.18, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 5.20 Clause 5.19 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at the public forum or public addresses in accordance with the provisions of Part 16 of this code.
- 5.21 Where a speaker engages in conduct of the type referred to in clause 5.18, the chief executive officer or their delegate may refuse further applications from that person to speak at the public forum or public addresses for such a period as the chief executive officer or their delegate considers appropriate.

Invited speakers

5.22 Other parties may be permitted to address an ordinary meeting of council subject to:

- (a) Notice of that person's attendance at the meeting being included by the chief executive officer on the relevant business paper or advised to councillors via a memo prior to the meeting.
- (b) Public forum not being considered the most appropriate forum in which to hear that person(s).
- (c) Not more than ten (10) minutes in total being provided at any ordinary council meeting to hear such person(s).

6 Coming Together

Attendance by councillors at meetings

- 6.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 6.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 6.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 6.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 6.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 6.6 A councillor's civic office will become vacant if the councillor is absent from three consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because he or she has been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 6.6 reflects section 234(1)(d) of the Act.

- 6.7 A councillor who intends to attend a meeting of the council despite having been granted leave of absence should, if practicable, give the chief executive officer at least two days' notice of their intention to attend.

The quorum for a meeting

- 6.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 6.8 reflects section 368(1) of the Act.

- 6.9 Clause 6.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 6.9 reflects section 368(2) of the Act.

- 6.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for

the meeting indicates that there will not be a quorum for the meeting, or

- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

6.11 In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the chief executive officer.

6.12 The chief executive officer must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

6.13 If during a meeting of council or a committee, a quorum is not present, the chairperson shall suspend the proceedings for a period of **five** minutes. If a quorum is not then present at the end of the **five**-minute suspension, the provisions of Clause 6.11 shall apply.

6.14 If the meeting is to resume on another day any decisions of council made prior to the lapsing of the meeting are to be acted upon by staff and do not need to await the resumption of the adjourned meeting. The outstanding items are to be resubmitted to the adjourned meeting for determination.

6.15 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the chief executive officer and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

6.16 Where a meeting is cancelled under clause 6.15, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 4.2.

Entitlement of the public to attend council meetings

6.17 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 6.17 reflects section 10(1) of the Act.

6.18 Clause 6.17 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

6.19 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 6.19 reflects section 10(2) of the Act.

Webcasting of meetings

- 6.20 All meetings of the council and committees of the council are to be webcast on council's website. Meetings are livestreamed (audio visual) via council's website and a copy uploaded to the website the day following the meeting.
- 6.21 Clause 6.20 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 6.22 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 6.23 An audio visual recording of each meeting of the council and committee of the council is to be retained on the council's website for a minimum of four years. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.
- 6.24 Written transcriptions of such proceedings shall not be made available.

Attendance of the chief executive officer and other staff at meetings

- 6.25 The chief executive officer is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 6.25 reflects section 376(1) of the Act.

- 6.26 The chief executive officer is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 6.26 reflects section 376(2) of the Act.

- 6.27 The chief executive officer may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the chief executive officer or the terms of employment of the chief executive officer.

Note: Clause 6.27 reflects section 376(3) of the Act.

- 6.28 The attendance of other council staff at a meeting, (other than as members of public) shall be with the approval of the chief executive officer.

7 The Chairperson

The chairperson at meetings

- 7.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 7.1 reflects section 369(1) of the Act.

- 7.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 7.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 7.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 7.4 The election of chairperson must be conducted:
- (a) by the chief executive officer or, in their absence, an employee of the council designated by the chief executive officer to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the chief executive officer nor a designated employee is present at the meeting, or if there is no chief executive officer or designated employee.
- 7.5 If, at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 7.6 For the purposes of clause 7.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 7.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 7.8 Any election conducted under clause 7.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 7.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

8 Modes of Address

- 8.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 8.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 8.3 A councillor is to be addressed as 'Councillor [surname]'.
- 8.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].
- 8.5 A councillor shall address all remarks or questions, either through or to the chairperson.

9 Order of Business for Ordinary Council Meetings

9.1 *The general order of business for an ordinary meeting of the council shall be:*

01 Acknowledgement of country

02 Apologies and applications for leave of absence by councillors

03 Confirmation of minutes

04 Disclosures of interests

05 Public forum and public address

06 Items resolved by exception

07 Mayoral minute(s)

08 Reports to council

09 Notices of motions

10 Matters of urgency

11 Notices of rescission

12 Questions with notice

13 Responses to questions with notice

14 Confidential matters

9.2 The order of business as fixed under clause 9.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: Part 14 allows council to deal with items of business by exception.

9.3 Despite clauses 11.20-11.30, only the mover of a motion referred to in clause 9.2 may speak to the motion before it is put.

10 Consideration of Business at Council Meetings

Business that can be dealt with at a council meeting

- 10.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 4.11, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 4.8 in the case of an ordinary meeting and clause 4.10 in the case of an extraordinary meeting.
- 10.2 Clause 10.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 10.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 10.3 Despite clause 10.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 10.4 A motion moved under clause 10.3(a) can be moved without notice. Despite clauses 11.20-11.30, only the mover of a motion referred to in clause 10.3(a) can speak to the motion before it is put.
- 10.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 10.3(b).

Late items

- 10.6 In exceptional circumstances reports not listed for consideration on the business paper may be tabled at an ordinary meeting. The chief executive officer is authorised to submit late agenda items.
- 10.7 Late reports should only be brought forward in the case of necessity and urgency, on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council, and are to be forwarded to councillors via email no later than 12 noon on the day prior to the meeting at which the item is to be considered.
- 10.8 For matters not listed on the agenda of meetings and where less than three days' notice has been provided in accordance with clause 4.8, a motion of urgency will need to be passed by the council prior to the matter being considered. The motion of urgency is to include the reason why the matter is considered to be urgent.

Mayoral minutes

- 10.9 Subject to clause 10.12, if the mayor is the chairperson at a meeting of the council, the

mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of council, or of which the council has official knowledge.

- 10.10 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 10.11 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 10.12 A mayoral minute must not be used to put without notice (in accordance with clauses 4.8 and 4.10) matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 10.13 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. The mayor should liaise with the chief executive officer for assistance in costing a mayoral minute and identifying potential funding sources. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the chief executive officer on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 10.14 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 10.15 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 10.16 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 10.17 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 4.11 and 4.16.
- 10.18 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 10.19 A councillor may, through the chief executive officer, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the chief executive officer at the direction of the chief executive officer.
- 10.20 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 10.21 The councillor must put questions directly, succinctly, respectfully and without argument.

- 10.22 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question, including questions with notice asked in accordance with clause 4.16, put to a councillor or council employee.

11 Rules of Debate

Motions to be seconded

- 11.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 11.2 A councillor who has submitted a notice of motion under clause 4.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 11.3 If a councillor who has submitted a notice of motion under clause 4.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council. Councillors are encouraged to withdraw their motion prior to public address at the meeting.
- 11.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may move the motion at the meeting, or
 - (b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.

Chairperson's duties with respect to motions

- 11.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 11.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 11.7 Before ruling out of order a motion or an amendment to a motion under clause 11.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 11.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 11.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. Councillors should liaise with the chief executive officer for assistance in costing notices of motion and identifying potential funding sources in sufficient time to complete the notice of motion and meet the deadline in clause 4.11. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the chief executive officer on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 11.10 An amendment to a motion must be moved and seconded before it can be debated.
- 11.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 11.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 11.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one motion and one proposed amendment can be before council at any one time.
- 11.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 11.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 11.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 11.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 11.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 11.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 11.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and to any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 11.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 11.22 A councillor may speak only once on a motion or an amendment for a maximum of five

minutes at any one time unless the consent of council has otherwise been given.

11.23 Despite clause 11.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment and for longer than five minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

11.24 Despite clause 11.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

Note: Council resolved on 28 May 2019 (Resolution 170/19) that as a matter of efficiency in Council meetings, there be a standing reduction applied to all councillor speeches from five minutes to three minutes with the option of an additional two minutes to conclude a speech where resolved by Council.

11.25 Despite clauses 11.20 and 11.21, a councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
- (b) if at least two councillors have spoken in favour of the motion or amendment and at least two councillors have spoken against it.

11.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 11.25. A seconder is not required for such a motion.

11.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 11.20.

11.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

11.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

11.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

12 Voting

Voting entitlements of councillors

- 12.1 Each councillor is entitled to one vote.

Note: Clause 12.1 reflects section 370(1) of the Act.

- 12.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 12.2 reflects section 370(2) of the Act.

- 12.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 12.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 12.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 12.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

- 12.7 The chief executive officer must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 12.8 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 12.9 Clauses 12.7–12.8 apply also to meetings that are closed to the public.

Note: Clauses 12.7–12.8 reflect section 375A of the Act.

13 Committee of the Whole

- 13.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 13.1 reflects section 373 of the Act.

- 13.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 11.20-11.30 limit the number and duration of speeches.

- 13.3 The chief executive officer or, in the absence of the chief executive officer, an employee of the council designated by the chief executive officer, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 13.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

14 Dealing with Items by Exception

[Amended] 14.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together ~~by way of a single resolution~~.

*[insert new] clause [14.2 - new]: **Notices of motion submitted by councillors in accordance with clause 4.11 may, at any time, be resolved together and will require a mover (as required by clause 11.2) and a seconder for each notice of motion.***

[Amended] 14.[2] Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 14.1, the chairperson must list the items of business to be adopted and ask councillors to identify any of the individual items of business listed by the chairperson that they intend to vote against the recommendation **or notice of motion** made in the business paper or that they wish to speak on.

[Amended] 14.[3] The council or committee must not resolve to adopt any item of business under clause 14.1 that a councillor has identified as being one they intend to vote against the recommendation **or notice of motion** made in the business paper or to speak on.

- 14.4 Where a councillor wishes to commend council staff on an item of business due to be adopted under clause 14.1 a notation in the minutes can be included at the discretion of the chief executive officer. If councillors wish to include specific wording this must be submitted to the chief executive officer by 12 noon on the working day following the meeting.
- 14.5 Where the consideration of multiple items of business together under clause 14.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 9.2.
- 14.6 A motion to adopt multiple items of business together under clause 14.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 14.7 Items of business adopted under clause 14.1 are to be taken to have been unanimously adopted.
- 14.8 Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a report that councillor should remove themselves from the council chamber and not vote on the resolution to adopt the reports by exception.

15 Closure of Council Meetings to the Public

Grounds on which meetings can be closed to the public

- 15.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

Note: Clause 15.1 reflects section 10A(1) and (2) of the Act.

- 15.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 15.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 15.3 A meeting is not to remain closed during the discussion of anything referred to in clause 15.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 15.3 reflects section 10B(1) of the Act.

- 15.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 15.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is

involved, and

- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 15.4 reflects section 10B(2) of the Act.

- 15.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 15.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 15.1.

Note: Clause 15.5 reflects section 10B(3) of the Act.

- 15.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 15.6 reflects section 10B(4) of the Act.

- 15.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the chief executive of the Office of Local Government.

Note: Clause 15.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 15.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 4.23 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 15.1, and
- (b) the council or committee, after considering any representations made under clause 15.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 15.8 reflects section 10C of the Act.

Representations by members of the public

- 15.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 15.9 reflects section 10A(4) of the Act.

- 15.10 A representation under clause 15.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 15.11 Where the matter has been identified in the agenda of the meeting under clause 4.23 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, members of the public must first make an application to the council in the approved form. Applications must be received by 12 noon on the day before the meeting at which the matter is to be considered.
- 15.12 The chief executive officer (or their delegate) may refuse an application made under clause 15.11. The chief executive officer or their delegate must give reasons in writing for a decision to refuse an application.
- 15.13 No more than two speakers are to be permitted to make representations under clause 15.9.
- 15.14 If more than the permitted number of speakers applies to make representations under clause 15.9, the chief executive officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 15.9, the chief executive officer or their delegate is to determine who will make representations to the council.
- 15.15 The chief executive officer (or their delegate) is to determine the order of speakers.
- 15.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 4.23 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 15.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two speakers to make representations in such order as determined by the chairperson.
- 15.17 Each speaker will be allowed three minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers are to confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 15.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 15.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 15.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

- (a) the relevant provision of section 10A(2) of the Act,
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 15.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 15.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 15.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public will be made public by the chairperson under clause 15.21 by displaying the resolutions on the public screens during the meeting and on the livestream of the meeting webcast.

16 Keeping Order at Meetings

Points of order

- 16.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 16.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 16.3 A point of order must be taken immediately it is raised. The chairperson must suspend business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 16.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 16.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 16.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 16.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 16.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 16.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 16.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 16.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

16.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 16.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 16.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 16.11(d) and (e).

How disorder at a meeting may be dealt with

16.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 16.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 16.15 Clause 16.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 16.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 16.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 16.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 16.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 16.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 16.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 16.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 16.22 Any person who contravenes or attempts to contravene clause 16.20, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 16.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

17 Conflicts of Interest

- 17.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

18 Decisions of the Council

Council decisions

- 18.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 18.1 reflects section 371 of the Act.

- 18.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 18.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 4.11.

Note: Clause 18.3 reflects section 372(1) of the Act.

- 18.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, *or up to 12 noon on the working day following the meeting*, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 18.4 reflects section 372(2) of the Act (excluding italics text).

- 18.5 Unless resolved otherwise, it is council's practice not to implement decisions of the council until 12 noon on the working day following the council and/ or committee meeting.

- 18.6 If a motion has been lost by the council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 4.11.

Note: Clause 18.6 reflects section 372(3) of the Act.

- 18.7 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost by the council, must be signed by three councillors if less than three months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 18.7 reflects section 372(4) of the Act.

- 18.8 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 18.8 reflects section 372(5) of the Act.

- 18.9 The provisions of clauses 18.6–18.8 concerning lost motions do not apply to motions of adjournment.

Note: Clause 18.9 reflects section 372(7) of the Act.

- 18.10 A notice of motion submitted in accordance with clause 18.7 may only be withdrawn under clause 4.12 with the consent of all signatories to the notice of motion.

- 18.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 18.11 reflects section 372(6) of the Act.

- 18.12 Subject to clause 18.8, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 18.13 A motion moved under clause 18.12(b) can be moved without notice. Despite clauses 11.20–11.30, only the mover of a motion referred to in clause 18.12(b) can speak to the motion before it is put.
- 18.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 18.12(c).

Recommitting resolutions to correct an error

- 18.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution
- 18.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 18.15(a) the councillor is to propose alternative wording for the resolution.
- 18.17 The chairperson must not grant leave under clause 18.16, unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 18.18 A motion moved under clause 18.15 can be moved without notice. Despite clauses 11.20–11.30, only the mover of a motion referred to in clause 18.15 can speak to the motion before it is put.
- 18.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 18.15.
- 18.20 A motion moved under clause 18.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

19 Time Limits on Council Meetings

- 19.1 A short break of not less than 10 minutes is to be taken within the first three hours at each ordinary and extraordinary meeting of council and committees of the council.
- 19.2 Meetings of the council and committees of the council are to conclude no later than 11.00pm.
- 19.3 If the business of the meeting is unfinished at 11.00pm the council or the committee of council may by resolution extend the time of the meeting by one 30 minute interval for the purpose of dealing with the remaining items on the agenda. If at 11.30pm the business of the meeting is not concluded an automatic extension will occur to enable the completion of debate and voting on the current matter (where the matter under consideration has already been moved and seconded).
- 19.4 If the business of the meeting is unfinished at 11.00pm and the council does not resolve to extend the meeting or at the conclusion of any extensions in accordance with clause 19.3, the chairperson must conclude debate and voting on the current matter (where the matter under consideration has already been moved and seconded), then either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 19.5 Clause 19.4 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 19.6 Where a meeting is adjourned under clause 19.4 or 19.5, the chief executive officer must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on council's website and in such other manner that the chief executive officer is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

20 After the Meeting

Minutes of meetings

- 20.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 20.1 reflects section 375(1) of the Act.

- 20.2 At a minimum, the chief executive officer must ensure that the following matters are recorded in the council's minutes:
- (a) details of each motion moved at a council meeting and of any amendments moved to it, including:
 - (i) motions which are validly moved, but which lapsed for the want of a seconder,
 - (ii) motions that are ruled out of order by the mayor/chairperson because they are:
 - a) not considered urgent,
 - b) are considered unlawful,
 - c) are considered to be outside of council's jurisdiction.

Note: The wording of motions ruled out of order by the mayor/chairperson will not be included in the minutes (in this case only the mayor's ruling will be included).

- (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 20.3 Notations in minutes requested by individual councillors, except those identified in clause 14.4, will only be included following a resolution of council approving their inclusion.
- 20.4 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 20.4 reflects section 375(2) of the Act.

- 20.5 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.6 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

Note: Clause 20.6 reflects section 375(2) of the Act.

- 20.7 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.8 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 20.9 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 20.9 reflects section 11(1) of the Act.

- 20.10 Clause 20.9 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 20.10 reflects section 11(2) of the Act.

- 20.11 Clause 20.9 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 20.11 reflects section 11(3) of the Act.

- 20.12 Correspondence or reports to which clauses 20.10 and 20.11 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 20.13 The chief executive officer is to implement, without undue delay, lawful decisions of the council.

Note: Clause 20.13 reflects section 335(b) of the Act.

21 Council Committees

Application of this Part

21.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

21.2 The council may, by resolution, establish such committees as it considers necessary.

21.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

21.4 The quorum for a meeting of a committee of the council is to be:

- (a) such number of members as the council decides, or
- (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

21.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

21.6 The chief executive officer must send to each councillor regardless of whether they are a committee member, at least three days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

21.7 Notice of less than three days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

21.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

21.9 Clause 21.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 21.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 21.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 21.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 21.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 21.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 21.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 21.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 21.15.
- 21.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 21.18 The provisions of the Act and Part 15 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 21.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 21.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 21.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 21.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 21.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 21.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 21.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 21.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 21.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 21.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 21.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

22 Irregularities

22.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to disclose a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 22.1 reflects section 374 of the Act.

Appendix One – Procedural Motions

Motion	Moved without Notice	Requires Secunder	Speakers / Debate Permitted	Right of Reply
(i) Change the Order of Business	Yes	Yes	Mover of motion only	No
(ii) Business without Notice (matter of urgency) (clause 10.3)	Yes	Yes	Mover of motion only	No
(iii) Dissent from Chairperson's ruling on Point of Order	Yes	Yes	Mover and chairperson only may speak	No
(iv) Adjournment of Meeting	Yes	Yes	No debate permitted	No
(v) Limitation to number of speakers (motion be now put)	Yes if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.	No	No debate permitted. Motion must be put immediately after mover of original motion/amendment has right of reply	No
(vi) Deferment of a Matter	Yes	Yes	Yes	Yes
(vii) Motion be dealt with in seriatim	Yes	Yes	Mover of motion only	No

Version Control

Revision	Date	Change	Ref
1	22/11/2016	Northern Beaches Council Code of Meeting Practice adopted	2016/299769
2	22/05/2018	Northern Beaches Council Code of Meeting Practice adopted	2018/104009
3	28/5/2019	Northern Beaches Council Code of Meeting Practice adopted based on 2018 Office of Local Government Model Code of Meeting Practice	2019/019769
4	TBC	<i>Amendment adopted by Council following public exhibition - Resolution X/2020</i>	