

**BUSINESS
PAPER**

ORDINARY MEETING OF COUNCIL

To be held at 6:00 pm on

Monday 6 February 2023

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

(Note: In accordance with the Code of Meeting Practice, Councillors will be able to attend and participate in this meeting via audio visual link)

Order of Business

- 1 Opening Meeting
- 2 Acknowledgement of Traditional Custodians
- 3 Civic Prayer
- 4 Apologies and Applications for Leave of Absence by Councillors
- 5 Confirmation of Minutes of Ordinary Council Meeting
- 6 Confirmation of Minutes of Extraordinary Ordinary Council Meeting
- 7 Conflicts of Interest
- 8 Petitions and Presentations
- 9 Confirmation of Minutes of Council Committee Meeting
- 10 Public Access Forum
- 11 Call of the Agenda
- 12 Lord Mayoral Minute
- 13 Urgent Items
- 14 Reports to Council
- 15 Reports of Committees
- 16 Items Laid on the Table
- 17 Notices of Motions(s)/Questions with Notice
- 18 Notice of Rescission Motion
- 19 Confidential Business
- 20 Conclusion of Meeting

Members

Lord Mayor –
Councillor Gordon Bradbery AM (Chair)
Deputy Lord Mayor –
Councillor Tania Brown
Councillor Ann Martin
Councillor Cameron Walters
Councillor Cath Blakey
Councillor David Brown
Councillor Dom Figliomeni
Councillor Elisha Aitken
Councillor Janice Kershaw
Councillor John Dorahy
Councillor Linda Campbell
Councillor Mithra Cox
Councillor Richard Martin

QUORUM – 7 MEMBERS TO BE PRESENT

Statement of Ethical Obligations

In accordance with clause 3.23 of the Model Code of Meeting Practice, released by the NSW Office of Local Government, Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest

OATH OR AFFIRMATION OF OFFICE

The Oath or Affirmation is taken by each Councillor whereby they swear or declare to undertake the duties of the office of councillor in the best interests of the people of Wollongong and Wollongong City Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

CONFLICTS OF INTEREST

All Councillors must declare and manage any conflicts of interest they may have in matters being considered at Council meetings in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed will be recorded in the minutes of the meeting at which the declaration was made.

Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with Council's Code of Conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting will be suspended or terminated for the time during which the matter is being considered or discussed by Council, or at any time during which Council is voting on the matter.

Councillors should ensure that they are familiar with Parts 4 and 5 of the Wollongong City Council **Code of Conduct for Councillors** in relation to their obligations to declare and manage conflicts of interests.

Staff should also be mindful of their obligations under the Wollongong City Council **Code of Conduct for Staff** when preparing reports and answering questions during meetings of Council.

INDEX

	PAGE NO.
Minutes of Ordinary Meeting of Council 12/12/2022	1
ITEM 1 Post Exhibition - Asbestos Policy.....	9
ITEM 2 Post Exhibition - Environmental Planning and Assessment Act 1979 Compliance Cost Notice Charge.....	63
ITEM 3 Post Exhibition Planning Proposal: Foreshore Building Line Map Amendment - Former Corrimal Coke Works Site	67
ITEM 4 Policy Review - Property Addressing Policy	86
ITEM 5 Policy Review: Code of Business Ethics.....	92
ITEM 6 Leave of Absence - Councillor Dom Figliomeni - 11 April 2023 to 14 May 2023	95
ITEM 7 Leave of Absence - Councillor Tania Brown - 22 July 2023 to 26 August 2023	96
ITEM 8 December 2022 Financials	97
ITEM 9 Statement of Investment - November and December 2022.....	109
ITEM 10 City of Wollongong Traffic Committee Minutes of Meeting held 17 January 2023.....	114
ITEM 11 Notice of Motion - Councillor Janice Kershaw - Mariners Memorial.....	135
ITEM 12 Notice of Motion - Councillor Cath Blakey and Councillor Dom Figliomeni - Korrongulla Swamp Remediation.....	136
ITEM 13 Notice of Motion - Councillor Ann Martin - Fire Sale of King Street Warrawong Site.....	138



MINUTES

ORDINARY MEETING OF COUNCIL

at 6:00 pm

Monday 12 December 2022

Present

Lord Mayor – Councillor Gordon Bradbery AM (in the Chair)

Deputy Lord Mayor – Councillor Tania Brown

Councillor Ann Martin

Councillor Cameron Walters

Councillor Cath Blakey (attended via audio visual link)

Councillor David Brown

Councillor Dom Figliomeni

Councillor Elisha Aitken

Councillor Janice Kershaw

Councillor John Dorahy

Councillor Linda Campbell

Councillor Mithra Cox

Councillor Richard Martin

In Attendance

General Manager

Director Infrastructure + Works, Connectivity Assets + Liveable City

Director Planning + Environment, Future City + Neighbourhoods

Director Corporate Services, Connected + Engaged City

Director Community Services, Creative + Innovative City

Chief Financial Officer (Acting)

Manager Governance + Customer Service (attended via audio visual link)

Manager Property + Recreation (attended via audio visual link)

Manager City Strategy

Manager Project Delivery (attended via audio visual link)

Manager City Works (attended via audio visual link)

Manager Open Space + Environmental Services

Manager Library + Community Services

Greg Doyle

Joanne Page

Linda Davis

Renee Campbell

Kerry Hunt

Elise Woods

Todd Hopwood

Lucielle Power

Chris Stewart

Glenn Whittaker

Roger Stewardson

Paul Tracey

Jenny Thompson

Note: In accordance with the Code of Meeting Practice, participants in the meeting can participate via audio visual link. Those who participated via audio visual link are indicated in the attendance section of the Minutes.

INDEX

	PAGE NO.
ITEM 1 Annual Financial Statements for the Year Ended 30 June 2022	1
ITEM 2 Public Exhibition - Draft Places for the Future: Social Infrastructure Future Directions Plan 2022-2036.....	2
ITEM 3 Public Exhibition - Draft Revised Electric Vehicle Charging Infrastructure on Council Land Policy	2
ITEM 4 Public Exhibition - Draft Revised Planning Agreements Policy	2
ITEM 5 Policy Review: Investment Council Policy.....	2
ITEM 6 Leave of Absence - Councillor Cameron Walters - 28 January 2023 to 21 February 2023	2
ITEM 7 Proposed Grant of Easement to Drain Water over Council Community Land, Lot C DP 36592, Mountbatten Park, Corrimal	3
ITEM 8 Tender T1000071 - Whartons Creek, Bulli - Bank Stabilisation.....	3
ITEM 9 Tender T1000076 - Pavement Recycling and Stabilisation - engagement of Primary and Secondary Suppliers	3
ITEM 10 October 2022 Financials	4
ITEM 11 Statement of Investment - October 2022	4
ITEM 12 City of Wollongong Traffic Committee Minutes of Meeting Held 29 November 2022	4
ITEM 13 Tabling of Returns of Disclosures of Pecuniary Interest and Other Matters - December 2022	4
ITEM 14 Notice of Motion - Councillor Cath Blakey - Soft Plastics Collection Scheme.....	4
ITEM 15 Notice of Motion - Councillor Cameron Walters - Finding a Home for Helensburgh Men's Shed	5
ITEM 16 Notice of Motion - Councillor Cameron Walters - HMAS Sydney Visit to Wollongong in 2023	6
ITEM 17 Late Report: Code of Conduct Complaint Statistics Report 2021-2022.....	6

CONFLICTS OF INTERESTS

Councillor Campbell declared a non-significant, non-pecuniary interest in Item 12 – City of Wollongong Traffic Committee Minutes held 29 November 2022, as road closures in attachment 13 impact her street. Councillor Campbell advised she would remain in the meeting during debate and voting on the item.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 28 NOVEMBER 2022

773 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the Minutes of the Ordinary Meeting of Council held on Monday, 28 November 2022 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM

ITEM	TITLE	NAME OF SPEAKER
14	Notice of Motion – Councillor Cath Blakey – Soft Plastics Collection Scheme	Susie Crick Oceanic Research Institute For Recommendation
15	Notice of Motion – Councillor Cameron Walters – Finding a Home for Helensburgh Men's Shed	Mike Croft Helensburgh Men's Shed For Recommendation
15	Notice of Motion – Councillor Cameron Walters – Finding a Home for Helensburgh Men's Shed	Paul Blanksby Helensburgh Men's Shed For Recommendation
16	Notice of Motion – Councillor Cameron Walters – HMAS Sydney Visit to Wollongong in 2023	Murray Bolton N10 Illawarra Sub-Section Naval Association of Australia For Recommendation

774 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that all speakers be thanked for their presentation and invited to table their notes.

CALL OF THE AGENDA

775 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the staff recommendations for Items 2 then 4 to 13 inclusive then 17 be adopted as a block.

ITEM 1 - ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

776 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor Walters that the audited Financial Statements for the year ended 30 June 2022, together with the Auditor's report, be presented to the public.

ITEM 2 - PUBLIC EXHIBITION - DRAFT PLACES FOR THE FUTURE: SOCIAL INFRASTRUCTURE FUTURE DIRECTIONS PLAN 2022-2036

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the draft *Places for the Future* - Social Infrastructure Future Directions Plan: 2022-2036 is approved for public exhibition for a period of 28 days.

ITEM 3 - PUBLIC EXHIBITION - DRAFT REVISED ELECTRIC VEHICLE CHARGING INFRASTRUCTURE ON COUNCIL LAND POLICY

777 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor T Brown seconded Councillor Cox that -

- 1 The draft revised Electric Vehicle Charging Infrastructure on Council Land Policy be placed on public exhibition for a minimum 28-day period.
- 2 Following the exhibition period, a further report be provided to Council outlining the submissions received and recommendations for any post exhibition amendments for adoption.

ITEM 4 - PUBLIC EXHIBITION - DRAFT REVISED PLANNING AGREEMENTS POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the draft revised Planning Agreements Policy be endorsed for exhibition, for a minimum period of 28 days.

ITEM 5 - POLICY REVIEW: INVESTMENT COUNCIL POLICY

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council adopt the revised Investment Council Policy.

ITEM 6 - LEAVE OF ABSENCE - COUNCILLOR CAMERON WALTERS - 28 JANUARY 2023 TO 21 FEBRUARY 2023

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Leave of Absence be granted to Councillor Walters for the period 28 January 2023 to 28 February 2023.

ITEM 7 - PROPOSED GRANT OF EASEMENT TO DRAIN WATER OVER COUNCIL COMMUNITY LAND, LOT C DP 36592, MOUNTBATTEN PARK, CORRIMAL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that -

- 1 Pursuant to section 46 (1) (a1) of the *Local Government Act 1993*, Council resolves to grant an easement to drain water 1.0m wide over Council Community Land known as Lot C DP 36592, Mountbatten Park, in favour of Lot 152 DP 36592 5 Pamela Street, Corrimal, as shown hatched on the attachment to this report.
- 2 Council accept payment in the amount of \$1,000 from the owner of Lot 152 DP 36592 5 Pamela Street, Corrimal, as compensation for the grant of the easement.
- 3 The applicant be responsible for all costs relating to the easement including valuation, survey, plan registration and legal costs and any other costs incurred in this matter.
- 4 Approval be granted to affix the Common Seal of Council and/or delegation pursuant to section 377 of the *Local Government Act 1993* to the survey plan, Section 88B instrument and any other documentation required to give effect to this resolution.
- 5 The General Manager be authorised to execute any documents to give effect to this resolution.

ITEM 8 - TENDER T1000071 - WHARTONS CREEK, BULLI - BANK STABILISATION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that -

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tender of Enter Building Group Pty Ltd for Whartons Creek Bank Stabilisation, in the sum of \$442,240.30, including GST.
- 2 To correct an identified anomaly within the tender, Council approve an initial variation to increase the tendered price by an additional \$125,400.00, including GST.
- 3 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 4 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 9 - TENDER T1000076 - PAVEMENT RECYCLING AND STABILISATION - ENGAGEMENT OF PRIMARY AND SECONDARY SUPPLIERS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that -

- 1 In accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, Council accept the tenders shown in Table 1 for the Provision of Pavement Recycling and Stabilisation with a Primary and Secondary Supplier, for an initial three (3) year contract term, with options to extend for a period of 1 x 3 years and a further 2 x 2 years, at the sole discretion of Council.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.

- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

ITEM 10 - OCTOBER 2022 FINANCIALS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that -

- 1 The financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for October 2022

ITEM 11 - STATEMENT OF INVESTMENT - OCTOBER 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council receive the Statement of Investment for October 2022.

ITEM 12 - CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 29 NOVEMBER 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that in accordance with the delegated authority to Council, the Minutes and Recommendations of the Wollongong Traffic Committee held on 29 November 2022 in relation to Regulation of Traffic as outlined within this report, be adopted.

ITEM 13 - TABLING OF RETURNS OF DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS - DECEMBER 2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that Council note the tabling of the Returns of Disclosures of Interest as required by Part 4 of the Model Code of Conduct

ITEM 14 - NOTICE OF MOTION - COUNCILLOR CATH BLAKEY - SOFT PLASTICS COLLECTION SCHEME

778 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Blakey seconded Councillor Cox that Council -

- 1 Note the 9 November 2022 suspension of the REDcycle soft plastics collection scheme which demonstrates that systemic changes are needed in the Australian packaging industry to stem waste.
- 2 Note that the REDcycle collection scheme reduced the volume of waste sent to Whytes Gully landfill, and that this volume is expected to increase following the suspension of the REDcycle program.
- 3 Write to state Minister for Environment and Heritage the Hon James Griffin MP, and federal Minister for the Environment and Water the Hon Tanya Plibersek MP calling on them to introduce stronger legislation to combat and reduce non-recyclable material in packaging, especially single use plastics.

- 4 That council supports the federal government's move to join the international 'High Ambition Coalition to End Plastic Pollution' treaty process that sets a target to recycle or reuse 100 per cent of plastic waste by 2040.

Variation The variation moved by Councillor D Brown (Point 3 to read "Write to state Minister for Environment and Heritage the Hon James Griffin MP, and federal Minister for the Environment and Water the Hon Tanya Plibersek MP calling on them to introduce stronger legislation to combat non-recyclable material in packaging, especially single use plastics and the addition of Point 4.) was accepted by the mover and seconder.

Variation The variation moved by Councillor Cox (the addition of wording 'and reduce' to point 3) was accepted by the mover and seconder.

ITEM 15 - NOTICE OF MOTION - COUNCILLOR CAMERON WALTERS - FINDING A HOME FOR HELENSBURGH MEN'S SHED

779 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Walters seconded Councillor Cox that Council -

- 1 Acknowledges the work Wollongong City Council staff have undertaken since 2017, in Helensburgh Men's Shed's search to find a new permanent location within the township of Helensburgh.
- 2 Further acknowledges the outstanding work the Men's shed does for the Helensburgh community and the assistance the Shed provides to men in the area.
- 3 Makes it a priority for 2023, to find this Men's shed a permanent location on which to build a home to ensure this community organisation stays viable and secure.
- 4 Engages with all relevant stakeholders at Federal, State and local levels to work together to identify, by way of a joint taskforce, as soon as possible the best location for a permanent home for this men's shed.

Variation The variation moved by Councillor Kershaw (the addition of 'by way of a joint taskforce') was accepted by the mover and seconder.

An AMENDMENT was MOVED by Councillor Bradbery seconded Councillor Figliomeni that Council -

- 1 Acknowledges the work Wollongong City Council staff have undertaken since 2017, in Helensburgh Men's Shed's search to find a new permanent location within the township of Helensburgh.
- 2 Further acknowledges the outstanding work the Men's shed does for the Helensburgh community and the assistance the Shed provides to men in the area.
- 3 Remains open to explore opportunities with all landowners to identify future sites for the Men's Shed at Helensburgh
- 4 Engages with all relevant stakeholders at Federal, State and local levels to work together to identify, by way of a joint taskforce, as soon as possible the best location for a permanent home for this men's shed.

Councillor Bradbery's AMENDMENT on being PUT to the VOTE was LOST.

In favour Councillors R Martin, A Martin, Campbell, Figliomeni, Bradbery, Blakey

Against Councillors Kershaw, D Brown, T Brown, Cox, Aitken, Walters, Dorahy

Councillor Walters MOTION was then PUT to the VOTE and was CARRIED UNANIMOUSLY to become the RESOLUTION.

ITEM 16 - NOTICE OF MOTION - COUNCILLOR CAMERON WALTERS - HMAS SYDNEY VISIT TO WOLLONGONG IN 2023

780 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Walters seconded Councillor Figliomeni that –

- 1 Council notes the logistical problems in the failed HMAS Wollongong visit to Port Kembla in November 2022.
- 2 Council continues its support for visits by naval vessels in general and reiterates its support for HMAS Sydney V (one of Australia's newest Hobart Class Destroyers) to visit Port Kembla, as noted in the ordinary Council meeting in May 2021.
- 3 The General Manager writes to the Port Authority of NSW and the CEO of NSW Ports strongly supporting visits by naval vessels to Port Kembla in general, and in particular, that Council supports a visit by HMAS Sydney to Port Kembla in 2023.

Variation The variation moved by Councillor Bradbery (the alteration of wording of 'warships' to 'naval vessels') was accepted by the mover and seconder.

Variation The variation moved by Councillor Figliomeni (the addition of wording 'and the CEO of NSW Ports' to Point 3) was accepted by the mover and seconder.

In favour Councillors Kershaw, R Martin, D Brown, T Brown, A Martin, Campbell, Aitken, Walters, Figliomeni, Dorahy and Bradbery

Against Councillors Cox and Blakey

ITEM 17 - LATE REPORT: CODE OF CONDUCT COMPLAINT STATISTICS REPORT 2021-2022

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 775)

COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor D Brown seconded Councillor T Brown that the report on Code of Conduct complaint Statistics for 2021-2022 be received and noted.

THE MEETING CONCLUDED AT 8:04 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on Monday 6 February 2023.

Chairperson

ITEM 1 POST EXHIBITION - ASBESTOS POLICY

The Asbestos Policy provides guidance and direction for Council's operations and services as well as detailing community responsibilities, for the safe management of Asbestos.

At the Council Meeting held 17 October 2022, Council considered a report relating to the updated Asbestos Policy and resolved to place the draft document on public exhibition for community comment.

This report provides information on the outcomes of the exhibition process and recommends that Council adopt the updated Policy.

RECOMMENDATION

Council adopted the revised Asbestos Policy (Attachment 1).

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Asbestos Policy

BACKGROUND

The current Asbestos Policy was adopted by Council in September 2016. It was prepared consistent with the Guide to Model Asbestos Policy for NSW Councils and is based around the Model Asbestos Policy for NSW Councils produced by Local Government NSW and issued under section 23A of the *Local Government Act 1993*. The Policy states Council's commitment to and responsibilities for managing asbestos and provides information for the local community and the wider public on the safe management of Asbestos.

The main objectives of the Policy are to -

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

The draft updated policy proposes changes that are required for it to be consistent with current legislation, reference material and documents, names of government agencies and departments, contact details and web addresses.

The Asbestos Policy has been reviewed by relevant staff within Council. The draft updated policy was reported to Council at its meeting on 17 October 2022. Council resolved –

- 1 *The draft Asbestos Policy be endorsed for exhibition for a minimum of 28 days.*
- 2 *A further report be provided to Council detailing the outcomes of the public exhibition process and containing recommendations for progression of the updated Asbestos Policy.*

PROPOSAL

This report details the exhibition and review process and recommends that the draft updated Policy be adopted by Council to provide guidance and direction for Council's operations and services as well as community responsibilities, for Asbestos management.

CONSULTATION AND COMMUNICATION

Representatives from the following Divisions of Council have been consulted as a part of this review -

- Open Space + Environmental Services.
- City Works.
- City Strategy.
- Regulation & Enforcement.
- Development Assessment and Certification.
- Infrastructure Strategy & Planning.

The updated Asbestos Policy was placed on public exhibition for 28 days, from 21 November to 19 December 2022, to allow for community feedback. During this time, 49 residents visited the project web page with one submission made in support of the updated Policy. No objections or requests for amendments were received.

A further internal review identified a minor change required to the updated Policy, being the contemporary reference to Planning Certificates. This change has been made in the draft Policy attached to this report.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of [Our Wollongong 2032 - Community Strategic Plan](#) - Goal 1- We Value and Protect Our Environment. It specifically delivers on core business activities as detailed in the Environmental Services and Natural Area Management.

RISK MANAGEMENT

In the absence of an updated version, Council's existing Asbestos Policy will contain obsolete, inaccurate, and misleading information. This may contribute to confusion for stakeholders and poor asbestos management and health and safety risks for Council staff and the community.

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with adopting the updated Policy.

CONCLUSION

Council's Asbestos Policy has been reviewed. Amendments have been made to the Policy to ensure consistency with current legislative and available information. The Policy was placed on public exhibition for 28 days with one submission received in support. It is recommended that the draft updated Asbestos Policy be adopted by Council.



ADOPTED BY COUNCIL: XX OCTOBER 2022

BACKGROUND

This policy has been developed in order to –

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

OBJECTIVE

The main objectives of this policy are to –

1. Promote a safe working environment for Council staff and its contractors.
2. Promote the safe and effective management of asbestos within Wollongong.
3. Outline the role of Council in managing asbestos.
4. Outline Council's relevant regulatory powers.

POLICY STATEMENT

This policy states Council's commitment to and responsibilities for safely managing asbestos on Council owned and managed property. It also defines Council's role in broader asbestos management, regulation and community education and provides information for the local community and the wider public on safely managing asbestos.

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

ASBESTOS

COUNCIL POLICY

TABLE OF CONTENTS

INTRODUCTION	4
1.1 Purpose	4
1.2 Scope	5
2 DEFINITIONS	5
3 ROLES AND RESPONSIBILITIES OF COUNCIL	5
3.1 Educating Residents	5
3.2 Managing Land	5
3.3 Managing Waste	5
3.4 Regulatory Responsibilities	5
3.5 Responsibilities to Workers	8
4 OTHER STAKEHOLDERS INVOLVED IN MANAGING ASBESTOS	8
ASBESTOS IN THE LOCAL GOVERNMENT AREA: INFORMATION FOR THE COMMUNITY	8
5 NATURALLY OCCURRING ASBESTOS	8
6 CONTAMINATION OF LAND WITH ASBESTOS	8
6.1 Responsibilities for Contaminated Land	8
6.2 Finding Out if Land is Contaminated	9
6.3 Duty to Report Contaminated Land	9
6.4 Derelict Buildings	9
7 RESPONDING TO EMERGENCIES AND INCIDENTS	9
7.1 Responsibilities in the Clean Up After an Emergency or Incident	10
7.2 Advice to the Public Regarding Clean-up After an Emergency or Incident	10
8 COUNCIL'S PROCESS FOR CHANGING LAND USE	11
9 COUNCIL'S PROCESS FOR ASSESSING DEVELOPMENT	11
9.1 Responsibilities for Approving Development	11
9.2 Providing Advice to Home Owners, Renovators and Developers	11
9.3 Identifying Asbestos	12
9.4 Removing Asbestos, Refurbishments and Demolitions	12
9.4.1 Removing asbestos at domestic premises	12
9.4.2 Removing asbestos at workplaces	13
9.4.3 Obtaining approval for demolition	13
9.5 Exempt or Complying Development	13
9.5.1 Exempt development	13
9.5.2 Complying development	14
9.6 Development Applications	14
9.6.1 Pre-development application advice regarding asbestos	14
9.6.2 Conditions of consent	14
9.7 Compliance and Enforcement	14
9.7.1 Responsibilities for compliance and enforcement	14
9.7.2 Compliance strategies	15

ASBESTOS

COUNCIL POLICY

10	MANAGING ASBESTOS AS A WASTE	15
10.1	Responsibilities for Asbestos Waste Management.....	15
10.2	Handling Asbestos Waste for Disposal.....	16
10.3	Transporting Asbestos Waste	16
10.4	Disposing of Asbestos Waste at Waste Facilities	16
10.4.1	Situations in which asbestos waste may be rejected from waste facilities	17
10.5	Illegal Dumping of Asbestos Waste	17
10.6	Asbestos Remaining On-Site	17
11	COMPLAINTS AND INVESTIGATIONS	18
12	ADVICE TO TENANTS AND PROSPECTIVE BUYERS OF COUNCIL OWNED PROPERTY	18
13	IMPLEMENTING COUNCIL'S ASBESTOS POLICY	18
13.1	Supporting Documents.....	18
13.2	Communicating the Policy.....	18
14	VARIATIONS TO THIS POLICY.....	19
15	REVIEW.....	19
16	DISCLAIMER	19
	APPENDIX A – GENERAL INFORMATION AND GUIDANCE	20
1	What is Asbestos?.....	20
2	Where is Asbestos Found?.....	20
2.1	Naturally Occurring Asbestos	20
2.2	Residential Premises	20
2.3	Commercial and Industrial Premises	22
2.4	Sites Contaminated with Asbestos	22
2.4.1	Situations where asbestos contamination may occur.....	22
2.4.2	Significantly contaminated land	23
3	Potentially Hazardous Activities.....	23
4	Health Hazards	24
	APPENDIX B – FURTHER INFORMATION	25
	APPENDIX C – DEFINITIONS	27
	APPENDIX D – ACRONYMS.....	33
	APPENDIX E – RELEVANT CONTACTS	34
	ASBESTOS-RELATED DISEASE ORGANISATIONS (NON-EXHAUSTIVE LIST).....	34
	APPENDIX F – WASTE MANAGEMENT FACILITIES THAT ACCEPT ASBESTOS WASTES	36
	APPENDIX G – ASBESTOS-RELATED LEGISLATION, POLICIES AND STANDARDS.....	37
	APPENDIX H – AGENCIES ROLES AND RESPONSIBILITIES.....	38
	APPENDIX I – SCENARIOS ILLUSTRATING WHICH AGENCIES LEAD A RESPONSE IN NSW.....	42
	APPENDIX J – ASBESTOS CONTAINING MATERIALS	45
	APPENDIX K – ASBESTOS LICENCES	51

ASBESTOS**COUNCIL POLICY****STATEMENT OF PROCEDURES****INTRODUCTION**

Wollongong City Council acknowledges the serious health hazard of exposure to asbestos.

In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos. In the Wollongong Local Government Area, it is not known exactly how many homes could contain asbestos, however it is estimated there would be thousands. Many industrial buildings would also contain asbestos.

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

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

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

- Residents and the public within the Wollongong Local Government Area (LGA).
- Workers (employees and other persons) in Council workplaces.

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

- As a responsible employer.
- Contaminated land management.
- Council land, building and asset management.
- Emergency response.
- Land use planning (including development approvals and demolition).
- Regulation of activities (non-work sites).
- Waste management and regulation.

1.1 Purpose

This policy aims to outline -

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

ASBESTOS

COUNCIL POLICY

1.2 Scope

This policy applies to the Wollongong LGA.

The policy provides information for the local community and the wider public. Roles and responsibilities of different agencies are described in Appendix H. Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

The policy applies to friable and non-friable (bonded) asbestos within the LGA.

The policy outlines Council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact Council or the appropriate organisation (contact details are listed in Appendix E).

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

- *Code of Practice 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.
- Additional guidance material listed in Appendix B.

2 DEFINITIONS

Definitions are provided in Appendix C.

3 ROLES AND RESPONSIBILITIES OF COUNCIL

3.1 Educating Residents

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

- Prohibition of the use and re-use of asbestos containing materials.
- Requirements in relation to development, land management and waste management.
- Risks of exposure to asbestos.
- Safe management of asbestos containing materials
- Safe removal and disposal of minor quantities of asbestos containing materials

through an ongoing asbestos awareness program.

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

3.2 Managing Land

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

3.3 Managing Waste

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

- Issuing clean-up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the *Protection of the Environment Operations Act 1997*).
- Issuing prevention or clean-up notices where asbestos waste has been handled (including stored, transported, or disposed of) in an unsatisfactory manner (under the *Protection of the Environment Operations Act 1997*).
- Issuing penalty infringement notices for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).
- 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 10.7 certificates) where on-site disposal is permitted.

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

3.4 Regulatory Responsibilities

ASBESTOS

COUNCIL POLICY

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

- *Contaminated Land Management Act 1997.*
- *Environmental Planning and Assessment Act 1979.*
- *Environmental Planning and Assessment Regulation 2021.*
- *Local Government Act 1993.*
- *Protection of the Environment Operations Act 1997.*
- *Protection of the Environment Operations (General) Regulation 2022.*
- *Protection of the Environment Operations (Waste) Regulation 2014.*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*
- *State Environmental Planning Policy. (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land*

Code of Practice: Demolition Work published by SafeWork NSW 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.

ASBESTOS

COUNCIL POLICY

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

Issue	Council's Role	Section of Policy
Contaminated Land	<ul style="list-style-type: none"> Record known asbestos site contamination on Section 10.7 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). 	Sections 5 and 6
Development Assessment	<ul style="list-style-type: none"> Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. Set conditions of consent for renovations, alterations, additions, demolitions, or other developments requiring consent and which may involve disturbance of asbestos containing materials. Ensure compliance with development conditions can be achieved via Regulation & Enforcement or Certifier. 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
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

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

ASBESTOS

COUNCIL POLICY

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.

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

4 OTHER STAKEHOLDERS INVOLVED IN MANAGING ASBESTOS

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

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

ASBESTOS IN THE LOCAL GOVERNMENT AREA: INFORMATION FOR THE COMMUNITY

5 NATURALLY OCCURRING ASBESTOS

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

6 CONTAMINATION OF LAND WITH ASBESTOS

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

6.1 Responsibilities for Contaminated Land

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

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

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

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

During site redevelopment Council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the *Environmental Planning and Assessment Act 1979*. That is, Council will apply the general requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land*.

Council provides information about land contamination on planning certificates (issued under Section 10.7 of the *Environmental Planning and Assessment Act 1979*) Section

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

ASBESTOS

COUNCIL POLICY

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

6.2 Finding Out if Land is Contaminated

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

Information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When Council receives a request for a certificate under Section 10.7(2), it may also inform applicants of any further information available under Section 10.7(5). Council may also use Section 10.7(5) certificates to record other information, particularly anything else of a factual nature about contamination which Council deems appropriate (such as details of land history, assessment, testing and remediation).

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

Council may issue notices to landowners 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 NSW 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 NSW 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 9.34 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 33 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.

ASBESTOS

COUNCIL POLICY

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 or licensed asbestos removalist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to Council as soon as practicable.
- Follow the *Code of Practice on How to Safely Remove Asbestos* published by SafeWork NSW.
- Ensure that any Council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures (see Section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed asbestos removalist or issuing a clean-up or prevention notice (as outlined in Section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensure that the site is kept damp, always 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.
-

ASBESTOS

COUNCIL POLICY

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 previously been used as a landfill or for on-site burial of asbestos waste).

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 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 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 can issue a complying development certificate under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Further information on demolition is provided in Section 9.4.

When a private certifier issues a complying development certificate and is appointed as the Principal Certifying Authority for the development it is the certifier's responsibility to follow up to ensure that works including asbestos handling, removal, and disposal if present, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2021* (clause 152). Compliance is covered in Section 9.7.

9.2 Providing Advice to Homeowners, Renovators and Developers

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

The key points are -

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

ASBESTOS

COUNCIL POLICY

redevelopment. If asbestos materials cannot be safely contained, they should be removed as outlined in Section 9.4.

- For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.

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

9.3 Identifying Asbestos

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

A person may apply to Council for a planning certificate (called a Section 10.7 certificate) for the relevant land. Council may provide information on a planning certificate including whether Council has a policy to restrict the use of land due to risks from asbestos contamination, as outlined in Section 6.2.

Council aims to ensure that records are, as far as possible, accurate. In some instances, Council may not have up-to-date information about asbestos for a property. Council may be able to provide general advice on the likelihood of asbestos being present on the land based on the age of the buildings or structures on the land. A general guide to the likelihood of asbestos presence based on building age is provided in Appendix A under Section 2.2.

The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist (a competent person is defined by the NSW *Work Health and Safety Regulation 2017*). This is highly advisable before undertaking major renovations to buildings constructed or containing materials 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, as 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.
- 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).

ASBESTOS

COUNCIL POLICY

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 property 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 *Code of Practice: Demolition Work 2019* provides practical guidance on how to manage the risks associated with the demolition of buildings and structures. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to Council as to whether and what type of approval is required. Where a development application is required Council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in Section 9.6.

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

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

9.5 Exempt or Complying Development

9.5.1 Exempt development

ASBESTOS

COUNCIL POLICY

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 How to Safely Remove Asbestos*.

9.5.2 Complying development

The *Environmental Planning and Assessment Regulation 2021* (clause 152) outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

Applications for complying development certificates must include details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be disturbed, repaired, or removed in carrying out the development (under Schedule 1 Part 2 of the *Environmental Planning and Assessment Regulation 2021*).

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

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

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (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 policy.

9.6 Development Applications

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

9.6.1 Pre-development application advice regarding asbestos

Council's pre-DA service enables proponents to discuss asbestos-related issues with Council prior to lodging a DA, if the issue is raised. Council may inform applicants of this policy, fact sheets or websites. 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 several standard development consent conditions about asbestos that it applies when appropriate.

9.7 Compliance and Enforcement

9.7.1 Responsibilities for compliance and enforcement

ASBESTOS

COUNCIL POLICY

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

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

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

9.7.2 Compliance strategies

Illegal works include -

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

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

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

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

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

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

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

10 MANAGING ASBESTOS AS A WASTE

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

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

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

10.1 Responsibilities for Asbestos Waste Management

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

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

ASBESTOS

COUNCIL POLICY

The EPA regulates premises that have or require an environment protection licence in accordance with Schedule 1 – Waste Storage Clause 42(3a) of *Protection of the Environment Operations Act 1997*. A licence is required when more than five tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

10.2 Handling Asbestos Waste for Disposal

The *Code of Practice How to Safely Remove Asbestos* provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in Section 4.8 of the Code).

10.3 Transporting Asbestos Waste

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

- a A person who transports asbestos waste must ensure that any Part of any vehicle in which the person transports the waste is covered and leak-proof during its transportation.
- b A person who transports bonded asbestos material must ensure that it is securely packaged during its transportation.
- c A person who transports friable asbestos material must ensure that it is in a sealed container during its transportation.
- d A person who transports asbestos waste (other than bonded asbestos material that is securely packaged or friable asbestos material that is in a sealed container) must ensure that it is wetted down during its transportation.

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 NSW 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 NSW 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 asbestos 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 \$500,000 (for individuals) and \$2,000,000 (for corporations) found guilty of committing this offence.

10.4 Disposing of Asbestos Waste at Waste Facilities

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

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

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

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

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

- a A person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste.

ASBESTOS

COUNCIL POLICY

- b When unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust.

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

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

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.
- 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 NSW 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 – or \$500,000 for an individual and \$60,000 for each day the offence continues (under Section 142A of the *Protection of the Environment Operations Act 1997*).
- Or up to \$5,000,000 for corporation or \$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.
- The site is regulated by a different authority such as the Minister for Planning.

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

10.6 Asbestos Remaining On-Site

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

ASBESTOS

COUNCIL POLICY

11 COMPLAINTS AND INVESTIGATIONS

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

Council will respond to complaints and inquiries regarding -

- Council's requirements in relation to development, land management and waste management.
- Derelict properties.
- General asbestos safety issues.
- Illegal dumping.
- Safe removal and disposal of minor quantities of asbestos materials.
- Unsafe work at a residential property conducted by a homeowner or tenant.

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

12 ADVICE TO TENANTS AND PROSPECTIVE BUYERS OF COUNCIL OWNED PROPERTY

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

Council may request that tenants in Council property -

- Advise Council of any hazards relating to asbestos.
- Minimise damage to asbestos containing material.
- Co-operate with Council in facilitating any risk management work arranged by Council.
- Act on advice from Council to minimise risks from asbestos.

13 IMPLEMENTING COUNCIL'S ASBESTOS POLICY

13.1 Supporting Documents

The implementation of this policy is supported by -

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

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

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

13.2 Communicating the Policy

ASBESTOS

COUNCIL POLICY

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

- Council's Customer Service Centre.
- Council's website www.wollongong.nsw.gov.au.
- Council's intranet site.

14 VARIATIONS TO THIS POLICY

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

15 REVIEW

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

16 DISCLAIMER

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

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

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

ASBESTOS

COUNCIL POLICY

APPENDIX A – GENERAL INFORMATION AND GUIDANCE

1 What is Asbestos?

Asbestos is the generic term for several 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 diverse 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

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

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

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with SafeWork NSW (phone 131 050) to confirm the contractor has the appropriate class of licence for the asbestos removal job.

2 Where is Asbestos Found?

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

2.1 Naturally Occurring Asbestos

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

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. Council is not aware of any areas of naturally occurring asbestos within the LGA.

2.2 Residential Premises

Generally, 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

COUNCIL POLICY

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.

Usual 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.

ASBESTOS

COUNCIL POLICY

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, e.g., 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 shipyards, 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 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 one metre of the surface).

ASBESTOS

COUNCIL POLICY

2.4.2 Significantly contaminated land

For sites that are significantly contaminated, the NSW 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 copious quantities of buried friable asbestos waste has been uncovered and is giving rise to measurable levels of asbestos fibres in the air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The NSW EPA 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

Several activities could cause asbestos to be inadvertently disturbed and consequently create a health risk.

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

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

- Renovations, refurbishments, or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding, or smashing asbestos containing materials.
- Sealing, painting, brushing, and cleaning asbestos cement products; checking, removing, or replacing ceiling insulation which contains asbestos.
- Demolitions of homes or other structures (dismantling or destruction).
- Relocating a house, building or structure.
- Using compressed air on asbestos containing materials.
- Water blasting asbestos containing materials.
- Cleaning gutters on asbestos cement roofs.
- Handling asbestos cement conduits or boxes.
- Maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards.
- Maintenance or servicing of materials from vehicles, plant, or equipment.

Council could inadvertently disturb asbestos through activities such as -

- Abovementioned activities.
- Asset and building maintenance.
- Certifying.
- Inspections of sites and premises.
- Transport and disposal of illegally dumped materials.
- Collection, transport, and disposal of incorrectly disposed of materials.

ASBESTOS

COUNCIL POLICY

Asbestos 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 elevated levels of asbestos for a prolonged period. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

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

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

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

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 Australian exposure standard for asbestos fibres is 0.1 fibres/ml of air and the action limit for asbestos fibres is 0.01 fibres/ml as per the NSW WHS (Work Health and Safety) Regulations 2017.

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 need support. Their family and those around them may also be vulnerable to psychological distress.

ASBESTOS

COUNCIL POLICY

APPENDIX B – FURTHER INFORMATION

Aboriginal Communities

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

Asbestos Contractors

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

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

Asbestos Waste

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

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

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

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

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

RIDonline is a state-wide 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)
https://www.safework.nsw.gov.au/_data/assets/pdf_file/0016/51730/SW08774-Management-of-asbestos-in-recycled-construction-and-demolition-waste-guide.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

Emergency Management

Asbestos Awareness during bushfire clean-up, April 2020 (EPA)

<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/asbestos/20p2262-asbestos-awareness-during-bushfire-clean-up.pdf>

Managing Asbestos when buildings are damaged small scale fires, Local Government NSW November 2021

https://lgnsw.org.au/common/Uploaded%20files/Asbestos/Managing_Asbestos_When_Buildings_Are_Damaged_By_Small_Scale_Fires_Nov_21.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

ASBESTOS

COUNCIL POLICY

Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards, 2012 (Commonwealth of Australia)

[https://www1.health.gov.au/internet/main/publishing.nsf/Content/A12B57E41EC9F326CA257BF0001F9E7D/\\$File/Environmental-health-Risk-Assessment.pdf](https://www1.health.gov.au/internet/main/publishing.nsf/Content/A12B57E41EC9F326CA257BF0001F9E7D/$File/Environmental-health-Risk-Assessment.pdf)

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

Health

Asbestos and Health Risks Fact Sheet, 2007 (NSW Health)

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

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

Renovation and Development

Asbestos: A guide for householders and the general public, February 2013 (Commonwealth of Australia)

[Building and Development Certifiers, Fair Trading NSW](http://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/building-certifiers)

<https://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/building-certifiers>

Asbestos Awareness website (Asbestos Education Committee)

www.asbestosawareness.com.au

Practical Guidance

How to manage and control asbestos in the workplace: Code of practice (catalogue no WC03560) published by SafeWork NSW. August 2019

https://www.safework.nsw.gov.au/__data/assets/pdf_file/0014/50081/How-to-manage-and-control-asbestos-in-the-workplace-COP.pdf

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

https://www.safework.nsw.gov.au/__data/assets/pdf_file/0015/50082/How-to-safely-remove-asbestos-COP.pdf

Tenants

Tenants' rights fact sheet 26: Asbestos and lead, 2020 (Tenants NSW)

<https://files.tenants.org.au/factsheets/fs26.pdf>

Tenants – Housing NSW Tenants

Manage Asbestos Policy 2017 (Communities & Justice NSW)

www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/manage-asbestos-policy

ASBESTOS

COUNCIL POLICY

APPENDIX C – DEFINITIONS

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

- [Code of Practice: How to Manage and Control Asbestos in the Workplace. Published by SafeWork NSW 2019.](#)[Code of Practice: How to Safely Remove Asbestos, Published by SafeWork NSW 2019](#)
- *Contaminated Land Management Act 1997.*
- *Environmental Planning and Assessment Act 1979.*
- *Emergency Pollution Program Guidelines 2013.*
- *Protection of the Environment Operations Act 1997.*
- *Waste classification guidelines Part 1: Classifying waste 2014.*
- *NSW Work Health and Safety Act 2011.*
- *NSW Work Health and Safety Regulation 2017.*

accredited certifier	means a person who was accredited under the Building Professionals Act 2005 or the Environmental Planning Assessment Act 1979
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 - <ul style="list-style-type: none"> a Actinolite asbestos. b Grunerite (or amosite) asbestos (brown). c Anthophyllite asbestos. d Chrysotile asbestos (white). e Crocidolite asbestos (blue). f Tremolite asbestos g A mixture that contains one or more of the minerals referred to in paragraphs (a) to (f).
asbestos containing material (ACM)	means any material or thing that, as part of its design, contains asbestos.
Asbestos-contaminated dust or debris (ACD)	means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.
Asbestos-related work	Means work involving asbestos (other than asbestos removal to which Part 8.7 of the WHS Regulation applies) that is permitted under the exceptions set out in Clause 419(3) (4) and (5) in the Work Health and Safety Regulation 2017
asbestos removal licence	means a Class A asbestos removal licence or a Class B asbestos removal licence.
asbestos removal work	Means - <ul style="list-style-type: none"> a Work involving the removal of asbestos or asbestos containing material. b Class A asbestos removal work or Class B asbestos removal work as outlined in Part 8.10 of the WHS Regulation.
asbestos removalist	means a person conducting a business or undertaking who carries out asbestos removal work.

ASBESTOS

COUNCIL POLICY

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 <i>Environmental Planning and Assessment Act 1979</i> to issue complying development certificates or is authorised by or under Section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue Part 4A certificates.
Class A asbestos removal licence	means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.
Class A asbestos removal work	means the removal of friable asbestos which must be licensed under clause 485 of the <i>Work Health and Safety Regulation 2017</i> . This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.
Class B asbestos removal licence	means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.
Class B asbestos removal work	means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487 but does not include Class A asbestos removal work.
competent person	means a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds - <ul style="list-style-type: none"> a A certification in relation to the specified VET course for asbestos assessor work. b A tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction, or environmental health.
complying development	is a fast track, ten-day approval process where a building meets all the predetermined standards established in either a state or local council planning document. A complying development certificate can be issued by either a local council or an accredited certifier.
complying development certificate	means a certificate issued by either a local council or an accredited certifier for a complying development.
contaminant	means any substance that may be harmful to health or safety.
contamination of land	means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.
control measure	in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.
demolition work	means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include - <ul style="list-style-type: none"> a The dismantling of formwork, falsework, or other structures designed or used to provide support, access, or containment during construction work. b The removal of power, light or telecommunication poles.

ASBESTOS

COUNCIL POLICY

development	Means <ul style="list-style-type: none"> 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 <i>Environmental Planning and Assessment Act 1979</i> that is controlled by an environmental planning instrument.
development application	means an application for consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> to carry out development but does not include an application for a complying development certificate.
emergency service organisation	Includes any of the following - <ul style="list-style-type: none"> 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 <i>State Emergency and Rescue Management Act 1989</i>.
exempt development	means development that is declared to be exempt development by an environmental planning instrument because of its minor impact.
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 <ul style="list-style-type: none"> 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 - <ul style="list-style-type: none"> 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.

ASBESTOS

COUNCIL POLICY

licence holder	means in the case of an asbestos assessor licence – the person who is licensed - <ul style="list-style-type: none"> 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 - <ul style="list-style-type: none"> • In the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted. • In the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.
licensed asbestos assessor	means a person who holds an asbestos assessor licence.
licensed asbestos removalist	means a person conducting a business or undertaking who is licensed under the <i>Work Health and Safety Regulation 2017</i> to carry out Class A asbestos removal work or Class B asbestos removal work.
licensed asbestos removal work	means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.
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
occupier	includes a tenant or other lawful occupant of premises, not being the owner.
officer	means an officer as defined in the <i>NSW Work Health and Safety Act 2011</i> .
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. Extended in the <i>Work Health and Safety Regulation 2017</i>
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 - <ul style="list-style-type: none"> a. Are less than three micrometres wide. b. More than five micrometres long. c. Has a length to width ratio of more than 3:1.

ASBESTOS

COUNCIL POLICY

specified VET course

means -

- a. In relation to Class A asbestos removal work – the following VET courses.
 - remove non-friable asbestos.
 - remove friable asbestos.
- b. In relation to Class B asbestos removal work – the VET course Remove non-friable asbestos.
- c. In relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal.
- 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.

volunteer

means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

waste

Includes -

- a. 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.
- b. Any discarded, rejected, unwanted, surplus, or abandoned substance.
- c. 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.
- d. Any process, recycled, re-used, or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations.
- e. 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).

ASBESTOS

COUNCIL POLICY

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

ASBESTOS

COUNCIL POLICY

APPENDIX D – ACRONYMS

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

ASBESTOS

COUNCIL POLICY

APPENDIX E – RELEVANT CONTACTS

Wollongong City Council

Phone: (02) 4227 7111

Fax: (02) 4227 7277

For the Hearing Impaired: 133 677 (Australian Communication Exchange)

Email: council@wollongong.nsw.gov.au

Web: www.wollongong.nsw.gov.au

Mail: Locked Bag 8821, Wollongong DC NSW 2500

ASBESTOS-RELATED DISEASE ORGANISATIONS (NON-EXHAUSTIVE LIST)

Asbestos Diseases Foundation Australia Inc

Phone: (02) 9637 8759

Helpline: 1800 006 196

Email: info@adfa.org.au

Website: www.adfa.org.au

Asbestos Diseases Research Institute

Phone: (02) 9767 9800

Fax: (02) 9767 9860

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: <https://www.icare.nsw.gov.au/>

ENVIRONMENT PROTECTION AUTHORITY (EPA)

Phone: (02) 9995 5000

Environment line: 131 555

Email: info@epa.nsw.gov.au

Website: www.epa.nsw.gov.au

LICENSED ASBESTOS CONTRACTORS

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

Asbestos & HAZMAT Removal Contractors Association NSW (AHRCA)

Email: email@ahrcansw.asn.au

Website: <https://ahrcansw.ahrcansw.asn.au/> Verification of an asbestos removal contractor's licence can be checked by contacting SafeWork NSW's Certification Unit Phone: 131 050.

Civil Contractors Federation (CCF)

Address: Unit 11, 9 Hoyle Avenue,
Castle Hill NSW 22154

Phone: (02) 9009 4000

Email: ccfnsw@ccfnsw.com

Website: www.ccfnsw.com

LOCAL GOVERNMENT NSW

Fax: 02 9242 4111

Mailing Address: GPO Box 7003 Sydney NSW 2001

Location: Level 8, 28 Margaret Street Sydney NSW 2000

ASBESTOS

COUNCIL POLICY

Phone: (02) 9242 4000
Email: lgnsw@lgnsw.org.au
Website: <https://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 LIST)

TAFE NSW

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

Housing Industry Association (HIA)

Phone: (02) 9978 3333
Telephone: 1300 650 620
Email: enquiry@hia.com.au
Website: <http://hia.com.au>

Local Government Training Institute

Address: 4 Sandringham Ave, Thornton 2322
Phone: (02) 4922 2333
Email: reception@lgti.com.au
Website: www.lgti.com.au

Comet Training

Phone: (02) 9649 5000
Email: info@comet.training
Website: <https://courses.comet.training>

Masters Builders Association (MBA)

Address: 52 Parramatta Road Forest Lodge NSW 2037
Phone: (02) 8586 3555
Toll free: 1800 622 679
Email: enquiries@mbansw.com.au Website: www.masterbuilders.com.au

SAFework NSW

SafeWork NSW Information Centre Phone: 131 050
SafeWork NSW – Asbestos/Demolition Hotline Phone: 1800 672 718
Website: www.safework.nsw.gov.au/

ASBESTOS

COUNCIL POLICY

APPENDIX F – WASTE MANAGEMENT FACILITIES THAT ACCEPT ASBESTOS WASTES

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

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

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

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

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

Waste Management Facilities in Other Areas that Accept Asbestos Wastes

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

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

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

ASBESTOS

COUNCIL POLICY

APPENDIX G – ASBESTOS-RELATED LEGISLATION, POLICIES AND STANDARDS

- *Contaminated Land Management Act 1997*
- *How to manage and control asbestos in the workplace: Code of practice* (catalogue no WC03560) published by SafeWork NSW, 2019
- *How to safely remove asbestos: Code of practice* (catalogue no WC03561) published by SafeWorkNSW, 2019
- *Demolition work code of practice 2019* (catalogue no. WC03841)
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations (General) Regulation 2022*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *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.*

ASBESTOS

COUNCIL POLICY

APPENDIX H – AGENCIES ROLES AND RESPONSIBILITIES

NSW ORGANISATIONS

Department of Planning and Environment (DPE)

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

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

Where asbestos represents contamination of the land (i.e., it is present in excess of naturally occurring levels), *State Environmental Planning Policy (Resilience and Hazards)* 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 2021* specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The Department of Fair Trading also has a role in the management of asbestos. Fair Trading's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role and this includes education in relation to managing asbestos. Further information about the role of the Department of Fair-Trading BPB may be found at

<https://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/building-certifiers>

Dust Diseases Authority (DDA)

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

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

Environment Protection Authority (EPA)

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

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

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

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

Heads of Asbestos Coordination Authorities (HACA)

ASBESTOS

COUNCIL POLICY

The HACA is chaired by the Chief Executive Officer of SafeWork NSW with senior officials from the –

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

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

Local Government NSW (LGNSW)

Local Government NSW is the peak body for councils in NSW. LGNSW represents all NSW general purpose councils, the special purpose councils, and the NSW Aboriginal Land Council.

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

In 2012, Local Government NSW commenced a project funded by SafeWork NSW to assist councils to adopt and implement a model asbestos policy.

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.
- 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.

ASBESTOS

COUNCIL POLICY

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 NSW

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 Department of Fair Trading and oversees building and subdivision certification. Fair Trading role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role. Fair Trading certifies and audits both private and council certifiers. Further information about the role of the Department of Fair Trading may be found at: <https://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/building-certifiers>

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 on matters ranging from Local Government finance, infrastructure, governance, performance, collaboration, and community engagement. The Office strives to work collaboratively with the Local Government sector and is the key adviser to the NSW Government on Local Government matters.

SafeWork NSW

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

SafeWork NSW administers work health and safety, injury management, return to work and workers compensation laws, and manages the workers compensation system. SafeWork NSW's activities include:

- health and safety,
- injuries and claims,
- licensing for some types of plant operators,
- registration of some types of plant and factories,
- training and assessment, medical and healthcare,
- law and policy.

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at: [Asbestos | SafeWork NSW](#)

ASBESTOS

COUNCIL POLICY

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.
- Commissioning, monitoring and promoting research about asbestos safety.

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

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

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

National Association of Testing Authorities (NATA)

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

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

Environmental Health Committee (enHealth)

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

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

Safe Work Australia

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

Phone: 1300 551 832
Email: info@swa.gov.au
Website: www.safeworkaustralia.gov.au

ASBESTOS

COUNCIL POLICY

APPENDIX I – SCENARIOS ILLUSTRATING WHICH AGENCIES LEAD A RESPONSE IN NSW

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

- Emergency management.
- Naturally occurring asbestos.
- Residential settings.
- Site contamination.
- Waste.
- Workplaces.

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

Emergency Management

Scenario	Lead Organisation	Other Regulators
Emergency response	Emergency services	Fire and Rescue (Hazmat) SafeWork NSW
Handover to local council, owner of property or NSW Police – crime scene following a minor incident	Local council NSW Police	
Handover to State Emergency Recovery Controller	State Emergency Recovery Controller	Recovery Committee Local council EPA SafeWork NSW
Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local council EPA SafeWork NSW
Remediation not requiring a licensed removalist	Local council	Principal Certifying Authority SafeWork NSW (workers)
Remediation requiring licensed removal work	SafeWork NSW	Local council Principal Certifying Authority
Clearance Certificate issued by an Asbestos Assessor	SafeWork NSW	Principal Certifying Authority

ASBESTOS

COUNCIL POLICY

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 10.7 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

ASBESTOS

COUNCIL POLICY

Workplaces

Scenario	Lead Organisation	Other Regulators
Asbestos installed/supplied after 2003 (illegally)	SafeWork NSW	
Risks to the health of workers	SafeWork NSW	
Asbestos management and asbestos going to be removed	SafeWork NSW NSW Department of Industry (mine sites)	
Risks to the health of the public from worksites	SafeWork NSW (Risks to workers) Local council (Risks to the wider public) Department of Planning and Infrastructure (Part 3A approvals) EPA (<i>Protection of the Environment 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

ASBESTOS

COUNCIL POLICY

APPENDIX J – ASBESTOS CONTAINING MATERIALS

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

Asbestos Containing Materials	Approximate Supply Dates
Cement sheets	Imported goods supplied from 1903 locally made 'fibrolite' from 1917
Cement roofing/lining slates	Imported goods supplied from 1903 locally made 'fibrolite' 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' marblitone 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

ASBESTOS

COUNCIL POLICY

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

NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015)

ASBESTOS

COUNCIL POLICY

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, e.g., 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

ASBESTOS

COUNCIL POLICY

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 Telstra)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant, and adhesives

Cement render

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

Chrysotile wicks in kerosene heaters

Clutch faces

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

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

D

Door seals on ovens

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

ASBESTOS

COUNCIL POLICY

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, asbestos, lebah) electrical switchboard

ASBESTOS

COUNCIL POLICY

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

NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015)

ASBESTOS

COUNCIL POLICY

APPENDIX K – ASBESTOS LICENCES

Type of Licence	What Asbestos Can Be Removed?
Class A	<ul style="list-style-type: none"> Can remove any amount or quantity of asbestos or asbestos containing material, including: any amount of friable asbestos or asbestos containing material any amount of asbestos containing dust any amount of non-friable asbestos or asbestos containing material
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> any amount of non-friable asbestos or asbestos containing material <p>Note: A Class B 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.</p> <ul style="list-style-type: none"> asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. <p>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.</p>
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> up to 10 m² of non-friable asbestos or asbestos containing material asbestos containing dust that is: <ul style="list-style-type: none"> associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material not associated with the removal of friable or non-friable asbestos and is only a minor contamination

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

ASBESTOS

COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Environmental Strategy and Planning
Date adopted by Council	XX October 2022
Date of previous adoptions	5 September 2016
Date of next review	September 20xx
Responsible Officer	Environmental Scientist
Authorised by	Director xxxx

ITEM 2

POST EXHIBITION - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 COMPLIANCE COST NOTICE CHARGE

In late 2021 the Environmental Planning and Assessment Act 1979 introduced an ability for councils to recover the costs associated with issuing a notice and order. This paper proposes the introduction of a Compliance Cost Notice charge in Council's Revenue Policy (Fees and Charges).

RECOMMENDATION

The introduction of a Compliance Cost Notice charge of \$500 under the Revenue Policy (Fees and Charges 2022-23) be endorsed by Council.

REPORT AUTHORISATIONS

Report of: Corey Stoneham, Manager Regulation and Enforcement
 Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 NSW DPIE Fact Sheet - Compliance Cost Notices

BACKGROUND

As enforcement agencies under the Environmental Planning and Assessment Act 1979, councils utilise notices and orders on a regular basis to achieve compliance for a range of issues including unauthorised use and unauthorised building works. The investigation of alleged non-compliance places a resource burden on Council and usually involves site inspections, administrative drafting of the notice/order and service of the notice and order. It is estimated that Council officers spend on average eight hours undertaking these tasks for each investigation proceeding to order.

At present, the cost processing non-compliance actions is borne by the community. Whilst fines are often issued for non-compliance, these are designed as a deterrent from further non-compliance rather than to recover costs associated with the processing of the notice or order.

To assist Councils in recovering costs, the EP&A Act 1979 was amended in October 2021 to allow the levying of a Compliance Cost Notice (see attached fact sheet).

PROPOSAL

Following a recent public exhibition, it is proposed that a Compliance Cost Notice charge of \$500 be included in Council's Revenue Policy (Fees and Charges).

This charge is calculated as follows.

Avg. hourly rate of an officer (incl. on costs) x average hours spent on an investigation proceeding to Order

\$75/hr x 8hrs* = \$600 (exhibition proposed a conservative charge of \$500)

*Tasks generally involved in an investigation reaching Order stage are.

Task	Time
Initial site inspection (including travel)	1hr
Reinspection (including travel)	1hr
Drafting of notice	1hr
Service of notice (including travel)	1hr
Reinspection (including travel)	1hr
Drafting of order	1hr
Service of order (including travel)	1hr
Reinspection (including travel)	1hr

A conservative flat fee has been selected as it is a simpler process to administer rather than calculating costs for each individual investigation.

On average, 125 of the investigations undertaken by Council per annum proceed to Orders under the Environmental Planning and Assessment Act 1979.

The initial introduction of a \$500 charge is conservative and will be monitored and reviewed. Any increase to the charge may be considered through future reviews of the Revenue Policy (Fees and Charges).

CONSULTATION AND COMMUNICATION

Consultation within Council's Regulation and Enforcement Division has occurred, and feedback has been received from staff and management. Advice has also been sought from Council's Legal Team and Rates Team.

The Proposed New Compliance Cost Notice Charge was exhibited from Monday 21 November 2022 to Monday 19 December 2022 via Council's Our Wollongong exhibition webpage.

Council's webpage was visited 48 times.

In response to the exhibition process, Council received one submission in support of the Compliance Cost Notice Charge inclusion.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 "*We value and protect our environment*".

FINANCIAL IMPLICATIONS

The introduction of the Compliance Cost Notice charge could generate an estimated \$60,000 per annum to offset Council's processing costs.

CONCLUSION

The Environmental Planning and Assessment Act was amended in October 2021 to enable councils to charge for compliance orders and notices. The introduction of the proposed \$500 Compliance Cost Notice charge will assist Council in recovering costs associated with its compliance role under the Environmental Planning and Assessment Act 1979.

Department of Planning and Environment

Frequently asked questions



Compliance cost notices

This document answers frequently asked questions about the new compliance cost notice framework

The NSW Government has reshaped the compliance funding system as part of reforms to build a faster and simpler planning system. The new compliance cost notice framework came into effect on 27 October 2021.

What is a compliance cost notice?

A compliance cost notice allows an enforcement authority, usually a council, to recover the reasonable cost and expenses associated with compliance activities, such as:

- monitoring action under a development control order
- ensuring a development control order is complied with
- an investigation leading to the issue of a development control order; and
- preparing or serving a notice of intention to issue an order

The notices provide authorities with a compliance tool to ensure that those who are breaking the rules, pay for the costs associated with investigations, instead of ratepayers.

Why were the changes made?

The department received feedback that councils were not using compliance cost notices, because they were too complex and did not sufficiently cover the costs and expenses typically associated with investigations.

The new framework provides councils with the resources needed to ensure builders are following the rules, while minimising the impact on those seeking to do the right thing.

What are the changes?

The compliance cost notices framework has been simplified to make them a more useful enforcement tool for councils and support councils recover compliance costs. This included:

- Simplifying the process for councils to issue notices by eliminating unnecessary administrative requirements.
- Increasing the cap on compliance cost notices related to a notice of intention to give an order from \$500 to \$750, so that councils can recover costs most likely to be incurred at that stage.
- Removing the cap on the amount councils can collect for an investigation. This should ensure ratepayers are not subsidising costly investigations created by those who break the rules.

Frequently asked questions



What safeguards are in place?

Councils are still only able to recover their reasonable costs and expenses associated with compliance investigations. Where builders and developers believe the costs are unreasonable, they can challenge this in the Land and Environment. This must be done within 28 days after the notice is served.

Further Information

For more information please visit [our website](#).

ITEM 3

POST EXHIBITION PLANNING PROPOSAL: FORESHORE BUILDING LINE MAP AMENDMENT - FORMER CORRIMAL COKE WORKS SITE

On 7 November 2022, Council resolved to prepare a draft Planning Proposal to amend the Foreshore Building Line Map for the former Corrimal Coke Works site (land identified as Lot 1 DP795791 and Lot 5 DP 749492) to reflect the planned realignment of North Corrimal Creek, and submit it to the Department of Planning and Environment seeking a Gateway Determination to enable public exhibition.

A Gateway Determination was received on 23 November 2022 and the draft Planning Proposal exhibited between 1 December and 20 December 2022. This report recommends that Council resolve to finalise the draft Planning Proposal to amend the Foreshore Building Line Map for the former Corrimal Coke Works site.

RECOMMENDATION

- 1 The draft Planning Proposal for the former Corrimal Coke Works site to amend the Foreshore Building Line Map, to reflect the planned realignment of North Corrimal Creek, be progressed to finalisation.
- 2 The General Manager exercise his plan making delegations, in accordance with Council's resolution of 26 November 2012, and the Department be requested to legally draft the relevant map amendment in Wollongong Local Environmental Plan 2009.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Draft Planning Proposal - Former Corrimal Coke Works Site: Foreshore Building Line Map Amendment

BACKGROUND

On 1 November 2021, Council resolved to finalise the Planning Proposal for the former Corrimal Coke Works site to permit medium density residential development. On 29 April 2022, the Wollongong Local Environmental Plan (LEP) 2009 amendment (Amendment No. 50) was notified by the NSW Department of Planning and Environment. The Amendment has rezoned the site from IN3 Heavy Industrial and RE2 Private Recreation zoned land to RE1 Public Recreation, R3 Medium Density Residential and SP2 Infrastructure.

The Planning Proposal required the amendment of several maps in Wollongong LEP 2009 in order to facilitate the residential development envisaged in the adopted Master Plan 2021, including -

- Land Zoning.
- Minimum Lot Size.
- Height of Buildings.
- Floor Space Ratio.
- Natural Resource Sensitivity – Biodiversity.
- Riparian Land and Foreshore Building Line Map.
- Key Sites.
- Urban Land Release Area.
- Additional Uses.

However, it came to the attention of Council Officers that in finalising the Planning Proposal a mapping error was made, with the amendment of the Foreshore Building Line Map omitted. A new Planning Proposal is required to correct the mapping layer in Wollongong LEP 2009.

The current Foreshore Building Line Map and application of Wollongong LEP 2009 Clause 7.7 would have the effect of prohibiting the works proposed on the parts of the site mapped as being within the foreshore area. There is a need to rectify this error to enable the development of the site, as envisaged through the adopted 2021 Master Plan and Wollongong LEP 2009 (Amendment No. 50).

A key component of the 2021 Master Plan is the re-alignment of the highly modified North Corrimal Creek to the western part of the site, designed to provide a flood free area for development and improve flood, stormwater and drainage on site and at Railway Street / Cross Street.

The following amendment is required to the Foreshore Building Line Map to reflect the North Corrimal Creek re-alignment works -

- Delete the foreshore building line; and
- Delete land below foreshore building line.

On 7 November 2022, Council resolved to prepare a draft Planning Proposal to amend the Foreshore Building Line Map for the former Corrimal Coke Works site. Council resolved that -

- 1 *A draft Planning Proposal be prepared to amend the Foreshore Building Line Map for the former Corrimal Coke Works site, to reflect the site's adopted Master Plan 2021 and the planned realignment of North Corrimal Creek.*
- 2 *The draft Planning Proposal be forwarded to the Department of Planning and Environment seeking a Gateway Determination to enable public exhibition.*
- 3 *The draft Planning Proposal be exhibited for a minimum period of 14 days, or as specified in the Gateway Determination.*
- 4 *A post exhibition report be prepared for Council's consideration.*
- 5 *The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations, in accordance with Council's resolution of 26 November 2012.*
- 6 *That Council notes the intention to place notifications on Planning Certificates issued in the development area advising potential landowners of -*
 - a *the location of the Grey-headed Flying-fox Camp, and*
 - b *any long-term Site Management Plan (SMP) required in association with any future proposed on-site encapsulation of contaminated material.*

A draft Planning Proposal was submitted to the Department of Planning and Environment seeking a Gateway Determination (Attachment 1). A Gateway Determination was received on 23 November 2022, classifying the proposed LEP amendment as "basic" (as described in the *Local Environmental Plan Making Guidelines* - Department of Planning and Environment, 2021) and stipulating that it must be made publicly available for a minimum of 14 days.

PROPOSAL

This report details the exhibition arrangements and considers the submissions received. It is recommended that the draft Planning Proposal to amend the Foreshore Building Line (FBL) be progressed to finalisation.

The property notations for Planning Certificates (resolution 6), in relation to the Grey-Headed Flying Fox (GHFF) camp and Contamination Site Management Plan have been placed on the relevant lots.

CONSULTATION AND COMMUNICATION

The draft Planning Proposal was exhibited between 1 December and 20 December 2022. Copies of the suite of documents were made available at -

- Wollongong and Corrimal libraries.
- Council's Customer Service Centre, Ground Floor Administration Building, 41 Burelli Street Wollongong.
- Council's website www.our.wollongong.nsw.gov.au.

The Gateway Determination did not require any consultation with public authorities or government agencies under section 3.34(2)(d) of the *Environmental Planning & Assessment Act 1979*. Council advised the following agencies/groups about the public exhibition by email with a link to the exhibition web page -

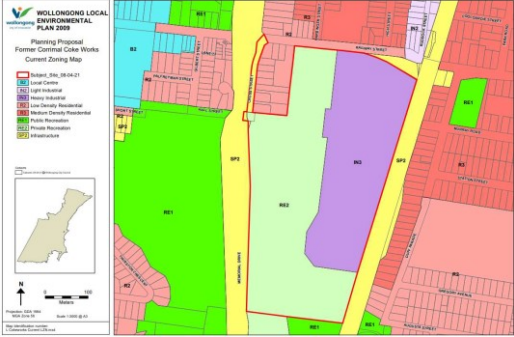
- Department of Planning and Environment – Biodiversity and Conservation.
- Neighbourhood Forum 4.
- Corrimal Chamber of Commerce.
- Corrimal Community Action Group.
- Corrimal Regional Action Group.

Council's exhibition webpage received 98 views and 24 persons downloaded at least one document (71 documents downloaded in total).

Two submissions were received.

A submission was received from the Department of Planning and Environment – Biodiversity and Conservation, noting the amendment was required to reflect the planned re-alignment of North Corrimal Creek. The submission also referenced previous advice to Council regarding the GHFF camp on the subject land and noted the intention to place a notation on Planning Certificates for the site in relation to the camp and contamination management. The Department advised they had no specific comments to make on the proposed Foreshore Building Line Map amendment on exhibition.

A submission was received from the Corrimal Community Action Group as follows -

Issue Raised	Council Officer Response
<p>We wish to query the appearance that the southern boundary line of the Proposed Building Line Map sheet CL1_024 suggests building can occur within the full area of the Corrimal Coke Works site. This fails to include that part of Towradgi Creek flowing through the site. This creek is prone to flooding which will not be mitigated in any way by the realigning of North Corrimal Creek. Why has this area not been included on the map as Foreshore Area?</p>	<p>Residential building will be restricted to only the portion of the site zoned R3 Medium Density Residential Development.</p>  <p>As outlined in the report to Council dated 7 November 2022, the applicant will be required to submit further modelling and flood analysis in support of the submission of future development applications related to the realignment of North Corrimal Creek. If considered necessary following further modelling, a future house-keeping Planning Proposal can be prepared to amend the FBL Map in Wollongong LEP 2009.</p>

Issue Raised	Council Officer Response
<p>Part 3, Justification, Section C, Q.7, p. 7/14, last paragraph – “The draft Planning Proposal to amend the Foreshore Building Line Map will not have a detrimental impact on critical habitat or threatened species populations or ecological communities or their habitats.”</p> <p>Such a claim cannot be drawn from the facts of the case. The relocation of North Corrimal Creek, and consequent amendment to the Foreshore Building Line Map, will destroy a whole ecosystem which has developed over many decades along the current creek line. What provisions have been made to rescue and relocate animals, such as turtles, eels, water dragons etc, living in and near the creek?</p> <p>The route currently proposed will remove an important source of water (the current creek and ponds) to a significant area of forest, including the GHFF camp site, in the south of the site, potentially resulting in its degradation and even demise.</p>	<p>The issues raised in this submission refer to the Planning Proposal to rezone the site, which has now been finalised and Amendment No. 50 notified. These issues were addressed at the Planning Proposal phase and will be further addressed in any subsequent development applications lodged.</p> <p>The draft Planning Proposal to amend the Foreshore Building Line Map (to correct a mapping error) does not present any further issues or impacts related to habitat or threatened species populations or ecological communities or their habitats.</p>
<p>Part 3, Justification, Section C, Q.9, p. 8/14, “No adverse social and/or economic effects are anticipated.”</p> <p>The community has spelled out a number of very concerning adverse social and economic effects of this Proposal for redevelopment of the Corrimal Coke Works site on more than one occasion. These include overdevelopment of our suburb, and the lack of transport and traffic infrastructure to cope with this increase in residential development which will be the equivalent of placing the population of a suburb like Russell Vale right down in the middle of Corrimal. Corrimal Town Centre is already short of parking and will be completely choked, with a detrimental impact on business, if this goes ahead as planned. No adequate, safe pedestrian crossing will be provided by the developer (refer VPA) across Railway St, parking on surrounding streets will be put under further pressure (TfNSW has already said this is not a suitable site for a car-based development and all developments occurring in Wollongong suburbs are car based because of the lack of adequate public transport.) Travel times will increase significantly in the area, including on Memorial Drive.</p>	<p>The issues raised in this submission refer to the Planning Proposal to rezone the site, which has now been finalised and Amendment No. 50 notified. These issues were addressed at the Planning Proposal phase and will be further addressed in any subsequent development applications lodged.</p> <p>The draft Planning Proposal to amend the Foreshore Building Line Map (to correct a mapping error) does not present any further issues or impacts related to social and/or economic effects.</p>
<p>Part 3, Justification, Section C, Q.10, p.8/14, “Adequate public infrastructure.”</p> <p>Unfortunately, this is a claim based on wishful thinking, not good planning. The rail and bus services are totally inadequate to support such a development and whether the developers, Council and TfNSW, wish it or not, it will be a car-based development. No Memorial Drive pedestrian overpass will be provided by the developer (refer to VPA) and the footpath, west of Memorial Drive, along Railway St is too narrow to provide a shared pathway to the Town Centre. The public infrastructure</p>	<p>The issues raised in this submission refer to the Planning Proposal to rezone the site, which has now been finalised and Amendment No. 50 notified. These issues were addressed at the Planning Proposal phase and will be further addressed in any subsequent development applications lodged.</p> <p>The draft Planning Proposal to amend the Foreshore Building Line Map (to correct a mapping error) does not present any further issues or impacts related to public</p>

Issue Raised	Council Officer Response
<p>is not adequate to support this Planning Proposal.</p> <p>This amendment to the Wollongong LEP 2009 will be the final stage in locking in approval for the Planning Proposal to redevelop the Former Corrimal Coke Works site. It is based on several seriously flawed assumptions. It does not acknowledge, much less address some really concerning issues which are being strenuously overlooked by the developers, DPE and the Wollongong City Council, in their determination to push this development through. If these were to be addressed openly and honestly, we would all end up with a better development and a much better social, ecological and economic environment for Corrimal.</p>	<p>infrastructure impacts.</p>

Council Officers have advised no concerns with the removal of the Foreshore Building Line in terms of development issues, confirming that the site-specific Development Control Plan (DCP) Chapter adopted by Council on 6 June 2022 and relevant Chapters of Wollongong DCP 2009 (including, but not limited to, Chapters B2, E3, E7, and E13) contain development objectives and controls relevant to any development application.

PLANNING AND POLICY IMPACT

CSP Strategy and DP Services

This report contributes to the delivery of Our Wollongong 2032 Goal 1 “We value and protect our environment”. It specifically delivers on the following -

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
1.5 Maintain the unique character of the Wollongong Local Government Area whilst balancing development, population growth and housing needs.	Engage with NSW Government, agencies, development/building industry and the broader community to achieve improved development outcomes.

CONCLUSION

On 7 November 2022, Council resolved to prepare a draft Planning Proposal to amend the Foreshore Building Line Map for the former Corrimal Coke Works site and submit it to the Department of Planning and Environment seeking a Gateway Determination to enable public exhibition.

The draft Planning Proposal was exhibited between 1 December and 20 December 2022. This report recommends that Council resolve to finalise the draft Planning Proposal to amend the Foreshore Building Line Map for the former Corrimal Coke Works site to reflect the planned re-alignment of North Corrimal Creek and facilitate development of the land in accordance with the adopted 2021 Master Plan and Wollongong LEP 2009 (Amendment No.50).



DRAFT PLANNING PROPOSAL FORMER CORRIMAL COKE WORKS SITE: FORESHORE BUILDING LINE MAP AMENDMENT

To amend Wollongong LEP 2009

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Foreshore Building Line Map: Former Corrimal Coke Works site

ADDRESS OF LAND: 27 Railway Street, Corrimal, land identified as Lot 1 DP795791 and Lot 5 DP 749492

This Planning Proposal applies to the land known as 27 Railway Street, Corrimal - land identified as Lot 1 DP795791 and Lot 5 DP 749492, formerly known as the Corrimal Coke Works.



Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment

Table of Contents

Background.....	3
Part 1 – Statement of objectives or intended outcomes	3
Part 2 – Explanation of provisions	3
Part 3 – Justification.....	4
Section A – Need for the Planning Proposal	4
Section B – Relationship to strategic planning framework	5
Section C – Environmental, social and economic impact	7
Section D – State and Commonwealth interests	8
Part 4 – Mapping	9
Part 5 – Community Consultation.....	10
Part 6 – Projected Timeline	10
Table A - Checklist of State Environmental Planning Policies.....	11
Table B - Checklist of Section 9.1 Ministerial Directions.....	13

**Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment****Background**

The subject site is approximately 18.2 hectares in area. It is bounded by the main southern railway line on the east, Memorial Drive and residential buildings on the west, Railway Street to the north and Towradgi Creek and residential buildings to the south. The site is traversed by Towradgi Creek along the southern extent and North Corrimal Creek through the site. Established vegetation is present across the site.

The Coke Works operated for over 100 years, ceasing operations in 2014. The site comprised coking ovens, stacks, two constructed dams for coke quenching, associated administration buildings, and coal and coke stockpiling areas in the central part of the site.

Council's records indicate the site is located within a Low, Medium and High Flood Risk precinct, and includes a notation that the site may be contaminated due to past land uses.

On 1 November 2021 Council resolved to finalise the Planning Proposal for the former Corrimal Coke Works site to permit medium density residential development, and the Wollongong LEP 2009 (Amendment No 50) was notified by the NSW Department of Planning and Environment on 29 April 2022. Amendment No 50 rezoned the site from IN3 Heavy Industrial and RE2 Private Recreation to R3 Medium Density Residential and RE1 Public Recreation.

The Planning Proposal required the amendment of several maps in Wollongong LEP 2009. However, it has come to the attention of Council Officers that in finalising the Planning Proposal an error was made, with the required amendment of the Foreshore Building Line Map omitted. The current Foreshore Building Line Map and application of Wollongong LEP 2009 Clause 7.7 would have the effect of prohibiting the works proposed on the parts of the site mapped as being within the foreshore area, and hence an amendment to correct the mapping error is required to facilitate the development in accordance with the adopted Master Plan and Wollongong LEP 2009 (Amendment No 50).

On 7 November 2022 Council resolved to prepare a draft Planning Proposal to amend the Foreshore Building Line Map for the former Corrimal Coke Works site, to reflect the planned realignment of North Corrimal Creek, and submit it to the Department of Planning and Environment seeking a Gateway Determination to enable public exhibition.

Part 1 – Statement of objectives or intended outcomes

The primary objective of the draft Planning Proposal is to enable residential development of the site, in accordance with the adopted Master Plan and Wollongong LEP 2009 (Amendment No 50). The current Foreshore Building Line Map and application of Wollongong LEP 2009 Clause 7.7 would have the effect of prohibiting the works proposed on the parts of the site mapped as being within the foreshore area, and hence an amendment to correct the mapping error is required to facilitate the development in accordance with the adopted Master Plan and Wollongong LEP 2009 (Amendment No 50).

Part 2 – Explanation of provisions

The Planning Proposal seeks the following amendment to the Foreshore Building Line Map (as outlined in the Planning Proposal submitted and outlined in the original report to Council in

Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment

2018), to reflect the fact that the North Corrimal Creek realignment will remove the probability of flooding on site -

- Delete the foreshore building line;
- Delete land below foreshore building line.

The current Foreshore Building Line Map and application of Wollongong LEP 2009 Clause 7.7 would have the effect of prohibiting the works proposed on the parts of the site mapped as being within the foreshore area, and hence an amendment to correct the mapping error is required to facilitate the development in accordance with the adopted Master Plan and Wollongong LEP 2009 (Amendment No 50).

Part 4 of this draft Planning Proposal illustrates the proposed map amendments to Wollongong LEP 2009.

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1: Is the planning proposal a result of strategic study or report?

The draft Planning Proposal is to enable the implementation of Council's previous resolution dated 1 November 2021 to finalise the Planning Proposal to rezone the site for residential development. Corrimal is located within 6.5km of Wollongong City Centre, providing access to a diverse range of services, employment opportunities and the University of Wollongong. The site is adjacent Corrimal Railway Station and is positioned in close proximity to education, recreation and community facilities, including the Corrimal District Community Library, Corrimal Pool and Robert Ziems Park. It is located within 1 kilometre of the Corrimal Town Centre.

Corrimal is identified in the Illawarra Shoalhaven Regional Plan 2036, Community Strategic Plan 2028 and Corrimal Town Centre Plan 2015 as the major urban hub of the northern suburbs, capable of infill development given its location and supporting infrastructure and services. The Corrimal Town Centre Revitalisation Strategy identified the subject site as being a 'key site' adjacent Corrimal Railway Station and in walking distance of the Corrimal Town Centre.

The current Foreshore Building Line Map and application of Wollongong LEP 2009 Clause 7.7 would have the effect of prohibiting the works proposed on the parts of the site mapped as being within the foreshore area, and hence an amendment to correct the mapping error is required to facilitate the development in accordance with the adopted Master Plan and Wollongong LEP 2009 Amendment No 50.

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means available to Council to achieve the amendment to the Wollongong Local Environmental Plan 2009 to facilitate future residential development within the current mapped foreshore building line area.

Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment

Section B – Relationship to strategic planning framework

Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The *Illawarra Shoalhaven Regional Plan 2041* was released in 2021 by the Department of Planning and Environment. The aim of the Plan is to guide strategic planning within the region for the next 20 years. The Plan includes the following goals which are relevant to this Planning Proposal:

1. “a region with a variety of housing choices, with homes that meet needs and lifestyles”
2. “a region with communities that are strong, healthy and well-connected”.

Notably, this Planning Proposal supports the following Objectives of the Plan:

Objective 18 - Provide sufficient housing supply in the right locations.

Objective 19 - Deliver housing that is more diverse and affordable.

Objective 23 - Celebrate, conserve and reuse cultural heritage

Q4: Is the Planning Proposal consistent with a Council’s local strategy or other local strategic document (eg: Wollongong Community Strategic Plan)?

Our Wollongong Our Future 2032

The Wollongong Community Strategic Plan (“Our Wollongong Our Future 2032”) outlines the priorities and aspirations of the community, providing directions for the provision of key projects and services. The relevant objectives and goals are noted as follows:

The proposal seeks to promote Goal 5 “We have a healthy community in a liveable city”. It specifically delivers on the following –

- 5.2 Urban areas are created and maintained to provide a healthy and safe living environment for our community.
- 5.8 Housing choice in the Wollongong Local Government Area is improved, considering population growth, community needs and affordability.

The proposal also seeks to promote Goal 6 “We have affordable and accessible transport”. It specifically delivers on the following –

- 6.4 Plan and provide sustainable infrastructure for safe and liveable places integrated with the environment and accessible to key transport routes.

Wollongong Local Strategic Planning Statement (2020)

Council has adopted the Wollongong Local Strategic Planning Statement (LSPS) 2020 to provide a 20 year land use planning vision for the City. It has drawn on the many existing strategies and plans developed, exhibited and adopted by Council.

Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment

The LSPS acknowledges that –

- The key employment lands for Wollongong will continue to be at Port Kembla, Unanderra, West Dapto, south of Wollongong, Fairy Meadow, Tallawarra, Helensburgh and Bellambi.
- An additional 23,800 dwellings will be required to house the forecast population growth to 2041.
- An increase in housing stock diversity is required to accommodate changing demographics, including a greater provision of 1-2 bedroom dwellings.
- An increase in the supply of affordable housing stock is required, and as part of residential up-zonings an Affordable Housing Contribution will be expected or a proportion of Affordable Rental dwellings to be provided on-site.
- Corrimal has been identified as the main shopping centre and commercial precinct for the northern suburbs, and an ideal location for increased housing.

Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

Refer to Table A – Checklist of State Environmental Planning Policies.

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Refer to Table B – Checklist of s.9.1 Ministerial Directions.

The following Ministerial Direction (s.9.1 Directions) is highlighted with respect to the Planning Proposal:

Direction 4.3 Flood Prone Land

The objectives of Direction 4.3 are:

- to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005,*
- to ensure that the provisions of an LEP on flood prone land is commensurate with the flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

Direction 4.3 applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land.

The subject site is identified as flood prone land, being located within the lower reaches of the Towradgi Creek catchment. A key component of the draft Planning proposal is the proposed realignment of the existing 2nd order stream (North Corrimal Creek) to the western boundary of the site to alleviate local flooding issues and to provide a suitable flood free area to support the intended medium density residential development outcomes. Significant modelling of a conceptual flood way has been undertaken. Studies have concluded that a realigned riparian corridor can be provided such that the flood risk levels currently present on site can be significantly mitigated to enable a Probable Maximum Flood (PMF) event free

**Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment**

area suitable for residential development, and adjoining lands up and down stream will have an improved or neutral impact.

On 5 August 2020 the Department of Planning, Industry & Environment advised that, based on a review of updated flood information provided, the draft Planning Proposal is consistent with this Ministerial Direction.

Section C – Environmental, social and economic impact

Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site does not contain habitat for the Green and Golden Bell Frog.

One threatened fauna species, *Pteropus poliocephalus* (Grey-headed Flying-fox) occupies the site. The revised zoning for the site provides a 100 metre buffer between the mapped core camp area and future residential development.

Two patches of Illawarra Lowlands Grassy Woodland (listed as EEC under the NSW Biodiversity Conservation Act 2016) have been identified on the site – one in the north and one in the south.

The Design Review Panel in their report recommended that wherever possible existing remnant native vegetation should be retained and protected. The OEH submission (2017) also stressed the need to demonstrate avoidance of impacts upon threatened species and ecological communities and noted that clearing thresholds under the NSW Biodiversity Conservation Act 2016 relate to the clearing of all native vegetation, not just EECs.

The draft Planning Proposal to amend the Foreshore Building Line Map will not have a detrimental impact on critical habitat or threatened species populations or ecological communities or their habitats.

Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The original Planning Proposal to rezone the site incorporated the realignment of North Corrimal Creek to the western site boundary (currently traversing the centre of the site). Significant flood modelling and channel design in support of the Planning proposal request has demonstrated that a realigned riparian corridor can be provided such that the flood risk levels currently present on site can be significantly mitigated to enable a Probable Maximum Flood (PMF) event free area suitable for residential development, and adjoining lands up and down stream will have an improved or neutral impact.

The Department of Primary Industries – Water, reviewed the flood studies submitted in support of the original Planning Proposal to rezone the site and are in general agreement with the assessment of the watercourses within the site and the recommended riparian outcomes.

Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment

Q9: Has the planning proposal adequately addressed any social and economic effects?

No adverse social and/or economic effects are anticipated.

Additional housing opportunities will be provided in a location convenient to existing community services and facilities, including public transport. A site-specific DCP Chapter was adopted by Council on 6 June 2022, to guide future development on the site.

Section D – State and Commonwealth interests

Q10: Is there adequate public infrastructure for the planning proposal?

Adequate public infrastructure.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway determination will outline the consultation requirements.

Extensive consultation occurred as part of the original Planning Proposal which resulted in Wollongong LEP 2009 (Amendment No 50) rezoning the site to enable residential development.

The original Planning Proposal to rezone the site incorporated the realignment of North Corrimal Creek to the western site boundary (currently traversing the centre of the site). Significant flood modelling and channel design in support of the Planning proposal request has demonstrated that a realigned riparian corridor can be provided such that the flood risk levels currently present on site can be significantly mitigated to enable a Probable Maximum Flood (PMF) event free area suitable for residential development, and adjoining lands up and down stream will have an improved or neutral impact.

The Department of Primary Industries – Water, reviewed the flood studies submitted in support of the original Planning Proposal to rezone the site, and are in general agreement with the assessment of the watercourses within the site and the recommended riparian outcomes.

Draft Planning Proposal

 Former Corrimal Coke Works Site:

 Foreshore Building Line Map Amendment

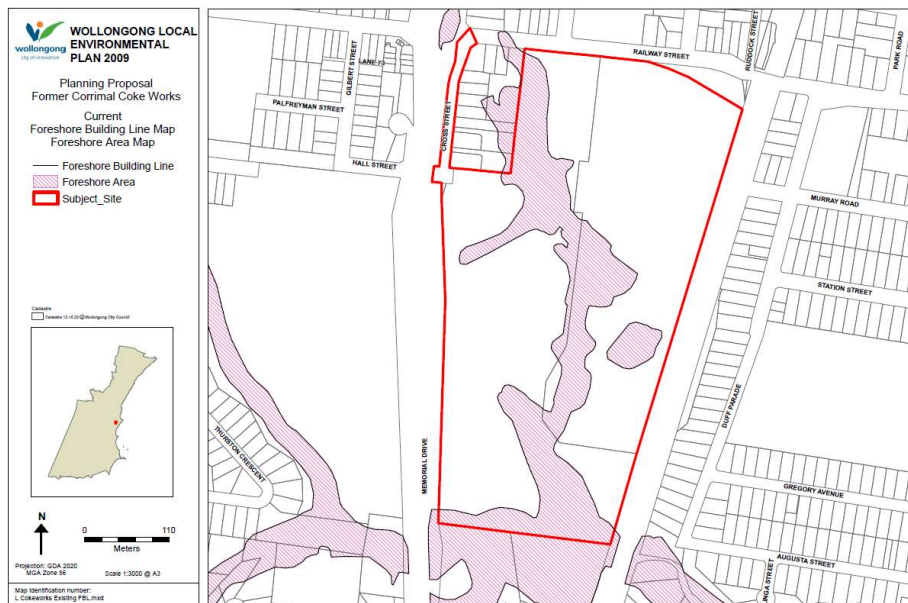
Part 4 – Mapping

MAPS, WHERE RELEVANT, TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL

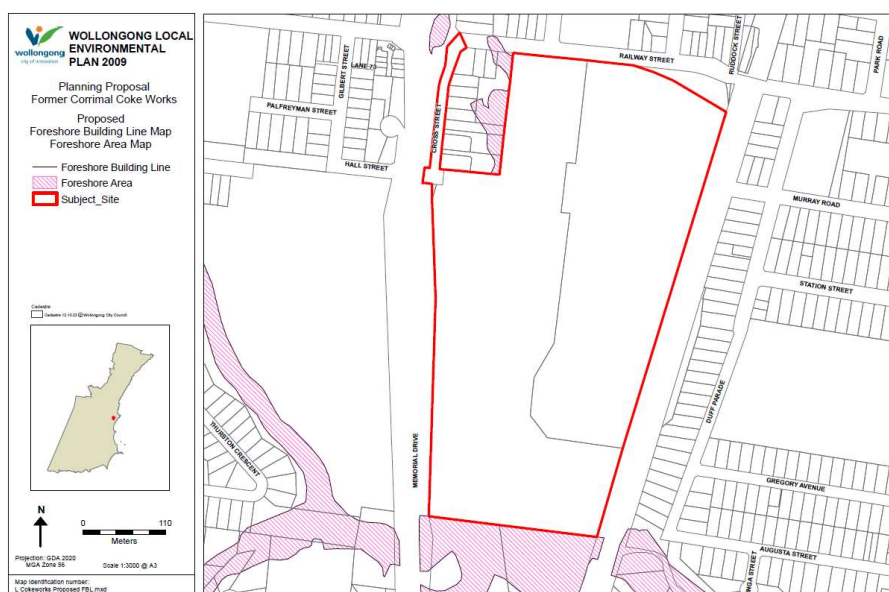
AND THE AREA TO WHICH IT APPLIES

The proposed map amendments to Wollongong LEP 2009 include the following:

Current Foreshore Building Line Map sheet CL1_024



Proposed Foreshore Building Line Map sheet CL1_024



**Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment**

Part 5 – Community Consultation

The Gateway determination will outline the consultation requirements.

The public exhibition will include:

- Hard copies at Council's Administration building and Wollongong and Corrimal Libraries;
- Electronic copy on Council's website;
- Notification letters to relevant stakeholders, State agencies and other authorities;
- Advertisement in local newspaper.

Note: The Planning Proposal to rezone the site and accompanying technical studies have been exhibited (25 June to 31 August 2021), including the 2018 Council report stating the need to amend the Foreshore Building Line Map.

Part 6 – Projected Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway Determination	November 2022	Department of Planning and Environment
2	Government agency consultation	November/December 2022	Agencies
3	Public exhibition period	November/December 2022	Council
4	Date of Public Hearing (<i>if applicable</i>)	N/A	Council
5	Consideration of submissions and Assessment of proposal post-exhibition	December 2022/January 2023	Council
6	Report to Council	March 2023	Council
7	Final maps and Planning Proposal prepared	March 2023	Council
8	Submission to Department for finalisation of LEP	March 2023	Council
9	Anticipated date RPA will make the LEP	April 2023	Council (if under delegation)
10	Anticipated date Council will forward final Planning Proposal to DP&E for notification	April 2023	Council
11	Anticipated date LEP will be notified	May 2023	<i>Parliamentary Counsel and DPE</i>

**Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment**

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
SEPP	Biodiversity and Conservation 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Planning Systems 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Industry and Employment 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Precincts Central River City 2021	N/A	N/A
SEPP	Precincts Eastern Harbour City 2012	N/A	N/A
SEPP	Precincts Regional 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Precincts Western Parklands 2021	N/A	N/A
SEPP	Resilience and Hazards 2021	Consistent	A Contamination Assessment and Remediation Action Plan has been prepared for the site in accordance with the SEPP. A Site Auditor will be required to be appointed to the site.
SEPP	Resources and Energy 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Sustainable Buildings 2022	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Transport and Infrastructure 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP No. 65	Design quality of residential flat development	Consistent	The proposal is capable of complying. The site has been added to the "Key Sites" map. A site specific DCP includes

**Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment**

State Environmental Planning Policy		Compliance	Comment
			objectives and controls to integrate heritage interpretation into the urban design principles of the site.
SEPP	Building Sustainability Index: BASIX 2004	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Primary Production 2021	N/A	N/A
SEPP	Housing 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Exempt and Complying Development Codes 2008	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

**Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment**

Table B - Checklist of Section 9.1 Ministerial Directions

Ministerial Direction	Comment
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans	Proposal is consistent with this Direction.
1.2 Development of Aboriginal Land Council Land	Direction does not apply
1.3 Approval and Referral requirements	Proposal is consistent with this Direction.
1.4 Site specific provisions	Direction does not apply
1.5 Place Based Provisions	Directions do not apply
Focus Area 2: Design and Place	Directions do not apply
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Proposal is consistent with this Direction.
3.2 Heritage Conservation	Proposal is consistent with this Direction.
3.3 Sydney Drinking Water Catchments	Direction does not apply.
3.4 Application of E2 and E3 zones and Environmental overlays in Far North Coast LEPs	Direction does not apply.
3.5 Recreation Vehicle Areas	Direction does not apply.
3.6 Strategic Conservation Planning	Proposal is consistent with this Direction.
Focus Area 4: Resilience and Hazards	
4.1 Flood Prone Land	Direction does not apply.
4.2 Coastal Management	Direction does not apply.
4.3 Planning for Bushfire Protection	Direction does not apply.
4.4 Remediation of Contaminated Land	A number of Contamination reports have been prepared for the site in support of the original Planning Proposal request, which concluded that while contamination was found on site, it can be rehabilitated to enable residential development. A Site Auditor will be required to be appointed in accordance with EPA guidelines to monitor the proposed development works. The Planning Proposal is consistent with this Direction.
4.5 Acid Sulphate Soils	Proposal is consistent with this Direction.
4.6 Mine Subsidence and Unstable Land	Direction does not apply.
Focus Area 5: Transport and Infrastructure	

**Draft Planning Proposal
Former Corrimal Coke Works Site:
Foreshore Building Line Map Amendment**

5.1 Integrating Land Use and Transport	Proposal is consistent with this Direction.
5.2 Reserving Land for Public Purposes	Proposal is consistent with this Direction.
5.3 Development Near regulated Airports and Defence Airfields	Direction does not apply.
5.4 Shooting Ranges	Direction does not apply.
Focus Area 6: Housing	
6.1 Residential Zones	Direction does not apply.
6.2 Caravan Parks and Manufactured Home Estates	Direction does not apply.
Focus Area 7: Industry and Employment	
7.1 Business and Industrial Zones	Proposal is consistent with this Direction.
7.2 Reduction in non-hosted short term rental accommodation period	Direction does not apply.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Direction does not apply.
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Direction does not apply.
Focus Area 9: Primary Production	
9.1 Rural Zones	Direction does not apply.
9.2 Rural Lands	Direction does not apply.
9.3 Oyster Aquaculture	Direction does not apply.
9.4 Farmland of State and regional Significance on the NSW Far North Coast	Direction does not apply.

ITEM 4 POLICY REVIEW - PROPERTY ADDRESSING POLICY

Council is required to review its Property Addressing Policy every three years. Following a review, this report presents the Property Addressing Policy for adoption by Council.

RECOMMENDATION

Council adopt the Property Addressing Policy

REPORT AUTHORISATIONS

Report of: Ingrid McAlpin, Chief Information Officer

Authorised by: Todd Hopwood, Director Corporate Services (Acting)

ATTACHMENTS

- 1 Property Addressing Council Policy

BACKGROUND

A consistent and well-defined property addressing standard is important as it assists emergency services and service providers find properties, improves the safety of residents and visitors to the Local Government Area, improves the delivery of goods and services and provides certainty of location that can be understood nationally.

Wollongong City Council currently has a Property Addressing Policy, which provides a framework to ensure that Council maintains a consistent approach to the allocation of property addresses throughout the Wollongong LGA. The Property Addressing Policy is based on policy and guidelines that are in accordance with the NSW Address Policy and User Manual and associated documents issued by the Geographical Names Board of New South Wales.

PROPOSAL

A review of Council's existing Property Addressing Policy has been undertaken. The revised Policy is now aligned to Council's Wollongong 2032 objectives and is also a more concise and user-friendly document.

As the Council's Property Addressing Policy that was adopted in February 2016 was also based on the NSW Address Policy and User Manual, no substantive changes have been made to the revised Policy. It is recommended that the Property Addressing Council Policy be adopted.

CONSULTATION AND COMMUNICATION

As the Property Addressing Policy has not substantially changed and it primarily based on the NSW Address Policy and User Manual issued by the Geographical Names Board of New South Wales, it is not proposed to place the policy on public exhibition.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2032 goal "We are a connected and engaged community". It specifically delivers on core business activities as detailed in the 2022-23 Service Plan of the Information Management and Technology Division.

CONCLUSION

Regular review of the Property Addressing Policy ensures that Council's approach remains consistent with the national standards of Australia and New Zealand and the NSW Address Policy and User Manual issued by the Geographical Names Board of New South Wales.



ADOPTED BY EXECUTIVE MANAGEMENT COMMITTEE:

PURPOSE

The purpose of this policy is to provide a clear framework to ensure that Council maintains a consistent approach to the allocation of property addresses throughout the Wollongong LGA.

POLICY INTENT

- This policy aims to ensure Council maintains a consistent approach to the allocation of property addresses throughout the Wollongong LGA, based on policy and guidelines that are substantially in accordance with the NSW Address Policy and User Manual and associated documents. The policy recognises the need to minimise disruption to residents and property owners when proposing changes to existing addressing.
- Council will consult with affected sections of the community in developing proposals for property addressing, in accordance with the Community Consultation policy.

OBJECTIVE

The main objectives of this policy are to –

- 1 Provide a framework and guidelines for the allocation and maintenance of property addresses that will enable the efficient location and clear identification of all properties in the Wollongong LGA;
- 2 Support the effective delivery of emergency services, mail, goods and other services to the community, by ensuring all properties are readily locatable and unambiguously identifiable;
- 3 Provide property addressing which is consistent with the NSW Addressing User Manual, while recognising the need to minimise disruption to existing residents and property owners by accommodating existing address usage where it can reasonably meet the overall objectives of this policy;
- 4 Ensure property addressing proposals are developed in consultation with affected sections of the community and relevant agencies.

WOLLONGONG 2028 OBJECTIVES

This policy helps deliver the following objective from the Wollongong 2028 Strategic Plan:

- **Objective 4.3: Our council is accountable, financially sustainable and has the trust of the community**

POLICY

The NSW Address Policy and User Manual states in Chapter 2: 2.5.3 Governance and Custodianship that: “Local Governments are recognised as address custodians for all address sites within their Local Government Area.” As such, Council acts as the local authority for the allocation of property addresses and will allocate property addresses in a way which is consistent with the NSW Address Policy and User Manual, whilst recognising the existing usage of address details by residents. Existing addresses will not always be consistent with the guidelines provided in the NSW Address Policy and User Manual, and the potential impact on owners and occupants of changing address details needs to be considered in developing proposals to manage property addressing issues.

Owners or occupiers are required to display their property address in a manner which complies with Councils adopted policy, and Council has power under Local Government Act 1993 – Section 124 to issue Notices and Orders to comply.

1 Property Addressing

PROPERTY ADDRESSING

COUNCIL POLICY

Property addresses will be allocated generally in accordance with the NSW Addressing User Manual, taking into consideration the overall objectives of this policy. The naming or re-naming of roads is covered by a separate Road Naming Policy.

2 Allocation of Street Address – new properties

Street address numbers will be allocated at the earliest practical stage of the development process, and in advance of approval for occupation of the property.

All new corner properties will be allocated an alternate address for each street frontage.

3 Change to existing property addresses

Where a re-allocation of street address numbers is required to meet the objectives of this policy, it will be applied in such a way as to minimise change to addresses currently in use by owners or occupants.

4 Requests for Allocation or Re-allocation of Property Address

Property owners or their appointed agents are required to submit a written request for allocation of a new address (i.e. where the property has not previously been allocated an address or an alternate street frontage address is required) or to change an existing allocated address. All such requests will be assessed against the objectives of this policy.

5 Notification – Allocation of a new or changed property address

Council will notify the property owners or their appointed agents, and the following service agencies, of the allocation of a new or changed property address:-

- Australia Post
- Emergency Services
- Utility Services – electricity, water and gas distribution assets
- Telecommunications Services– fixed line assets
- Australian Electoral Commission
- Valuer Generals Office NSW

The property owners or their appointed agents will be responsible for all other notifications regarding the allocation of a new or changed property address.

6 Consultation - Proposal to change existing property addresses

Where a change to existing property addressing is proposed, Council will consult with all parties it considers will be affected by the proposal. The extent of consultation will be determined specifically for each change proposal, based on an assessment of who may be affected.

The primary method of consultation will be written notification directly to affected property owners, occupants and service agencies, inviting them to make submissions on the proposal. Broader community consultation may be undertaken where, in the opinion of Council, it is justified by the extent and/or impact of the proposed change. Consultation will be undertaken in accordance with the Council's Community Consultation policy. Where a proposal may include the naming or renaming of a road or adjustment to a suburb boundary, consultation will also be in accordance with the Geographic Names Board NSW guidelines.

7 Notification - Proposal to change existing property addresses

Notification of a change proposal will include:-

- a full written description of the proposal with accompanying maps
- include all options being formally considered by Council
- contact details of the responsible Council officer for information on the proposal
- the methods available to make submissions on the proposal
- the closing date for submissions to be considered

Submissions from any owner, resident or agency will be considered, whether or not a notification letter was sent directly to that person or agency.

8 Submissions - Proposal to change existing property addresses

PROPERTY ADDRESSING

COUNCIL POLICY

Submissions must be made in writing, include the name and address of the person making the submission, and be received at Council by the advised closing date to be formally included in Council's assessment. Optionally, contact details should also be provided to allow a Council officer to confirm or discuss contents of the submission and to provide further information if required.

The minimum period for receiving submissions will be 28 days from issuing of the date of notification. This period may be extended where, in Council's opinion, it is reasonable in order to allow all interested parties the opportunity to make a submission.

Submissions received after the closing date and before a formal adoption of a proposal may also be considered if, in the opinion of Council, it is reasonable to think they may influence the outcome.

9 Determination of Proposal

Following consideration of all complying submissions, a determination will be made on the address change proposal. This determination will be approved by the Infrastructure Strategy and Planning Manager or under delegation by the Infrastructure Systems and Business Support Manager. At the discretion of the Infrastructure Strategy and Planning Manager, more complex and/or controversial proposals may be referred to Executive Management or to full Council for adoption.

10 Notification of Decision - Proposal adopted as Notified

Where the approved proposal does not substantially vary from what was notified through the consultation process, the affected property owners and persons who made complying submissions will be notified in writing of the decision. Notification will include what actions Council will undertake in implementing the address change, and what actions are required of affected property owners as a result of the change.

11 Notification of Decision – Variation from Notified Proposal

Where the adopted proposal varies substantially from what was initially notified, the modified proposal will be re-notified and further consultation will be undertaken as defined in this Policy. Persons or agencies that made complying submissions on the initial proposal will be notified in writing of the modified proposal and consultation process.

12 Notification of Decision – Proposal not adopted

Where Council has determined not to adopt a notified change of address proposal, the affected parties and agencies, and others who made complying submissions, will be notified in writing of the decision. Notification will include details of any further actions Council will undertake in regard to the proposal.

13 Display of Property Address Number

All occupied properties are required to display signage showing the current allocated property address number and other details relevant to identifying that property, in accordance with section 8.4 of Australian Standard AS/NZ 4819:2011 – Rural and Urban Addressing. The property owners have responsibility for providing and displaying this signage.

Where Council is made aware that a property is not correctly or adequately identified, a written request will be sent to the owners and occupants asking them to comply with Councils policy within 28 days of the date of issue of the request. Contact details of the relevant Council officer to discuss the request will be provided.

Where suitable signage is not displayed after 28 days from the date of issue of the request, and the owner or occupants have not contacted Council with an undertaking to comply with the request, further reasonable steps will be taken to contact the owners and occupants to request compliance with the Policy.

14 Issue an Order

Council can issue an Order under sect 124(8) of the Local Government Act, 1993 to the owner or occupier of a property to comply with the requirements to display property address signage.

Where requests to have a property address displayed in compliance with Councils policy have been unsuccessful after 60 days from the date of issue of the original written request, Council may issue the owner or occupier with a Notice of Intent to issue an Order. Where the owner or occupier fails to comply with the terms of the Notice of Intent, the Order will be issued.

PROPERTY ADDRESSING

COUNCIL POLICY

15 Exclusions

The proposal and determination of Street Names does not fall within the responsibility of this Policy.

The proposal and determination of Suburb Names does not fall within the responsibility of this Policy.

LEGISLATIVE REQUIREMENTS

There are no direct Legislative requirements that impact upon Council's property addressing processes.

REVIEW

This Council Policy will be reviewed every two years from the date of each adoption of the policy, or more frequently as required.

REPORTING

There are no reporting requirements associated with this policy.

ROLES AND RESPONSIBILITIES

The Chief Information Officer is responsible for this policy. The Property Addressing team are responsible for ensuring the policy is applied.

RELATED PROCEDURES

This policy is applied with close consultation to the NSW Address Policy and User Manual.

SUMMARY SHEET	
Responsible Division	Information Management and Technology
Date adopted by Council	
Date of previous adoptions	1 February 2016; 25 February 2013; 28 November 2005; 30 August 1982
Date of next review	[Not more than two years from last adoption]

PROPERTY ADDRESSING

COUNCIL POLICY

ITEM 5 POLICY REVIEW: CODE OF BUSINESS ETHICS

Council reviews its Code of Business Ethics on a periodic basis. Following a review, this report presents an updated Code of Business Ethics to Council for endorsement to place on exhibition for 21 days.

RECOMMENDATION

Council place the draft Code of Business Ethics on public exhibition for a period of 21 days, inviting submissions from the public, after which time the Code shall be reported back to Council for adoption with a summary of submissions received.

REPORT AUTHORISATIONS

Report of: Chris Brown, Governance and Risk Manager (Acting)

Authorised by: Todd Hopwood, Director Corporate Services (Acting)

ATTACHMENTS

- 1 Draft Code of Business Ethics

BACKGROUND

The Code of Business Ethics was recently reviewed in accordance with periodic review requirements under Council's Policy Framework.

PROPOSAL

The review of the Code of Business Ethics identified that the content of the document was relevant and appropriate, and the review does not propose any policy position changes. However, it was identified that the format of the document, in Council's standard policy format, was less than ideal for the targeted business audience for this document.

In consideration that the audience for this document are businesses that Council does business with the Code of Business Ethics has been reformatted as follows:

- Use of more direct and inclusive wording without affecting the intent of the policy
- Change of format to be a brochure-based document that is more appropriate for a public facing. This ensures the document is more accessible and attractive to the audience it is aimed at.

It is proposed that the updated draft Code of Business Ethics be placed on exhibition for 21 days and then reported back to Council. Upon adoption the Code of Business Ethics will also be presented as a separate page on Council's website using similar styling, format, and graphics. This will allow the Code of Business Ethics to be presented to suppliers that deal exclusively with Council in electronic formats.

PLANNING AND POLICY IMPACT

It specifically delivers on core business activities as detailed in the Governance and Customer Service Plan 2022-23. This report contributes to the delivery of Our Wollongong 2032 goal "We are a connected and engaged community".

CONCLUSION

The general content of Code of Business Ethics remains consistent with Council's Codes of Conduct and the only changes are to style, format, and presentation. The format of the document has been changed (brochure style) to provide a professional public facing document. It is appropriate that the updated Code of Business Ethics be placed on exhibition for 21 days inviting submissions from the public, after which time the Code shall be reported back to Council for adoption with a summary of submissions received and returned to Council for endorsement.

What we ask from you

We require all who do business with Council to observe the following principles when doing business with Council:

- Be familiar with and comply with Council's procurement policies and procedures;
- Provide accurate and reliable advice and information when required;
- Declare conflicts of interest as soon as you become aware of the conflict;
- Obey all relevant laws and contractual obligations;
- Assist Council to prevent unethical practices in our business relationships;
- Provide Council with a quality product or service on time that gives value for money; and
- Not offer gifts, benefits or hospitality to our staff at any time.

All providers of goods and services to Council must declare to Council (at the earliest opportunity) if they:

- Have been convicted of fraud or a fraud-related offence; or
- Have been declared bankrupt, or are a director of a company that has entered a Deed of Company Arrangement, been placed into External Administration or into Liquidation; or
- Have had any corrupt findings recorded against them, or been identified as a person of interest, by the Independent Commission Against Corruption (ICAC).

The above disclosure requirements equally apply to Directors of a company providing goods or services to Council.

What you can expect from us

Council ensures that all policies, procedures, and practices related to tendering, contracting and the purchase of goods or services are consistent with best practice and the highest standards of ethical conduct.

All Council procurement activities are based upon the following core business principles –

- Transparency of process;
- Accountability;
- Ethical management of conflicts of interest;
- Obtaining best value; and
- Monitoring and evaluation of performance.

In maintaining these business principles, Council will ensure that:

- Potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids;
- Procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts;
- Tenders will not be invited unless Council has a firm intention to proceed to contract; and
- Council will not disclose confidential or proprietary information.

We always act with honesty and integrity in an open and transparent manner, performing roles efficiently, effectively, and fairly, thereby attracting the highest level of confidence from our community.



Council's Code of Conduct

Council staff are bound by Council's Code of Conduct. When doing business with external parties, Council staff are accountable for their actions and are required to:

- Use public resources effectively and efficiently;
- Deal fairly, honestly, and ethically with all individuals and organisations;
- Avoid any conflicts of interest;
- Treat all tenderers for supply of goods and services equitably;
- Meet public interest and accountability standards;
- Abide by all relevant and applicable laws and regulations;
- Respect and follow Council's policies and procedures;
- Promote fair and open competition while seeking best value for money;
- Protect confidential information;
- Never solicit or accept remuneration, gifts or other benefits from a supplier or applicant for the discharge of official duties; and
- Respond promptly to reasonable requests for advice and information.

Providing Guidance on the Standards of Ethical Behaviour Wollongong Council Expects and Adheres To.

Our Values

The Wollongong City Council Codes of Conduct are based on the Model Code of Conduct for Local Councils in NSW and set out the standards of conduct that meet these principles and statutory provisions applicable to local government activities.

• Integrity

We must not place ourselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence us in the performance of our duties.

• Leadership

We have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Council.

• Selflessness

We have a duty to make decisions in the public interest and not act to gain financial or other benefits for ourselves, our family, friends, or business interests.

• Impartiality

We make decisions on merit and in accordance with our statutory obligations when carrying out public business.

• Accountability

We are accountable to the public for our decisions and actions and should consider issues on their merits, taking into account the views of others.

• Openness

We have a duty to be as open as possible about our decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands.

• Honesty

We have a duty to act honestly. We must declare any private interests relating to our public duties and take steps to resolve any conflicts arising in such a way that protects the public interest.

• Respect

We must always treat others with respect. We do not use derogatory terms towards others, we observe the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision making.

We respect, apply, and comply with the law, support human rights, and equal opportunity, protect the environment, achieve operational excellence and work for the benefit of our communities.

Reporting Unethical Behaviour

Council is committed to promoting ethical behaviour, reports can be made in relation to:

- Unethical Behaviour
- Fraud
- Corruption
- Maladministration or waste

Reports can be made to the following Council Officers:

- General Manager
- Public Officer
- Professional Conduct Coordinator

External reporting can also be made to:

- The Independent Commission Against Corruption – 8281 5999
- NSW Ombudsman – 9286 1000
- NSW Office of Local Government – 4428 4100

**For more information contact
Wollongong City Council
(02) 4227 7111 wollongong.nsw.gov.au**



Wollongong City Council

Code of Business Ethics

ITEM 6

LEAVE OF ABSENCE - COUNCILLOR DOM FIGLIOMENI - 11 APRIL 2023 TO 14 MAY 2023

Councillor Dom Figliomeni has requested a leave of absence for the period 11 April 2023 to 14 May 2023.

RECOMMENDATION

Leave of Absence be granted to Councillor Dom Figliomeni for the period 11 April 2023 to 14 May 2023.

REPORT AUTHORISATIONS

Report of: Chris Brown, Governance and Risk Manager (Acting)

Authorised by: Todd Hopwood, Director Corporate Services (Acting)

ATTACHMENTS

There are no attachments for this report.

ITEM 7

LEAVE OF ABSENCE - COUNCILLOR TANIA BROWN - 22 JULY 2023 TO 26 AUGUST 2023

Councillor Tania Brown has requested leave of absence for the period 22 July 2023 to 26 August 2023.

RECOMMENDATION

Leave of Absence be granted to Councillor Tania Brown for the period 22 July 2023 to 26 August 2023.

REPORT AUTHORISATIONS

Report of: Chris Brown, Governance and Risk Manager (Acting)

Authorised by: Todd Hopwood, Director Corporate Services (Acting)

ATTACHMENTS

There are no attachments for this report.

ITEM 8 DECEMBER 2022 FINANCIALS

The financial result for December 2022 compared to phased budget is favourable for the Operating Result [pre-capital] \$4.3M. Funds Available from Operations were unfavourable compared to phased budget \$1M as were Total Funds Result \$1.1M compared to phased budget.

The Statement of Financial Position at the end of the period indicates that there is enough cash to support external restrictions.

Council has expended \$45.7M on its capital works program representing 43% of the annual budget. The year-to-date budget for the same period was \$48.8M.

RECOMMENDATION

- 1 The financials be received and noted.
- 2 Council endorse the proposed changes to the Capital Budget for November and December 2022.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer

Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 Financial Statements – December 2022
- 2 Capital Project Report – November and December 2022

BACKGROUND

This report presents the Financial Performance of the organisation for December 2022. The below table provides a summary of the organisation's overall financial results for the year.

Wollongong City Council 30 December 2022 Forecast Position	Original Budget \$M 1-Jul	Revised Budget \$M 30-Dec	YTD Forecast \$M 30-Dec	YTD Actual \$M 30-Dec	Variation \$M
Operating Revenue	283.2	286.7	142.7	150.0	7.3
Operating Costs	(308.0)	(313.4)	(158.9)	(161.9)	(3.0)
Operating Result [Pre Capital]	(24.8)	(26.8)	(16.2)	(11.9)	4.3
Capital Grants & Contributions	40.4	40.4	14.8	15.3	0.5
Operating Result	15.6	13.7	(1.4)	3.4	4.8
Funds Available from Operations	52.2	51.2	24.5	23.5	(1.0)
Capital Works	101.9	106.3	48.8	45.7	3.1
Contributed Assets	10.1	10.1	-	-	-
Transfer to Restricted Cash	2.4	2.4	1.2	1.2	-
Borrowings Repaid	3.7	3.7	2.1	2.2	(0.1)
Funded from:					
- Operational Funds	52.2	51.2	24.5	23.5	(1.0)
- Other Funding	48.9	53.5	21.2	18.0	(3.2)
Total Funds Surplus/(Deficit)	(16.9)	(17.8)	(6.4)	(7.5)	(1.1)

FINANCIAL PERFORMANCE

The December 2022 Operating Result [pre-capital] deficit of \$11.9M is a favourable variance compared to the phased budget deficit of \$16.2M.

The Operating Result surplus of \$3.4M is a favourable variance of \$4.8M compared to phased budget. Capital Grants and Contributions were favourable to budget of \$0.5M at \$15.3M.

The Funds Available from Operations result is unfavourable by \$1.0M compared to phased budget. This result excludes non-cash variations and transfers to and from Restricted Assets but includes the variation in cash payments for Employee Entitlements. This result best represents the operational budget variations that impact our funding position and current financial capacity.

The Total Funds result as at 30 December 2022 is an unfavourable variance of \$1.1M compared to phased budget.

At the end of December, the Capital Works Program had an expenditure of \$45.7M compared to a phased budget of \$48.8M.

FINANCIAL POSITION

Cash, Investments & Available Funds

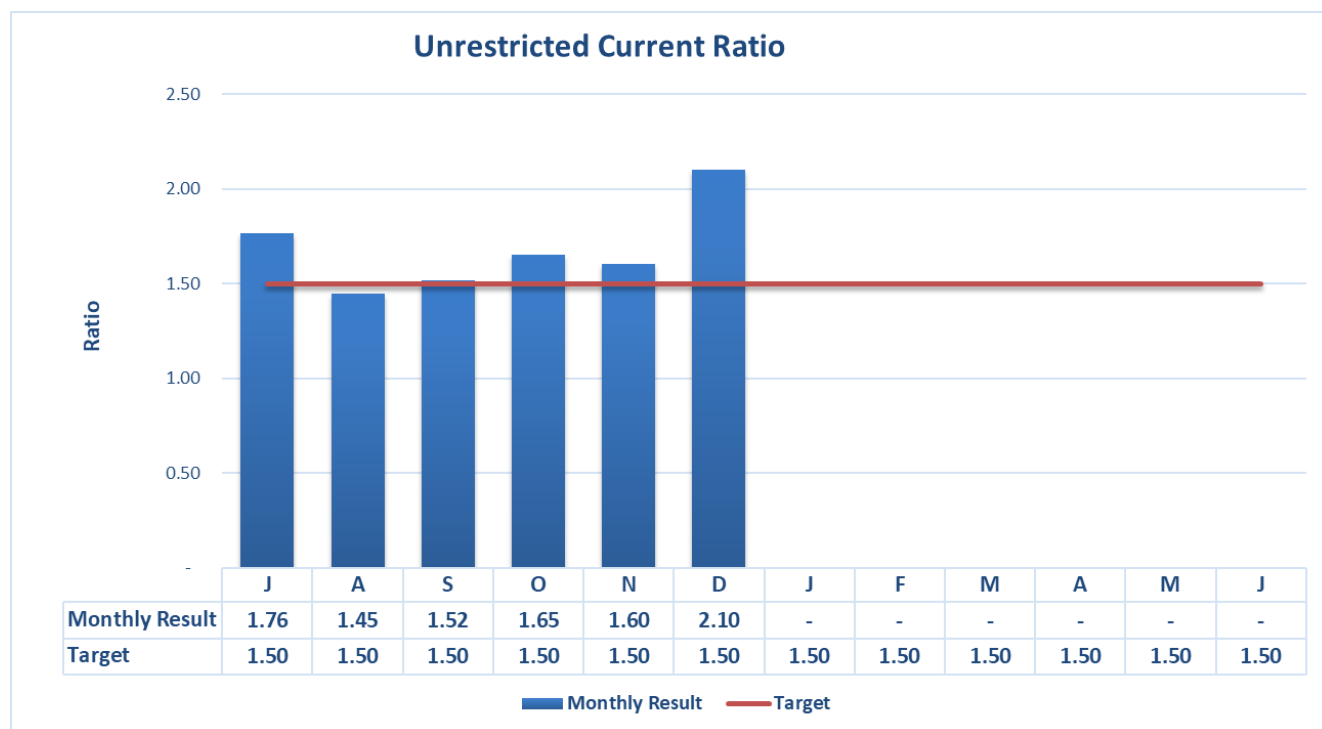
Council's cash and investments increased during December 2022 to holdings of \$154M compared to \$146M at the end of November 2022. A significant portion of these funds are subject to restriction meaning they can only be utilised for specific purposes. As a result, Council's true available cash position is more accurately depicted by considering available funds that are uncommitted and not subject to restriction.

Wollongong City Council 30 December 2022 Cash, Investments and Available Funds				
	Actual 2021/22	Original Budget	September QR	Actuals YTD
	\$M	2022/23	2022/23	December 2022
	\$M	\$M	\$M	\$M
Total Cash and Investments	162.0	130.9	134.5	153.8
Less Restrictions:				
External	75.3	75.1	73.6	85.5
Internal	62.9	48.4	56.7	61.0
CivicRisk Investment	2.5			2.5
Total Restrictions	140.8	123.5	130.3	149.0
Available Cash	21.3	7.4	4.1	4.8
Adjusted for :				
Payables	(27.4)	(27.9)	(28.1)	(19.4)
Receivables	24.7	34.0	25.5	22.1
Other	13.0	0.0	13.1	15.7
Net Payables & Receivables	10.3	6.1	10.5	18.4
Available Funds	31.6	13.5	14.7	23.2

External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations. Internal restrictions are funds that Council has determined will be used for a specific future purpose, although Council may vary that use by resolution of Council. Further details on the internal and external restrictions can be found in the Cash Flow Statement (Attachment 1).

The level of cash and investments in Council's available funds position is above the Financial Strategy target range of 3.5% to 5.5% of operational revenue (pre-capital). The decrease in cash and investments is in line with anticipated cash flows.

The Unrestricted Current Ratio measures the Council's liquidity position or ability to meet short term obligations as they fall due. The below graph reflects Council's performance against the Local Government benchmark of greater than 1.5 times.



Borrowings

Council continues to have financial strength in its low level of borrowing. Council's Financial Strategy includes provision for additional borrowing in the future and Council will consider borrowing opportunities from time to time to bring forward the completion of capital projects where immediate funding is not available.

The Debt Service Cover Ratio measures the availability of operating cash to service debt including interest, principal and lease payments. Council's Debt Service Cover Ratio as at 30 December exceeds the Local Government benchmark of greater than two times.

Infrastructure, Property, Plant & Equipment

The Statement of Financial Position shows that \$3.35B of assets (written down value) are controlled and managed by Council for the community as at 30 December 2022

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026	
Strategy		Service	
4.8	Council's resources are managed effectively to ensure long term financial sustainability.	Financial Services	

CONCLUSION

The financial result at the end of December is positive across the three key performance indicators.

Wollongong City Council

1 July 2022 to 30 December 2022

Income Statement

	2022/23 Original Budget \$'000	2022/23 Current Budget \$'000	2022/23 YTD Budget \$'000	2022/23 Actual YTD \$'000	Variance \$'000
	23GLBUD Period 0	23GLBUD Period 3	23GLPHAS	23GLACT	
Income From Continuing Operations					
Revenue:					
Rates and Annual Charges	221,315	221,315	110,960	111,074	114
User Charges and Fees	33,841	33,965	16,604	19,008	2,404
Interest and Investment Revenues	2,333	2,603	1,303	2,078	775
Other Revenues	5,977	5,956	2,752	2,532	(219)
Rental Income	5,874	5,868	2,981	2,986	5
Grants & Contributions provided for Operating Purposes	13,818	16,969	7,689	11,850	4,161
Grants & Contributions provided for Capital Purposes	40,442	40,442	14,774	15,325	551
Profit/Loss on Disposal of Assets	0	0	401	401	0
Total Income from Continuing Operations	323,601	327,118	157,463	165,254	7,791
Expenses From Continuing Operations					
Employee Costs	145,502	147,420	75,117	76,169	(1,052)
Borrowing Costs	242	609	305	319	(13)
Materials & Services	88,796	91,794	46,411	43,350	3,061
Other Expenses	19,155	19,677	9,971	11,339	(1,367)
Depreciation, Amortisation + Impairment	75,642	75,422	37,814	39,182	(1,368)
Labour Internal Charges	(19,578)	(19,549)	(9,801)	(7,685)	(2,116)
Non-Labour Internal Charges	(1,795)	(1,927)	(966)	(777)	(189)
Total Expenses From Continuing Operations	307,964	313,447	158,852	161,897	(3,045)
Operating Result	15,637	13,671	(1,389)	3,357	4,746
Operating Result [pre capital]	(24,806)	(26,771)	(16,163)	(11,967)	4,195
Funding Statement					
Net Operating Result for the Year	15,637	13,671	(1,389)	3,357	4,746
Add back :					
- Non-cash Operating Transactions	92,764	93,305	46,611	47,539	928
- Restricted cash used for operations	15,710	19,017	10,241	7,390	(2,852)
- Income transferred to Restricted Cash	(57,120)	(59,806)	(23,351)	(27,003)	(3,652)
Leases Repaid	(413)	(413)	(207)	(185)	22
Terminations	(14,354)	(14,562)	(7,433)	(7,591)	(158)
Funds Available from Operations	52,224	51,213	24,472	23,506	(966)
Loans Repaid	(3,702)	(3,702)	(2,172)	(2,172)	0
Advances (made by) / repaid to Council	0	0	0	0	0
Operational Funds Available for Capital Budget	48,522	47,511	22,300	21,334	(965)
Capital Budget Statement					
Assets Acquired	(101,916)	(106,308)	(48,848)	(45,692)	3,156
Contributed Assets	(10,056)	(10,056)	0	0	0
Transfers to Restricted Cash	(2,367)	(2,367)	(1,187)	(1,187)	0
Funded From :-					
- Operational Funds	48,522	47,511	22,300	21,334	(965)
- Sale of Assets	1,885	1,885	632	609	(22)
- Internally Restricted Cash	6,310	8,355	4,230	3,323	(907)
- Borrowings	0	0	0	0	0
- Capital Grants	22,825	21,871	10,097	7,350	(2,748)
- Developer Contributions (Section 94)	6,834	10,206	6,140	4,840	(1,301)
- Other Externally Restricted Cash	0	0	0	0	0
- Other Capital Contributions	11,031	11,134	191	1,907	1,716
TOTAL FUNDS SURPLUS / (DEFICIT)	(16,931)	(17,769)	(6,445)	(7,516)	(1,071)

WOLLONGONG CITY COUNCIL

Statement of Financial Position

as at 30 December 2022

	YTD Actual 2022/23 \$'000	Actual 2021/22 \$'000
Current Assets		
Cash Assets	44,266	34,118
Investment Securities	90,785	88,184
Receivables	22,111	24,673
Inventories	525	461
Current Contract Assets	10,374	9,711
Other	10,089	6,881
Assets classified as held for sale	65	65
Total Current Assets	178,214	164,094
Non-Current Assets		
Non Current Cash Assets	16,200	37,200
Non Current Investment Securities	2,530	2,530
Non-Current Inventories	5,972	5,972
Property, Plant and Equipment	3,354,256	3,347,444
Investment Properties	5,600	5,600
Intangible Assets	38	76
Right-Of-Use Assets	905	1,094
Total Non-Current Assets	3,385,499	3,399,915
TOTAL ASSETS	3,563,714	3,564,008
Current Liabilities		
Current Payables	19,371	27,377
Current Contract Liabilities	11,662	5,491
Current Lease Liabilities	236	403
Current Provisions payable < 12 months	16,290	16,005
Current Provisions payable > 12 months	39,591	39,591
Current Interest Bearing Liabilities	3,569	3,569
Total Current Liabilities	90,719	92,437
Non-Current Liabilities		
Non Current Interest Bearing Liabilities	1,202	3,374
N/C Lease Liabilities	788	788
Non Current Provisions	28,863	28,671
Total Non-Current Liabilities	30,853	32,832
TOTAL LIABILITIES	121,572	125,269
NET ASSETS	3,442,142	3,438,739
Equity		
Accumulated Surplus	1,440,212	1,440,236
Asset Revaluation Reserve	1,862,283	1,862,283
Restricted Assets	139,647	136,221
TOTAL EQUITY	3,442,142	3,438,739

WOLLONGONG CITY COUNCIL			
Cash Flows and Investments			
as at 30 December 2022			
	YTD Actual 2022/23 \$ '000	Actual 2021/22 \$ '000	
Cash Flows From Operating Activities			
Receipts			
Rates & Annual Charges	115,222	215,632	
User Charges & Fees	25,772	31,914	
Interest & Interest Received	2,134	1,549	
Grants & Contributions	30,994	64,618	
Bonds, deposits and retention amounts received	128	1,201	
Other	3,565	21,387	
Payments			
Employee Benefits & On-costs	(68,428)	(131,464)	
Materials & Contracts	(46,145)	(86,914)	
Borrowing Costs	(126)	(442)	
Bonds, deposits and retention amounts refunded	-	(755)	
Other	(19,169)	(28,808)	
Net Cash provided (or used in) Operating Activities	43,948	87,918	
Cash Flows From Investing Activities			
Receipts			
Sale of Investments	20,756	54,491	
Sale of Infrastructure, Property, Plant & Equipment	609	2,161	
Payments:			
Purchase of Investments	(2,736)	(59,990)	
Purchase of Investment Property	-	-	
Purchase of Infrastructure, Property, Plant & Equipment	(50,090)	(96,906)	
Net Cash provided (or used in) Investing Activities	(31,461)	(100,244)	
Cash Flows From Financing Activities			
Payments:			
Repayment of Borrowings & Advances	(2,172)	(5,496)	
Repayment of Finance Lease Liabilities	(167)	(380)	
Net Cash Flow provided (used in) Financing Activities	(2,339)	(5,876)	
Net Increase/(Decrease) in Cash & Cash Equivalents	10,148	(18,202)	
plus: Cash & Cash Equivalents - beginning of year	34,118	52,320	
plus: Investments on hand - end of year	109,515	127,915	
Cash & Cash Equivalents and Investments - year to date	153,781	162,033	

WOLLONGONG CITY COUNCIL			
Cash Flows and Investments			
as at 30 December 2022			
	YTD Actual 2022/23 \$ '000	Actual 2021/22 \$ '000	
Total Cash & Cash Equivalents and Investments - year to date	153,781	162,033	
Attributable to:			
External Restrictions (refer below)	85,481	75,344	
Internal Restrictions (refer below)	60,979	62,886	
Unrestricted	7,321	23,803	
	153,781	162,033	
External Restrictions			
Developer Contributions	43,167	40,065	
RMS Contributions	832	205	
Specific Purpose Unexpended Grants	13,461	8,378	
Special Rates Levy Wollongong Mall	453	407	
Special Rates Levy Wollongong City Centre	78	88	
Local Infrastructure Renewal Scheme	-	-	
Unexpended Loans	908	907	
Domestic Waste Management	7,007	7,604	
Private Subsidies	7,010	5,708	
Housing Affordability	9,576	9,604	
Stormwater Management Service Charge	2,989	2,378	
Total External Restrictions	85,481	75,344	
Internal Restrictions			
Property Investment Fund	9,396	9,388	
Strategic Projects	30,431	34,962	
Flood Mitigation Works	-	-	
Sports Priority Program	680	671	
Car Parking Strategy	1,277	1,189	
MacCabe Park Development	1,815	1,740	
Darcy Wentworth Park	171	171	
Garbage Disposal Facility	7,500	5,831	
West Dapto Development Additional Rates	9,108	8,281	
Natural Areas	173	173	
Lake Illawarra Estuary Management Fund	428	480	
Total Internal Restrictions	60,979	62,886	

Notes to the Financial Statements:

While reviewing the information presented through this report, it should be noted that Council has elected to process additional transactions that vary from the accounting standards applied to year end reports to ensure the information at monthly intervals provides support to the decision-making and monitoring process. These transactions are summarised below:

- Timing of the recognition of Rates income – under AASB 1058, the Rates income is required to be recognised when it is raised. Through the monthly financial reports, the income has been spread across the financial year.
- Timing of the recognition of Financial Assistance Grant – under AASB 1058, the Financial Assistance Grant is required to be recognised on receipt. Through these financial reports, the income is spread across the financial year.

Commentary on November and December 2022 Capital Budget Report

On 27 June 2022, Council approved a capital budget for 2022-2023 of \$102.91M which has subsequently increased at monthly reviews as previously reported to \$106.31M.

At the end of November 2022, the budget was reduced by \$0.11M to \$106.20M as a result of multiple funding budget adjustments.

At the end of December 2022, the budget was reduced by \$0.053M to \$106.14M as a result of multiple funding budget adjustments.

The largest adjustments in December 2022 were:

- Rephasing of Sect 7:12 and Strategic Projects Funding for existing projects in Traffic Facilities Program.
- Introduction of Sect 7:12 developer contributions in Commercial Centre Upgrades – Footpaths and Cycleways for Wollongong City Centre Wayfinding Signage.

Council achieved expenditure at the end of December 2022 of \$45.66M which is 93.47% of the adjusted phased budget for December 2022 of \$48.85. The gap between capital budget expenditure compared to the phased budget is expected to close in the 3rd Quarter once work starts on some significant projects in early 2023, including the IPAC Refurbishment, and the delivery of vehicles, plant and equipment.

Listed below is a summary of the reasons for budget changes for December which resulted in changes to the 2022-2023 capital budget.

Program	Commentary on Significant Variations
Traffic Facilities	Rephase Sect 7:12 funding for existing projects. Rephase Strategic Projects funding from existing project.
Roadworks	Introduced additional Roads to Recovery funding for existing project.
Footpaths	Reallocate Budget from Footpaths to Commercial Centre Upgrades - Footpaths and Cycleways.
Cycle/Shared Paths	Rephased Sect 7:12 funding for existing project. Adjustment of allocation of Public Spaces Legacy funding.
Commercial Centre Upgrades - Footpaths and Cycleways	Introduce additional Sect 7:12 City Centre funding for existing project. Reallocate Budget to Commercial Centre Upgrades - Footpaths and Cycleways from Footpaths.
Rock/Tidal Pools	Reallocate budget to Rock/Tidal Pools from Capital Budget Contingency.
Whytes Gully New Cells	Addition of Garbage Disposal Facility Funding for existing project.
Contingency	Reallocate budget to and from the Capital Budget Contingency to/from various capital programs detailed above.

CAPITAL PROJECT REPORT							
as at the period ended 25 November 2022							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Roads And Related Assets							
Traffic Facilities	4,028	(3,067)	3,939	(2,977)	1,024	(90)	90
Public Transport Facilities	370	0	370	0	85	(0)	0
Roadworks	17,691	(6,346)	17,691	(6,346)	11,673	(0)	(0)
Bridges, Boardwalks and Jetties	1,875	(40)	1,875	(40)	927	(0)	(0)
TOTAL Roads And Related Assets	23,964	(9,453)	23,875	(9,363)	13,709	(90)	90
West Dapto							
West Dapto Infrastructure Expansion	6,524	(6,524)	7,169	(7,169)	2,715	645	(645)
TOTAL West Dapto	6,524	(6,524)	7,169	(7,169)	2,715	645	(645)
Footpaths And Cycleways							
Footpaths	12,312	(4,224)	14,112	(4,224)	5,665	1,800	0
Cycle/Shared Paths	4,970	(3,345)	5,420	(3,795)	1,613	450	(450)
Commercial Centre Upgrades - Footpaths and Cyclewa	2,775	(200)	2,775	(200)	955	(0)	0
TOTAL Footpaths And Cycleways	20,057	(7,769)	22,307	(8,219)	8,233	2,250	(450)
Carparks							
Carpark Construction/Formalising	340	0	340	0	290	(0)	0
Carpark Reconstruction or Upgrading	1,060	0	1,060	0	96	0	0
TOTAL Carparks	1,400	0	1,400	0	386	0	0
Stormwater And Floodplain Management							
Floodplain Management	2,375	(650)	2,375	(650)	67	(0)	0
Stormwater Management	4,500	(75)	4,500	(75)	749	(0)	(0)
Stormwater Treatment Devices	120	0	120	0	21	(0)	0
TOTAL Stormwater And Floodplain Mar	6,995	(725)	6,995	(725)	837	(0)	0
Buildings							
Cultural Centres (IPAC, Gallery, Townhall)	10,000	0	11,100	(2,421)	581	1,100	(2,421)
Administration Buildings	360	0	360	0	108	0	0
Community Buildings	6,850	(1,500)	6,850	(1,500)	2,548	(0)	0
Public Facilities (Shelters, Toilets etc.)	150	0	150	0	12	(0)	0
TOTAL Buildings	17,360	(1,500)	18,460	(3,921)	3,249	1,100	(2,421)
Commercial Operations							
Tourist Park - Upgrades and Renewal	175	0	175	0	132	(0)	0
Crematorium/Cemetery - Upgrades and Renewal	195	0	195	0	36	(0)	0
Leisure Centres & RVGC	100	0	100	0	15	(0)	0
TOTAL Commercial Operations	470	0	470	0	182	(0)	0
Parks Gardens And Sportfields							
Play Facilities	1,990	(800)	1,990	(800)	95	(0)	0
Recreation Facilities	2,408	(1,728)	2,022	(1,342)	1,458	(387)	387
Sporting Facilities	11,643	(7,908)	8,492	(4,757)	1,896	(3,152)	3,152
TOTAL Parks Gardens And Sportfields	16,042	(10,437)	12,503	(6,899)	3,450	(3,538)	3,538

CAPITAL PROJECT REPORT							
as at the period ended 25 November 2022							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Beaches And Pools							
Beach Facilities	650	(600)	650	(600)	535	0	0
Treated Water Pools	1,850	0	1,000	0	702	(850)	0
TOTAL Beaches And Pools	2,500	(600)	1,650	(600)	1,237	(850)	0
Natural Areas							
Natural Area Management and Rehabilitation	0	0	0	0	0	0	0
TOTAL Natural Areas	0	0	0	0	0	0	0
Waste Facilities							
Whytes Gully New Cells	1,558	(1,558)	1,558	(1,558)	403	(0)	0
TOTAL Waste Facilities	1,558	(1,558)	1,558	(1,558)	403	(0)	0
Fleet							
Motor Vehicles	1,800	(949)	1,800	(949)	230	(0)	0
TOTAL Fleet	1,800	(949)	1,800	(949)	230	(0)	0
Plant And Equipment							
Mobile Plant (trucks, backhoes etc.)	3,800	(937)	3,800	(937)	298	(0)	0
TOTAL Plant And Equipment	3,800	(937)	3,800	(937)	298	(0)	0
Information Technology							
Information Technology	1,350	0	1,350	0	210	0	0
TOTAL Information Technology	1,350	0	1,350	0	210	0	0
Library Books							
Library Books	1,315	0	1,315	0	523	(0)	0
TOTAL Library Books	1,315	0	1,315	0	523	(0)	0
Public Art							
Art Gallery Acquisitions	100	0	100	0	42	0	0
TOTAL Public Art	100	0	100	0	42	0	0
Land Acquisitions							
Land Acquisitions	620	(470)	731	(472)	713	110	(2)
TOTAL Land Acquisitions	620	(470)	731	(472)	713	110	(2)
Non-Project Allocations							
Capital Project Contingency	453	0	715	0	0	263	0
TOTAL Non-Project Allocations	453	0	715	0	0	263	0
GRAND TOTAL	106,308	(40,921)	106,198	(40,811)	36,418	(110)	0

CAPITAL PROJECT REPORTS as at the period ended 30 December 2022							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Roads And Related Assets							
Traffic Facilities	3,939	(2,977)	3,693	(2,731)	1,152	(246)	246
Public Transport Facilities	370	0	370	0	122	0	0
Roadworks	17,691	(6,346)	17,781	(6,436)	14,230	90	(90)
Bridges, Boardwalks and Jetties	1,875	(40)	1,875	(40)	997	(0)	0
TOTAL Roads And Related Assets	23,875	(9,363)	23,719	(9,207)	16,501	(156)	156
West Dapto							
West Dapto Infrastructure Expansion	7,169	(7,169)	7,169	(7,169)	4,211	(0)	0
TOTAL West Dapto	7,169	(7,169)	7,169	(7,169)	4,211	(0)	0
Footpaths And Cycleways							
Footpaths	14,112	(4,224)	14,055	(4,224)	7,059	(57)	(0)
Cycle/Shared Paths	5,420	(3,795)	5,257	(3,632)	2,129	(163)	163
Commercial Centre Upgrades - Footpaths and Cyclewa	2,775	(200)	3,043	(411)	1,161	268	(211)
TOTAL Footpaths And Cycleways	22,307	(8,219)	22,355	(8,267)	10,348	48	(48)
Carparks							
Carpark Construction/Formalising	340	0	340	0	291	0	0
Carpark Reconstruction or Upgrading	1,060	0	1,060	0	115	0	0
TOTAL Carparks	1,400	0	1,400	0	406	0	0
Stormwater And Floodplain Management							
Floodplain Management	2,375	(650)	2,375	(650)	90	(0)	0
Stormwater Management	4,500	(75)	4,500	(75)	952	(0)	(0)
Stormwater Treatment Devices	120	0	120	0	21	(0)	0
TOTAL Stormwater And Floodplain Mar	6,995	(725)	6,995	(725)	1,063	(0)	(0)
Buildings							
Cultural Centres (IPAC, Gallery, Townhall)	11,100	(2,421)	11,100	(2,421)	1,274	(0)	0
Administration Buildings	360	0	360	0	127	(0)	0
Community Buildings	6,850	(1,500)	6,850	(1,500)	3,202	0	(0)
Public Facilities (Shelters, Toilets etc.)	150	0	150	0	16	(0)	0
TOTAL Buildings	18,460	(3,921)	18,460	(3,921)	4,619	(0)	(0)
Commercial Operations							
Tourist Park - Upgrades and Renewal	175	0	175	0	143	(0)	0
Crematorium/Cemetery - Upgrades and Renewal	195	0	195	0	55	0	0
Leisure Centres & RV/GC	100	0	100	0	90	0	0
TOTAL Commercial Operations	470	0	470	0	287	(0)	0
Parks Gardens And Sportfields							
Play Facilities	1,990	(800)	1,990	(800)	115	(0)	0
Recreation Facilities	2,022	(1,342)	2,022	(1,342)	1,529	0	0
Sporting Facilities	8,492	(4,757)	8,495	(4,760)	2,271	3	(3)
TOTAL Parks Gardens And Sportfields	12,503	(6,899)	12,506	(6,901)	3,915	3	(3)

CAPITAL PROJECT REPORTS as at the period ended 30 December 2022							
ASSET CLASS PROGRAMME	\$'000		\$'000		YTD EXPENDITURE	\$'000	
	CURRENT BUDGET		WORKING BUDGET			VARIATION	
	EXPENDITURE	OTHER FUNDING	EXPENDITURE	OTHER FUNDING		EXPENDITURE	OTHER FUNDING
Beaches And Pools							
Beach Facilities	650	(600)	650	(600)	586	(0)	0
Rock/Tidal Pools	0	0	101	0	101	101	0
Treated Water Pools	1,000	0	1,000	0	628	0	0
TOTAL Beaches And Pools	1,650	(600)	1,751	(600)	1,315	101	0
Waste Facilities							
Whytes Gully New Cells	1,558	(1,558)	1,608	(1,608)	505	50	(50)
TOTAL Waste Facilities	1,558	(1,558)	1,608	(1,608)	505	50	(50)
Fleet							
Motor Vehicles	1,800	(949)	1,800	(949)	272	0	0
TOTAL Fleet	1,800	(949)	1,800	(949)	272	0	0
Plant And Equipment							
Mobile Plant (trucks, backhoes etc.)	3,800	(937)	3,800	(937)	579	(0)	0
TOTAL Plant And Equipment	3,800	(937)	3,800	(937)	579	(0)	0
Information Technology							
Information Technology	1,350	0	1,350	0	272	(0)	0
TOTAL Information Technology	1,350	0	1,350	0	272	(0)	0
Library Books							
Library Books	1,315	0	1,315	0	643	(0)	0
TOTAL Library Books	1,315	0	1,315	0	643	(0)	0
Public Art							
Art Gallery Acquisitions	100	0	100	0	42	0	0
TOTAL Public Art	100	0	100	0	42	0	0
Land Acquisitions							
Land Acquisitions	731	(472)	732	(474)	714	2	(2)
TOTAL Land Acquisitions	731	(472)	732	(474)	714	2	(2)
Non-Project Allocations							
Capital Project Contingency	715	0	614	0	0	(101)	0
TOTAL Non-Project Allocations	715	0	614	0	0	(101)	0
Not Applicable							
Not Applicable	0	0	0	0	0	0	0
TOTAL Not Applicable	0	0	0	0	0	0	0
GRAND TOTAL	106,198	(40,811)	106,145	(40,758)	45,692	(53)	53

ITEM 9 STATEMENT OF INVESTMENT - NOVEMBER AND DECEMBER 2022

This report provides an overview of Council's investment portfolio performance for the months of November and December 2022.

Council's investments had an average weighted return for November 2022 of 0.31% (above the benchmark return of 0.25%) and for December 2022, 0.12% (below the benchmark return of 0.25%). The November 2022 result was primarily due to positive valuations of the consolidated Floating Rate Notes and NSW Treasury Corp Funds; whereas the December 2022 results were due to the negative valuations on the Floating Rate Notes and the TCorp funds reflecting the continuing volatility in the market. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity.

RECOMMENDATION

Council receive the Statement of Investment for November and December 2022.

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Chief Financial Officer
Authorised by: Todd Hopwood, Director Corporate Services (Acting)

ATTACHMENTS

- 1 Statements of Investment - November and December 2022
- 2 Investment Income Compared to Budget 2022-2023

BACKGROUND

Council is required to invest its surplus funds in accordance with the Ministerial Investment Order and Office of Local Government guidelines. The Order reflects a conservative approach and restricts the investment types available to Council. In compliance with the Order and Office of Local Government guidelines, Council adopted an Investment Policy on 12 December 2022. The Investment Policy provides a framework for the credit quality, institutional diversification and maturity constraints Council's portfolio can be exposed to. Council's investment portfolio was controlled by Council's Finance Division during the period to ensure compliance with the Investment Policy. Council's Audit, Risk and Improvement Committee's (ARIC) role of overseer provides for the review of Council's Investment Policy and the Management Investment Strategy.

Council's Responsible Accounting Officer is required to sign the complying Statement of Investment contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

Council's investment holdings as at 25 November 2022 were \$149,170,810 (Statement of Investment attached) [26 November 2021 \$170,616,539] and 31 December 2022 were \$157,209,070 (Statement of Investment attached) [31 December 2021 \$172,734,194]. These figures include Council's interest in CivicRisk Mutual Ltd recognised at fair value as at 30 June 2022.

Council's investments had an average weighted return for November 2022 of 0.31% (above the benchmark return of 0.25%) and for December 2022, 0.12% (below the benchmark return of 0.25%). The November 2022 result was primarily due to positive valuations of the consolidated Floating Rate Notes and NSW Treasury Corp Funds; whereas the December 2022 results were due to the negative valuations on the Floating Rate Notes and the TCorp funds reflecting the continuing volatility in the market. The remainder of Council's portfolio continues to provide a high degree of credit quality and liquidity. The global markets are still experiencing high levels of instability and the heightened volatility in interest rates driven by the persistent ongoing inflation issues is still providing uncertainty for the foreseeable future.

At 30 December 2022, year to date interest and investment revenue of \$1,822,012 was recognised compared to the year-to-date budget of \$959,815.

Council's 14 floating rate notes had a net increase in value of \$58,039 for November 2022, and a net decrease in value of \$79,958 for December 2022.

Council holds two Mortgaged Backed Securities (MBS) that recorded a net decrease in value of \$8,093 for November 2022, and a net increase in value of \$8,823 for December 2022. The market value of this security considers the extended term of the security along with the limited liquidity and the coupon margin reflects pre-Global Financial Crisis (GFC) pricing. While the maturity dates are outside Council's control, the investment advisors had previously indicated capital is not at risk at that stage and recommended a hold strategy due to the illiquid nature of the investment.

Council has two investment holdings under the NSW TCorp Hour Glass Facility: the Long-Term Growth Fund and the Medium-Term Growth Fund. The Long-Term Growth recorded a net increase in value of \$63,012 in November 2022, and a net decrease of \$74,316 in December 2022. The Medium-Term Growth Fund recorded a net increase in value of \$50,109 in November 2022, and a net decrease of \$52,220 in December 2022. The fluctuations in both the Long-Term Growth and Medium-Term Growth Funds reflect the current share market volatility both domestically and internationally and is diversified across a number of different asset classes that have differing risk and return characteristics.

At their December 2022 meeting, the Reserve Bank of Australia (RBA) decided to increase the cash rate by 25 basis points from 2.85% to 3.10%. The Board is committed to doing what is necessary to ensure that inflation in Australia returns to target over time. The increase in interest rates has been required to bring inflation back to target and to create a more sustainable balance of demand and supply in the Australian economy. The RBA will continue to assess the outlook and adjust policy as needed and will continue to monitor information and evolving balance of risks and determine the timing and extent of future interest rate increases.

The current Investment Policy sets a 40% maximum exposure limit to individual institutions within the AAA category. This limit is currently considered to include funds held within the NAB (Council's banker) savings account that is used daily to hold cash. Through the banking services contract with the NAB, that includes a fixed margin over the current cash rate, this account is providing a better return than alternate short to medium term investments available to Council. At the end of December 2022, the exposure to NAB was 31.42%, which is above the 25% target set in the Investment Strategy, but still within the maximum investment policy exposure. The NAB savings account is currently the best option available for surplus cash, however this will be continually monitored to ensure best value.

The current investment portfolio complies with Council's Investment Policy which was endorsed by Council on 12 December 2022. Council's Responsible Accounting Officer has signed the Statement of Investment contained within the report, certifying all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Goal 4 "We are a connected and engaged community". It specifically delivers on the following:

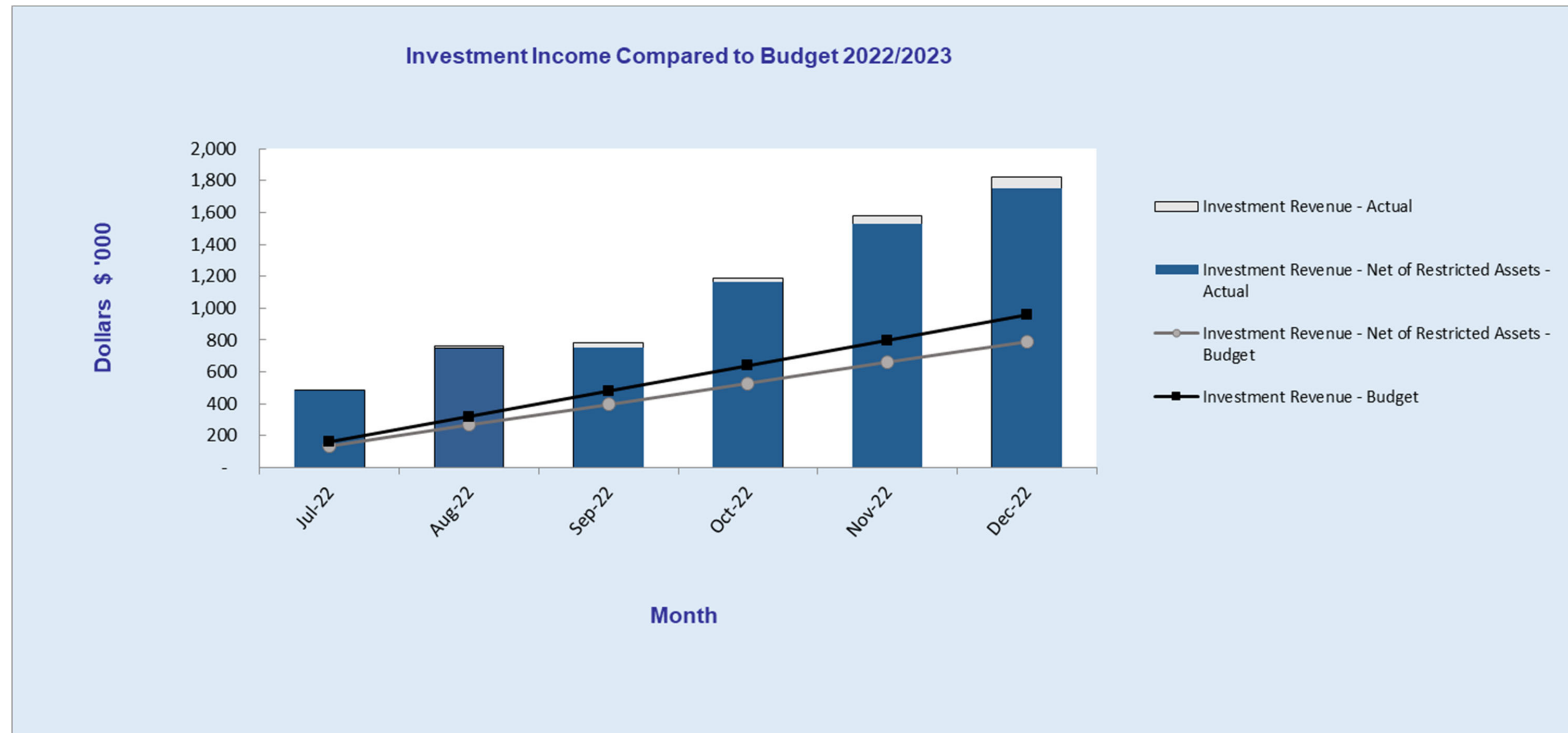
Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
4.8	Council's resources are managed effectively to ensure long term financial sustainability.	Financial Services

CONCLUSION

Council investments recorded an average weighted return above the annualised Bloomberg Bank Bill Index Benchmark for November 2022 and in December 2022 recorded an average weighted return below the benchmark, due to negative market valuations reflecting the continuing volatility in the market. The portfolio performed favourably when compared to the year-to-date budget.

WOLLONGONG CITY COUNCIL STATEMENT OF INVESTMENT 25 November 2022							
DIRECT INVESTMENTS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
NAB General Fund	A1+	-	1,720,514	General A/c	25/11/2022	25/11/2022	
NAB Professional Maximiser	A1+	-	31,748,369	Prof Fund A/c	25/11/2022	25/11/2022	3.25
Members Equity Bank Ltd	Moodys ST P-2	4,000,000	4,000,000	T/Deposit	2/12/2021	2/12/2022	0.70
Australian Unity Bank	S&P ST A2	750,000	750,000	T/Deposit	7/06/2022	5/12/2022	2.65
Coastline Credit Union Ltd	Unrated ST UR	250,000	250,000	T/Deposit	5/09/2022	5/12/2022	3.25
Southern Cross CU	Unrated ST UR	250,000	250,000	T/Deposit	5/09/2022	5/12/2022	3.27
Members Equity Bank Ltd	Moodys ST P-2	2,000,000	2,000,000	T/Deposit	16/05/2022	12/12/2022	2.35
Commonwealth Bank of Australia Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	23/12/2020	23/12/2022	0.52
Westpac Banking Corporation Ltd	S&P ST A1+	2,000,000	2,000,000	T/Deposit	25/02/2022	25/01/2023	0.82
Commonwealth Bank of Australia Ltd	S&P ST A1+	5,000,000	5,000,000	T/Deposit	18/02/2022	13/02/2023	0.80
Illawarra Credit Union Ltd	Unrated ST UR	250,000	250,000	T/Deposit	23/08/2022	23/02/2023	3.55
Westpac Banking Corporation Ltd	S&P ST A1+	2,000,000	2,000,000	T/Deposit	16/05/2022	13/04/2023	2.65
Bank of Queensland Ltd	Moodys ST P-2	2,000,000	2,000,000	T/Deposit	16/05/2022	16/05/2023	3.00
Westpac Banking Corporation Ltd	S&P ST A1+	2,000,000	2,000,000	T/Deposit	16/09/2022	15/09/2023	4.30
Judo Bank	S&P BBB-	2,000,000	2,000,000	T/Deposit	17/09/2021	18/09/2023	0.95
Commonwealth Bank of Australia Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	20/10/2021	20/10/2023	0.84
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	20/10/2021	20/10/2023	0.87
Bank of Queensland Ltd	Moodys A3	2,000,000	2,000,000	T/Deposit	25/11/2021	27/11/2023	1.15
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	2/12/2021	4/12/2023	1.21
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	23/12/2020	22/12/2023	0.60
Westpac Banking Corporation Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	6/03/2019	6/03/2024	3.55
Judo Bank	S&P BBB-	2,000,000	2,000,000	T/Deposit	17/09/2021	17/09/2024	1.20
Westpac Banking Corporation Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	2/12/2021	2/12/2024	1.63
Judo Bank	S&P BBB-	2,200,000	2,200,000	T/Deposit	7/03/2022	11/03/2025	2.30
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	7/03/2022	13/03/2025	2.03
Westpac Banking Corporation Ltd	S&P AA-	3,000,000	3,000,000	T/Deposit	25/11/2022	25/11/2025	4.59
Total			96,168,882				
WOLLONGONG CITY COUNCIL STATEMENT OF INVESTMENT 25 November 2022 continued							
Bond and Floating Rate Note Securities							
DIRECT INVESTMENTS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
Bank Australia Limited	S&P BBB	4,000,000	4,031,240	FRN	2/12/2019	2/12/2022	3.39
ANZ Banking Group Ltd	S&P AA-	1,000,000	1,003,990	FRN	9/05/2018	9/05/2023	3.96
National Australia Bank Ltd	S&P AA-	3,000,000	3,031,680	FRN	26/09/2018	26/09/2023	3.91
Westpac Banking Corporation Ltd	S&P AA-	1,500,000	1,508,550	FRN	16/11/2018	16/11/2023	4.00
ANZ Banking Group Ltd	S&P AA-	2,000,000	2,026,720	FRN	6/12/2018	6/12/2023	3.58
National Australia Bank Ltd	S&P AA-	2,000,000	2,023,320	FRN	19/06/2019	19/06/2024	3.76
Macquarie Bank	S&P A+	2,000,000	1,998,400	FRN	12/02/2020	12/02/2025	3.87
Bendigo & Adelaide Bank Ltd	Moodys A3	1,700,000	1,680,382	FRN	2/12/2020	2/12/2025	3.01
Macquarie Bank	Moodys A2	6,500,000	6,439,355	FRN	11/03/2022	9/12/2025	3.09
Suncorp-Metway Ltd	S&P A+	2,100,000	2,063,750	FRN	24/02/2021	24/02/2026	3.55
Newcastle Permanent Building Society Ltd	S&P BBB	5,000,000	4,894,400	FRN	4/03/2021	4/03/2026	3.17
Teachers Mutual Bank Ltd	Moodys Baa1	1,100,000	1,072,654	FRN	16/06/2021	16/06/2026	3.48
Suncorp-Metway Ltd	S&P A+	3,750,000	3,696,938	FRN	15/09/2021	15/09/2026	3.23
Suncorp-Metway Ltd	S&P A+	1,500,000	1,484,115	FRN	11/03/2022	25/01/2027	3.81
ANZ Banking Group Ltd	Moodys Aa3	3,500,000	3,495,555	FRN	12/05/2022	12/05/2027	4.00
Emerald Reverse Mortgage Trust	S&P A	446,084	357,042	MBS	17/07/2006	21/08/2051	3.52
Emerald Reverse Mortgage Trust	S&P A	2,000,000	1,300,840	MBS	17/07/2006	21/08/2056	3.82
Total			42,108,934				
Managed Funds & Other							
MANAGED FUNDS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Purchase Date	Monthly Return (Actual)	FYTD (Actual)	
Tcorp Long Term Growth Facility Fund	N/A		3,608,034	13/06/2007	2.83%	6.70%	
Tcorp Medium Term Growth Facility Fund	N/A		4,760,960	14/06/2007	1.65%	3.79%	
Total			8,368,994				
Membership Interest in Investment Body			Fair Value of Holding \$				
CivicRisk Mutual Limited	N/A		2,524,000				
TOTAL INVESTMENTS			\$ 149,170,810				
* The maturity date provided is the weighted-average life of the security. This is the average amount of time that will elapse from the date of security's issuance until each dollar is repaid based on an actuarial assessment. Assessments are carried out on a regular basis which can potentially extend the life of the investment. Current assessments anticipate an extension of life of the investment.							
This is to certify that all of the above investments have been placed in accordance with the Act, the regulations and Council's Investment Policies.							
Brian Jenkins RESPONSIBLE ACCOUNTING OFFICER							

WOLLONGONG CITY COUNCIL STATEMENT OF INVESTMENT 30 December 2022							
DIRECT INVESTMENTS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
NAB General Fund A/c	A1+	-	1,803,861	General A/c	30/12/2022	30/12/2022	
NAB Professional Maximiser	A1+	-	41,810,796	Prof Fund A/c	30/12/2022	30/12/2022	3.50%
CBA General Fund A/c	A1+	-	4,090,155	General A/c	30/12/2022	30/12/2022	3.35%
Westpac Banking Corporation Ltd	S&P ST A1+	2,000,000	2,000,000	T/Deposit	25/02/2022	25/01/2023	0.82%
Commonwealth Bank of Australia Ltd	S&P ST A1+	5,000,000	5,000,000	T/Deposit	18/02/2022	13/02/2023	0.80%
Illawarra Credit Union Ltd	Unrated ST UR	250,000	250,000	T/Deposit	23/08/2022	23/02/2023	3.55%
Southern Cross CU	Unrated ST UR	250,000	250,000	T/Deposit	5/12/2022	7/03/2023	3.80%
Westpac Banking Corporation Ltd	S&P ST A1+	2,000,000	2,000,000	T/Deposit	16/05/2022	13/04/2023	2.65%
Bank of Queensland Ltd	Moody's ST P-2	2,000,000	2,000,000	T/Deposit	16/05/2022	16/05/2023	3.00%
Bank of Queensland Ltd	Moody's ST P-2	2,000,000	2,000,000	T/Deposit	23/12/2022	23/05/2023	4.15%
Bank of Queensland Ltd	Moody's ST P-2	4,000,000	4,000,000	T/Deposit	2/12/2022	2/06/2023	4.30%
Coastline Credit Union Ltd	Unrated ST UR	250,000	250,000	T/Deposit	5/12/2022	5/06/2023	4.50%
Australian Unity Bank	S&P ST A2	750,000	750,000	T/Deposit	5/12/2022	10/07/2023	4.25%
Westpac Banking Corporation Ltd	S&P ST A1+	2,000,000	2,000,000	T/Deposit	16/09/2022	15/09/2023	4.30%
Judo Bank	S&P BBB-	2,000,000	2,000,000	T/Deposit	17/09/2021	18/09/2023	0.95%
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	20/10/2021	20/10/2023	0.87%
Commonwealth Bank of Australia Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	20/10/2021	20/10/2023	0.84%
Bank of Queensland Ltd	Moody's A3	2,000,000	2,000,000	T/Deposit	25/11/2021	27/11/2023	1.15%
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	2/12/2021	4/12/2023	1.21%
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	23/12/2020	22/12/2023	0.60%
Westpac Banking Corporation Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	6/03/2019	6/03/2024	4.07%
Judo Bank	S&P BBB-	2,000,000	2,000,000	T/Deposit	17/09/2021	17/09/2024	1.20%
Westpac Banking Corporation Ltd	S&P AA-	2,000,000	2,000,000	T/Deposit	2/12/2021	2/12/2024	1.63%
Judo Bank	S&P BBB-	2,200,000	2,200,000	T/Deposit	7/03/2022	11/03/2025	2.30%
Westpac Banking Corporation Ltd	S&P AA-	5,000,000	5,000,000	T/Deposit	7/03/2022	13/03/2025	2.03%
Westpac Banking Corporation Ltd	S&P AA-	3,000,000	3,000,000	T/Deposit	25/11/2022	25/11/2025	4.59%
Total			108,404,812				
WOLLONGONG CITY COUNCIL STATEMENT OF INVESTMENT 30 December 2022 continued							
Bond and Floating Rate Note Securities							
DIRECT INVESTMENTS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Security	Purchase Date	Maturity Date	Interest / Coupon Rate
ANZ Banking Group Ltd	S&P AA-	1,000,000	1,007,300	FRN	9/05/2018	9/05/2023	3.96%
National Australia Bank Ltd	S&P AA-	3,000,000	3,011,280	FRN	26/09/2018	26/09/2023	4.18%
Westpac Banking Corporation Ltd	S&P AA-	1,500,000	1,513,335	FRN	16/11/2018	16/11/2023	4.00%
ANZ Banking Group Ltd	S&P AA-	2,000,000	2,015,040	FRN	6/12/2018	6/12/2023	4.10%
National Australia Bank Ltd	S&P AA-	2,000,000	2,011,160	FRN	19/06/2019	19/06/2024	4.12%
Macquarie Bank	S&P A+	2,000,000	2,006,400	FRN	12/02/2020	12/02/2025	3.87%
Bendigo & Adelaide Bank Ltd	Moody's A3	1,700,000	1,675,027	FRN	2/12/2020	2/12/2025	3.58%
Macquarie Bank	Moody's A2	6,500,000	6,417,385	FRN	11/03/2022	9/12/2025	3.61%
Suncorp-Metway Ltd	S&P A+	2,100,000	2,072,490	FRN	24/02/2021	24/02/2026	3.55%
Newcastle Permanent Building Society Ltd	S&P BBB	5,000,000	4,875,400	FRN	4/03/2021	4/03/2026	3.70%
Teachers Mutual Bank Ltd	Moody's Baa1	1,100,000	1,068,265	FRN	16/06/2021	16/06/2026	3.87%
Suncorp-Metway Ltd	S&P A+	3,750,000	3,687,263	FRN	15/09/2021	15/09/2026	3.65%
Suncorp-Metway Ltd	S&P A+	1,500,000	1,493,355	FRN	11/03/2022	25/01/2027	3.81%
ANZ Banking Group Ltd	Moody's Aa3	3,500,000	3,517,395	FRN	12/05/2022	12/05/2027	4.00%
Emerald Reverse Mortgage Trust	S&P A	446,084	358,545	MBS	17/07/2006	21/08/2051	3.52%
Emerald Reverse Mortgage Trust	S&P A	2,000,000	1,308,160	MBS	17/07/2006	21/08/2056	3.82%
Total			38,037,799				
Managed Funds & Other							
MANAGED FUNDS							
Investment Body	Rating	Purchase Price \$	Fair Value of Holding \$	Purchase Date	Monthly Return (Actual)	FYTD (Actual)	
Tcorp Long Term Growth Facility Fund	N/A		3,533,718	13/06/2007	-3.06%	3.44%	
Tcorp Medium Term Growth Facility Fund	N/A		4,708,740	14/06/2007	-1.66%	2.07%	
Total			8,242,458				
Membership interest in Investment Body			Fair Value of Holding \$				
CivicRisk Mutual Limited	N/A		2,524,000				
TOTAL INVESTMENTS			\$ 157,209,070				
* The maturity date provided is the weighted-average life of the security. This is the average amount of time that will elapse from the date of security's issuance until each dollar is repaid based on an actuarial assessment. Assessments are carried out on a regular basis which can potentially extend the life of the investment. Current assessments anticipate an extension of life of the investment.							
This is to certify that all of the above investments have been placed in accordance with the Act, the regulations and Council's Investment Policies.							
Brian Jenkins RESPONSIBLE ACCOUNTING OFFICER							



ITEM 10 CITY OF WOLLONGONG TRAFFIC COMMITTEE MINUTES OF MEETING HELD 17 JANUARY 2023

The City of Wollongong Traffic Committee meeting has been held on 17 January 2023. The recommendations of items listed in Section 3 and 6 of the Traffic Committee Minutes, relating to temporary road closures, are referred to Council for consideration. Temporary road closures, in accordance with the Regulations on public roads for works or events by independent parties, must be considered by Council. Road closures are not considered under delegated authority to the General Manager.

The items in Section 2 and 4 to 5 of Local traffic Committee Minutes are endorsed under delegated Authority of the General manager and do not require referral to Council. Items that appear in sections 2 and 4 to 5 of previous Wollongong Traffic Committee will for part of the published minutes.

RECOMMENDATION

In accordance with the delegated authority to Council, the Minutes and Recommendations of the Wollongong Traffic Committee held on 17 January 2023 in relation to regulation of Traffic as outlined within this report, be adopted.

REPORT AUTHORISATIONS

Report of: Jeremy Morgan, Manager Infrastructure Strategy + Planning
Authorised by: Joanne Page, Director Infrastructure + Works

ATTACHMENTS

- 1 Monthly Cycle Racing Mt Keira 2023 - 1 of 5
- 2 Monthly Cycle Racing Mt Keira 2023 - 2 of 5
- 3 Monthly Cycle Racing Mt Keira 2023 - 3 of 5
- 4 Monthly Cycle Racing Mt Keira 2023 - 4 of 5
- 5 Monthly Cycle Racing Mt Keira 2023 - 5 of 5
- 6 Australian Grand Prix Triathlon -1 of 7
- 7 Australian Grand Prix Triathlon -2 of 7
- 8 Australian Grand Prix Triathlon -3 of 7
- 9 Australian Grand Prix Triathlon -4 of 7
- 10 Australian Grand Prix Triathlon -5 of 7
- 11 Australian Grand Prix Triathlon -6 of 7
- 12 Australian Grand Prix Triathlon -7 of 7
- 13 WIN Stadium, Wollongong - St George Illawarra Dragons - 1 of 4
- 14 WIN Stadium, Wollongong - St George Illawarra Dragons - 2 of 4
- 15 WIN Stadium, Wollongong - St George Illawarra Dragons - 3 of 4
- 16 WIN Stadium, Wollongong - St George Illawarra Dragons - 4 of 4
- 17 Australia Day - Amended Rev1

BACKGROUND**1. WOLLONGONG, Mt Keira Road and Harry Graham Drive – Monthly Cycle Racing – Mt Keira 2023**

This year will mark the third consecutive year that Illawarra Cycle Club (ICC) propose to race on the Mt Keira Road and Harry Graham Drive Course. The racing regularly attracts riders from the following regions – Sydney, Sutherland Shire, Hunter, ACT, McArthur Region, Nowra. The event schedule is proposed as:

- 11 February 2023 (to be approved January meeting)
- 11 March 2023 (to be approved at January meeting)
- 8 April 2023 (to be approved at January meeting)
- 13 May 2023 (to be approved at March meeting)

- 10 June 2023 (to be approved at March meeting)
- 8 July 2023 (to be approved at March meeting)
- 12 August 2023 (to be approved at June meeting)
- 9 September 2023 (to be approved at June meeting)
- 14 October 2023 (to be approved at June meeting)
- 11 November 2023 (to be approved at September meeting)
- 9 December 2023 (to be approved at September meeting)

Due to previous community concern from neighbouring businesses and residents, Council has requested the applicant take the following actions prior to Council providing approvals:

1. Consultation is to be carried out upfront with a completed consultation form sent back to Council for review.
2. Approvals are to be split into quarters – January, March, June and September

The ICC have proposed road closures on Mount Keira Road and Harry Graham Drive, Mount Keira, to permit a monthly series of Club road races, to be held on the second Saturday of each month. Approval is requested for the road closure of the section of Mount Keira Road between Clive Bissell Drive and Picton Road, and on Harry Graham Drive between Mount Keira Road and Fire Trail 15B (near the non-operational coal conveyor at O'Brien's Drift).

A previous yearly approval was endorsed at the Local Traffic Committee meeting of 12 October 2021 which lapsed on 31 December 2022.

The closures are to take effect between the hours of 1.00pm to 5.00pm. The club is planning to use days where the Mount Kembla Motorcycle facility will not have regular events. Residents and other landowners will be able to access their properties via Cordeaux Road and Harry Graham Drive at Mount Kembla during the closures. For through drivers, the alternate route will be via Mount Ousley Road, Clive Bissell Drive and Mount Keira Road east of Clive Bissell Drive.

As the approvals will be considered on a quarterly basis, Council can request the road not be closed on certain weekends if other events or roadworks are occurring. This is to balance road use amongst the community. Also, if the closure impacts are significant, the closure approval may be revoked.

PROPOSAL

1. The proposed road closures of Harry Graham Drive and Mount Keira Road be approved subject to the submitted Traffic Control Plans and [Council's Standard Conditions for Road Closures](#).
2. The road closures be approved upon the receipt of consultation evidence and to the satisfaction of Council.
3. The Council will approve the road closures on a quarterly basis with a clause outlining that Council reserves the right to revoke the approval where road network changes have occurred due to unforeseen circumstances (eg. landslide).

CONSULTATION AND COMMUNICATION

Consultation with the affected parts of the community is a condition of approval for this event. The ICC have started the consultation process by making contact with the impacted stakeholders however they still must complete a Council Road Race consultation template and confirm consultation has taken place.

BACKGROUND

1 WOLLONGONG, Marine Drive, Endeavour Drive and Cliff Road – Australian Grand Prix Triathlon, 4 and 5 March 2023 Proposal

On Saturday 4th and Sunday 5th March 2023, there will be the Australian Grand Prix Tri Event held on the Wollongong Foreshore Park that will require altered traffic arrangements.

- Youth Aquathon – Saturday 4 March 2023
- Junior Aquathlon – Saturday 4 March 2023
- AGPT Equalizer Triathlon – Sunday 5 March 2023

The following road closures (TGS-AGPT-SAT-2023) are required from approximately 7am to 4pm Saturday, 4 March 2023:

- Endeavour Drive Carparks
- Endeavour Drive towards the Marina

The following road closures (TGS-AGPT-SUN-2023) are required from approximately 7am to 4pm Sunday, 5 March 2023:

- Cliff Rd from Marine Dr to Harbour St
- Marine Dr from Cliff Rd to Crown St
- Endeavour Dr from Cliff Rd

PROPOSAL

1. The submitted Traffic Guidance Scheme is to be amended on Marine Drive to allow buses to access the bus terminus as Lang Park.
2. The road closures be approved subject to the submitted Traffic Control Plans and [Council's Standard Conditions for Road Closures](#).

CONSULTATION AND COMMUNICATION

Consultation with business has commenced. Traffic Control measures included in the TMP are a result of consultation undertaken by Canberra Multisport Events, Wollongong City Council, NSW Police & TfNSW.

Resident notifications will be in line with the Foreshore Development Application which is 3 weeks notice.

The applicant must also consult with Local Bus operators due to impact on the bus terminus and free bus route.

BACKGROUND

2 WOLLONGONG, WIN Stadium – St George Illawarra Dragons

The venue Manager at WIN Sports and Entertainment Centre is seeking approval for the regulation of traffic with reference to the Major Events being held at the Stadium for the St George Illawarra Dragons. The temporary road closures include Harbour Street between Crown and Burelli Streets and full road closure of Harbour Street from Burelli to Stewart Street. The events are as follows:

- Saturday, 11 February 2023, Pre-Season Challenge, Main game at 8.05pm
- Saturday, 1 April 2023, Main Game at 5.30pm
- Sunday, 30 April 2023, Main Game at 4.05pm
- Friday, 23 June 2023, Main Game at 8.00pm
- Friday, 7 July 2023, Main Game at 8.00pm
- Thursday, 20 July 2023, Main Game 7.50pm

- Saturday, 29 July 2023, Main Game at 5.30pm
- Saturday, 19 August 2023, Main Game 7.35pm

As with previous events at this venue, the regulation of traffic is set out in the TMP's originally approved as part of the development and consent for this facility, based on expected crowd numbers. The scale of traffic management will vary based on forecast attendance and venue configuration. All games will be played using the 10-15,000 scale TMP. Some games will have a lower anticipated attendance and based on a risk assessment; the same plan will be implemented without the 5 x truck mounted attenuators.

PROPOSAL

1. The road closures be approved subject to the submitted Traffic Control Plans and [Council's Standard Conditions for Road Closures](#).
2. For future events including 2024 events the WIN Sports and Entertainment Centre must prepare a green transport plan.

CONSULTATION AND COMMUNICATION

Consultation with affected residents and businesses is a condition of approval for this road closure.

BACKGROUND

3 WOLLONGONG, Various Locations – Australia Day 2023

Item 3.6 which was approved on 29 November 2022 for the Australia Day Event has been amended to improve safety for the event and remove any circling vehicles on Smith Street and Harbour Street, where there will be significant pedestrian numbers. This also creates an enclosed area where only local traffic is permitted, improving safety as pedestrian numbers are higher.

PROPOSAL

1. Amended Traffic management Plan noted.
2. An ROL is required for this event as it impacts the State network and traffic lights along Corrimal St. Council has advised the Events Team.

CONSULTATION AND COMMUNICATION

The updates in the plan have been included in the community interfacing Australia Day map which is available on our website and has been included in our resident notifications.

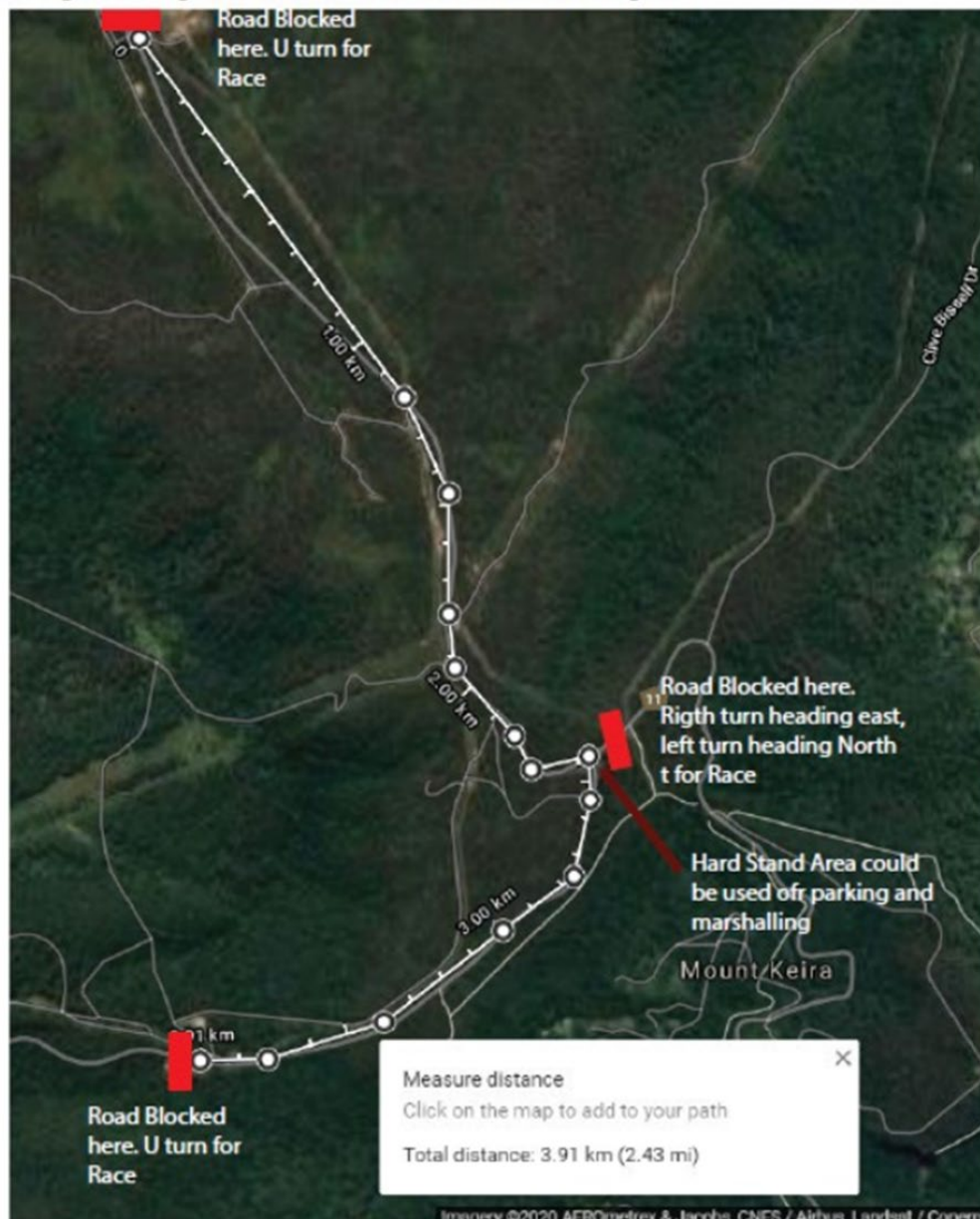
PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal "We have affordable and accessible transport". It specifically delivers on core business activities as detailed in the Transport Services.

Item 3.1 - WOLLONGONG, Mt Keira Road/Harry Graham Drive – Monthly Cycle Racing Mt Keira 2023 – Page 1 of 5

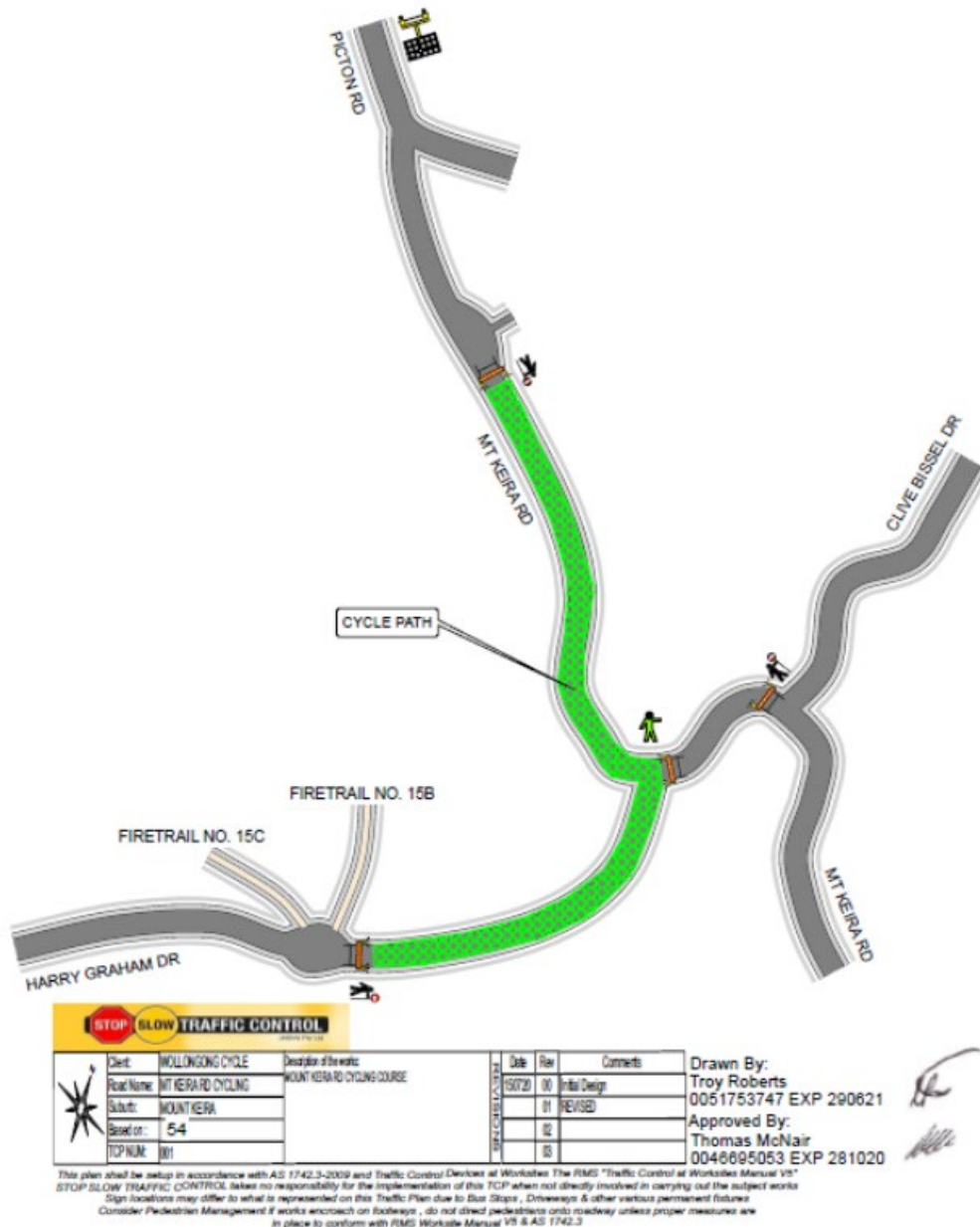
Course Map

Approximately 3km Course on Mt Keira Rd Starting about 500m from Picton Rd heading east to Harry Graham Drive and turning Right. Heading south for about 1.4km U turn at former coal loader at top of hill (Mt Kembla Drift) and heading back along the same course. U Turn before Picton Rd again.

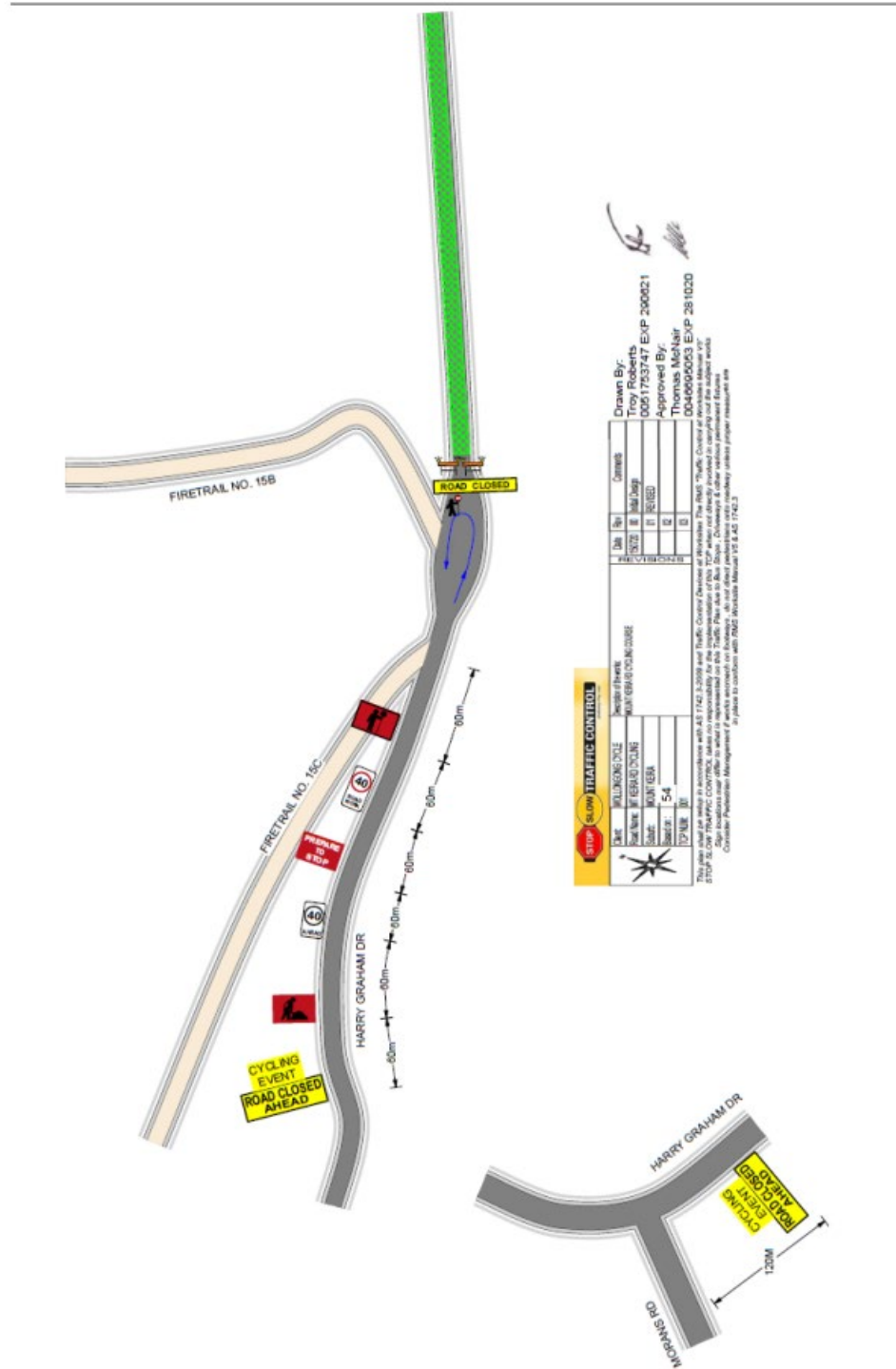


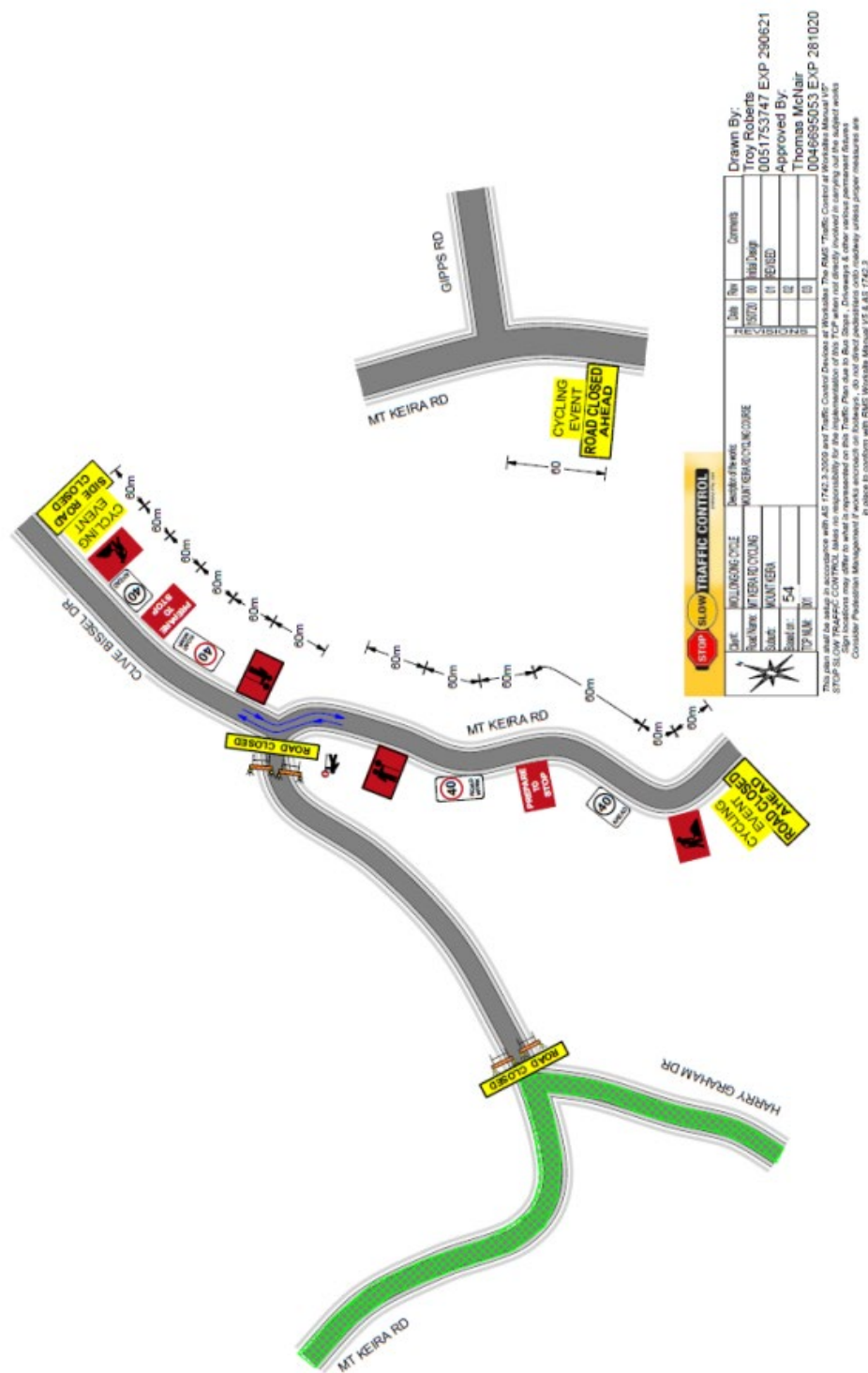
Item 3.1 - WOLLONGONG, Mt Keira Road/Harry Graham Drive – Monthly Cycle Racing Mt Keira
2023 – Page 2 of 5

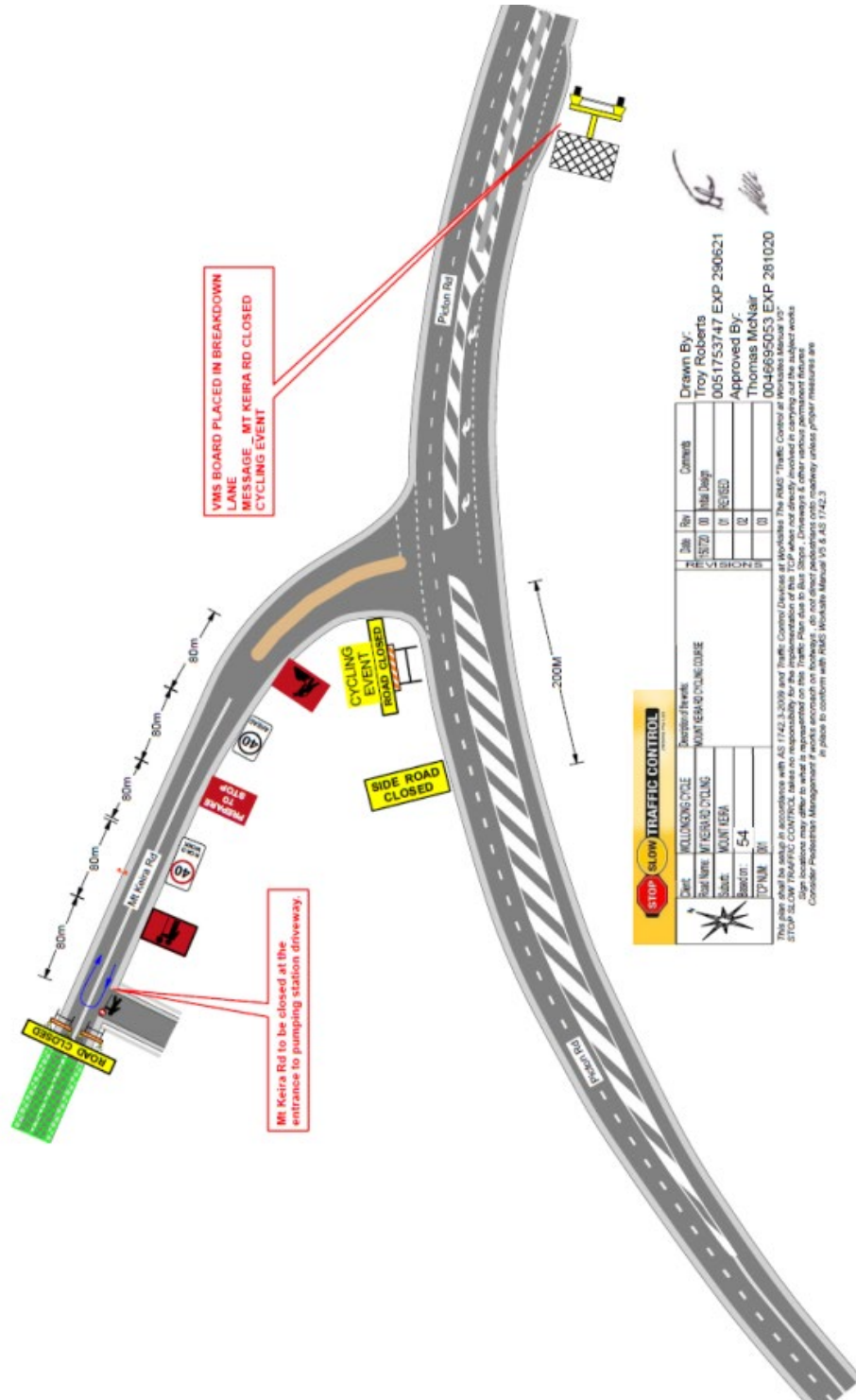
Mt Keira Racing Course



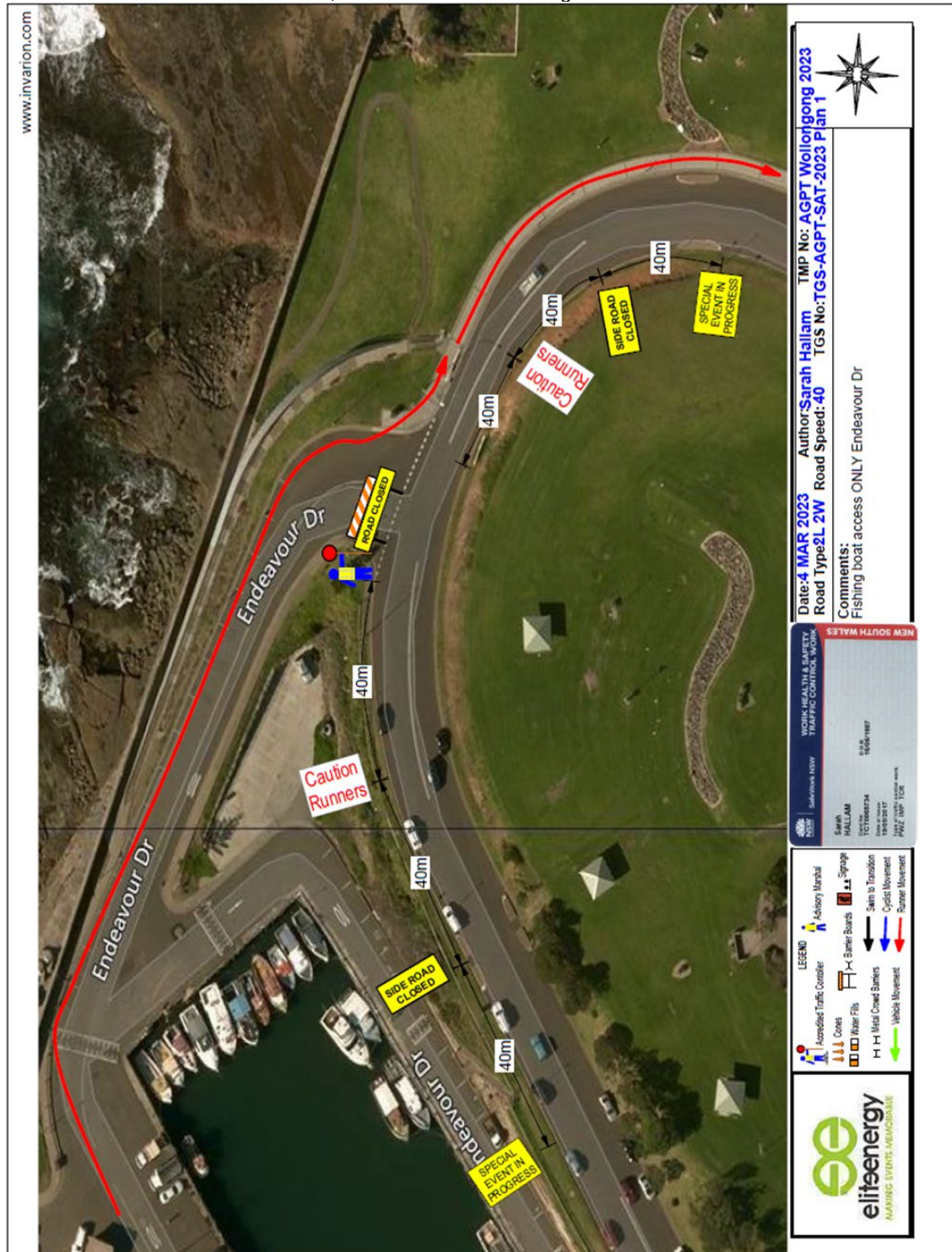
Item 3.1 - WOLLONGONG, Mt Keira Road/Harry Graham Drive – Monthly Cycle Racing Mt Keira
2023 – Page 3 of 5



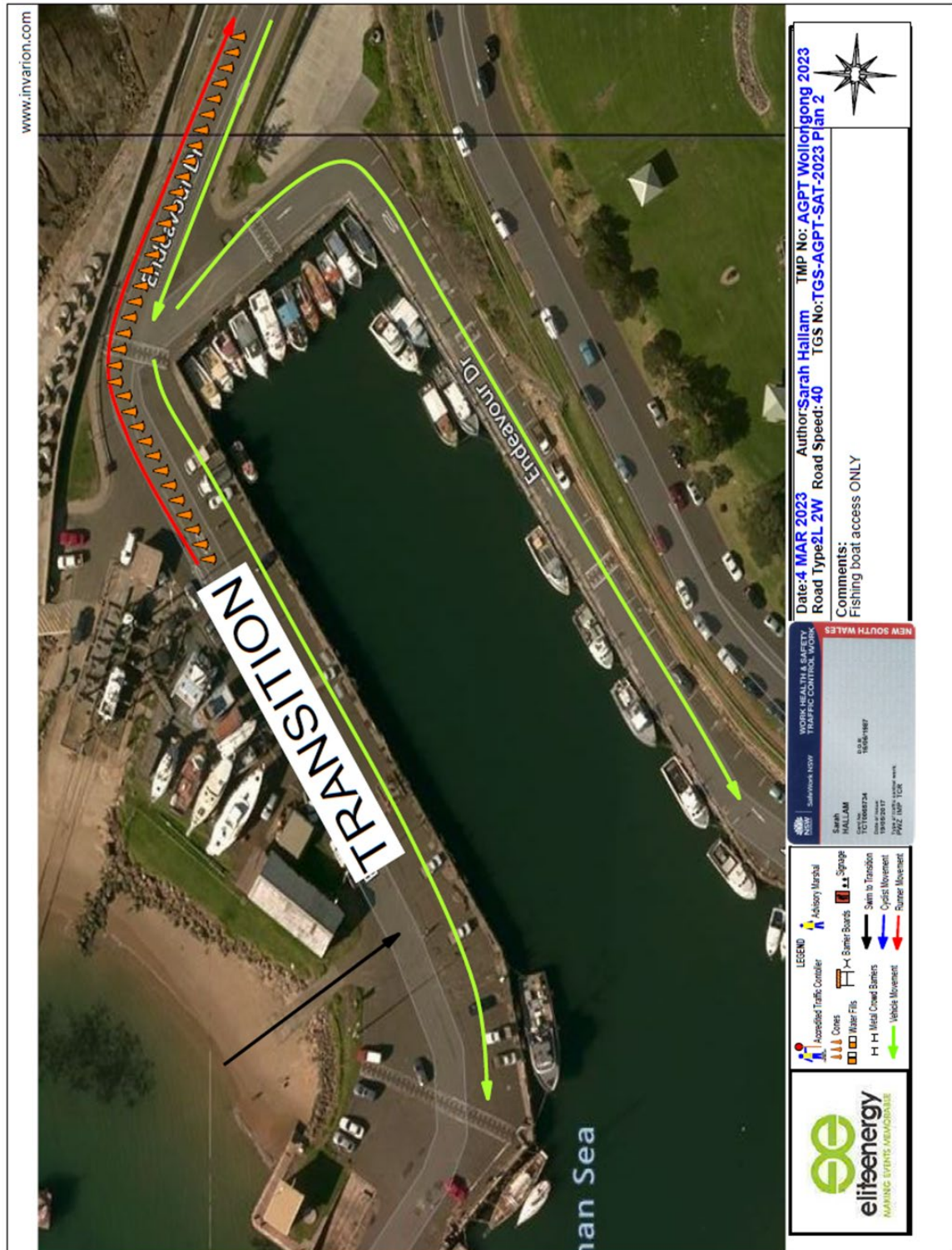




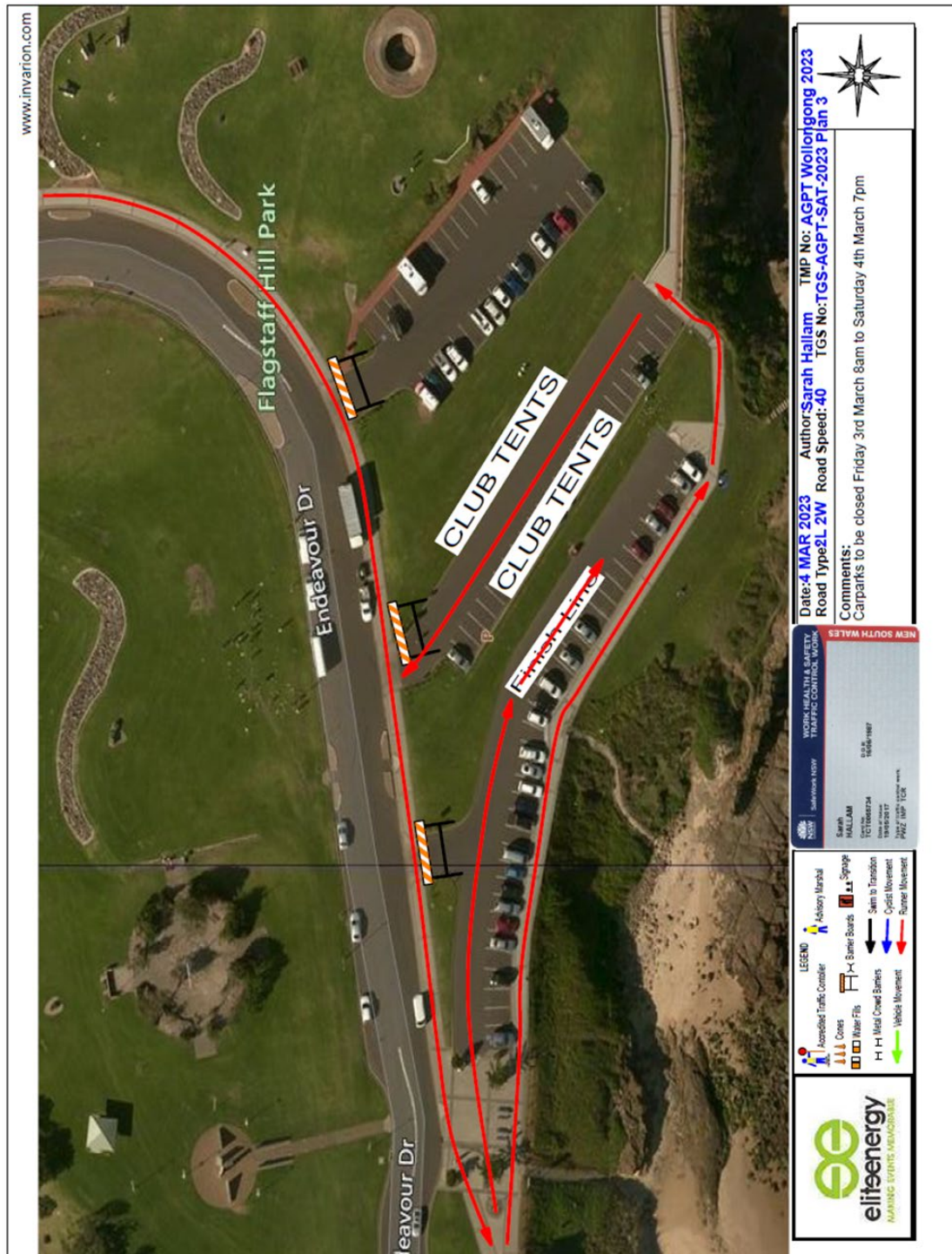
Item 3.2 - WOLLONGONG, Marine Drive, Endeavour Drive and Cliff Road – Australian Grand Prix Triathlon, 4 and 5 March 2023 – Page 1 of 7



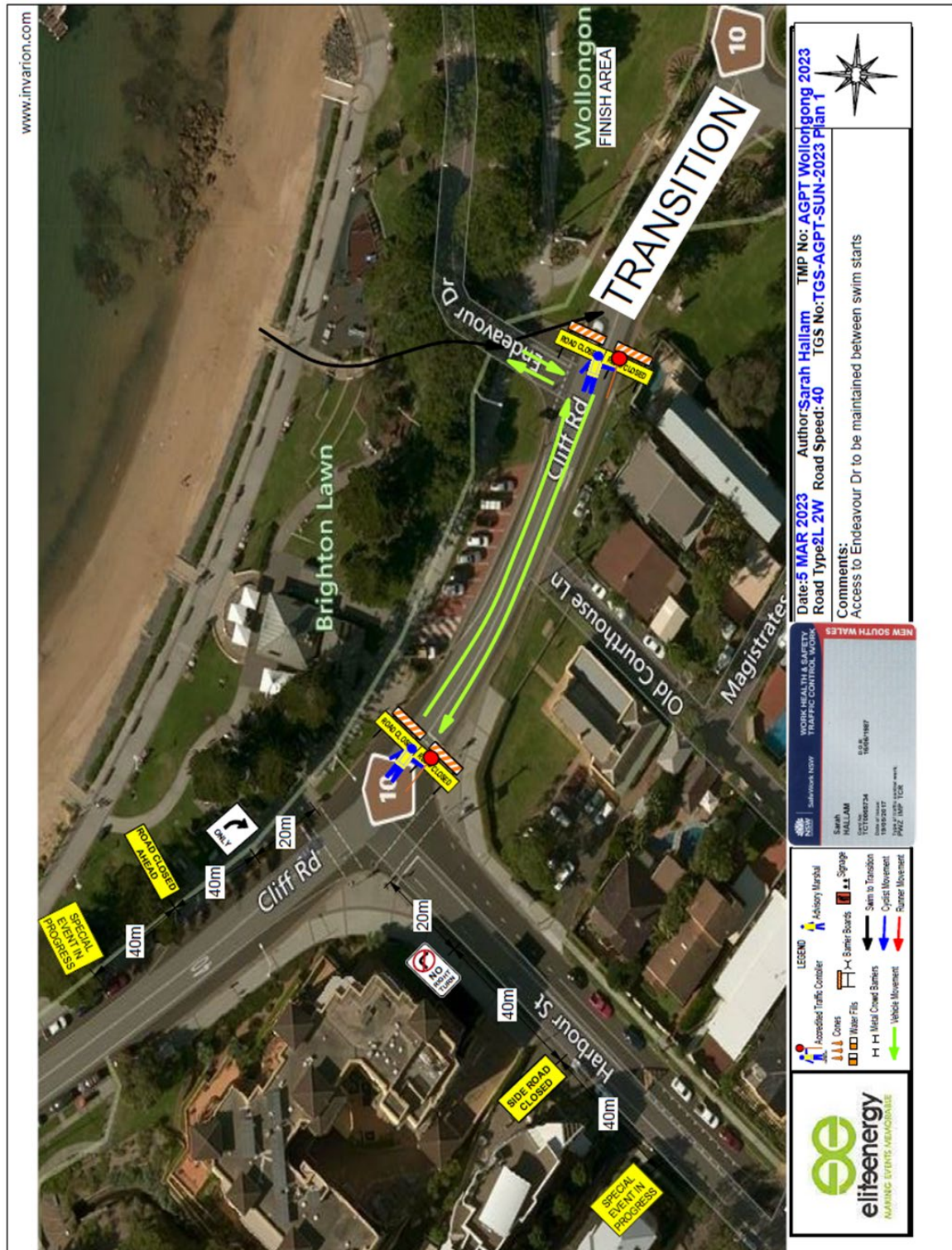
Item 3.2 - WOLLONGONG, Marine Drive, Endeavour Drive and Cliff Road – Australian Grand Prix Triathlon, 4 and 5 March 2023 – Page 2 of 7



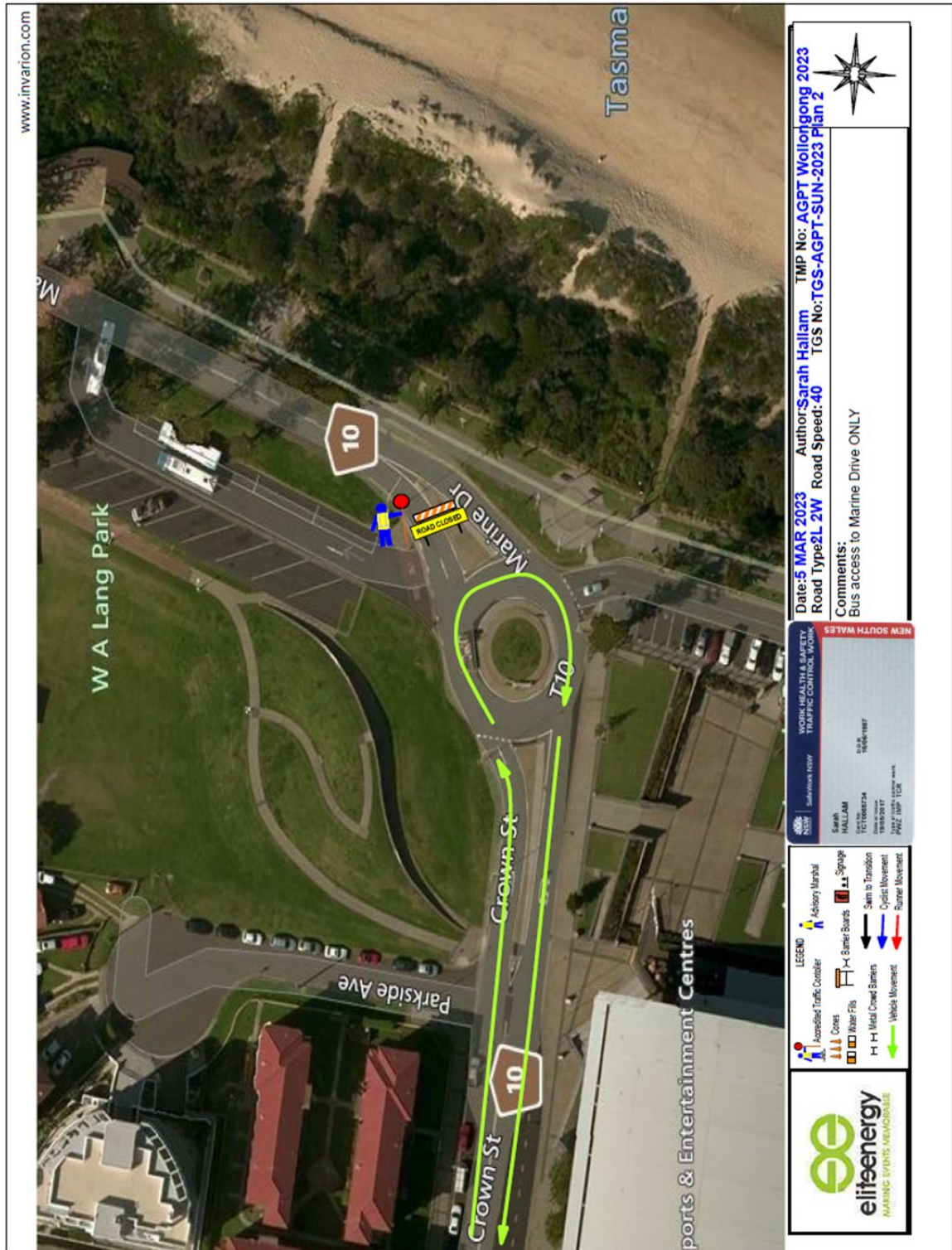
Item 3.2 - WOLLONGONG, Marine Drive, Endeavour Drive and Cliff Road – Australian Grand Prix Triathlon, 4 and 5 March 2023 – Page 3 of 7



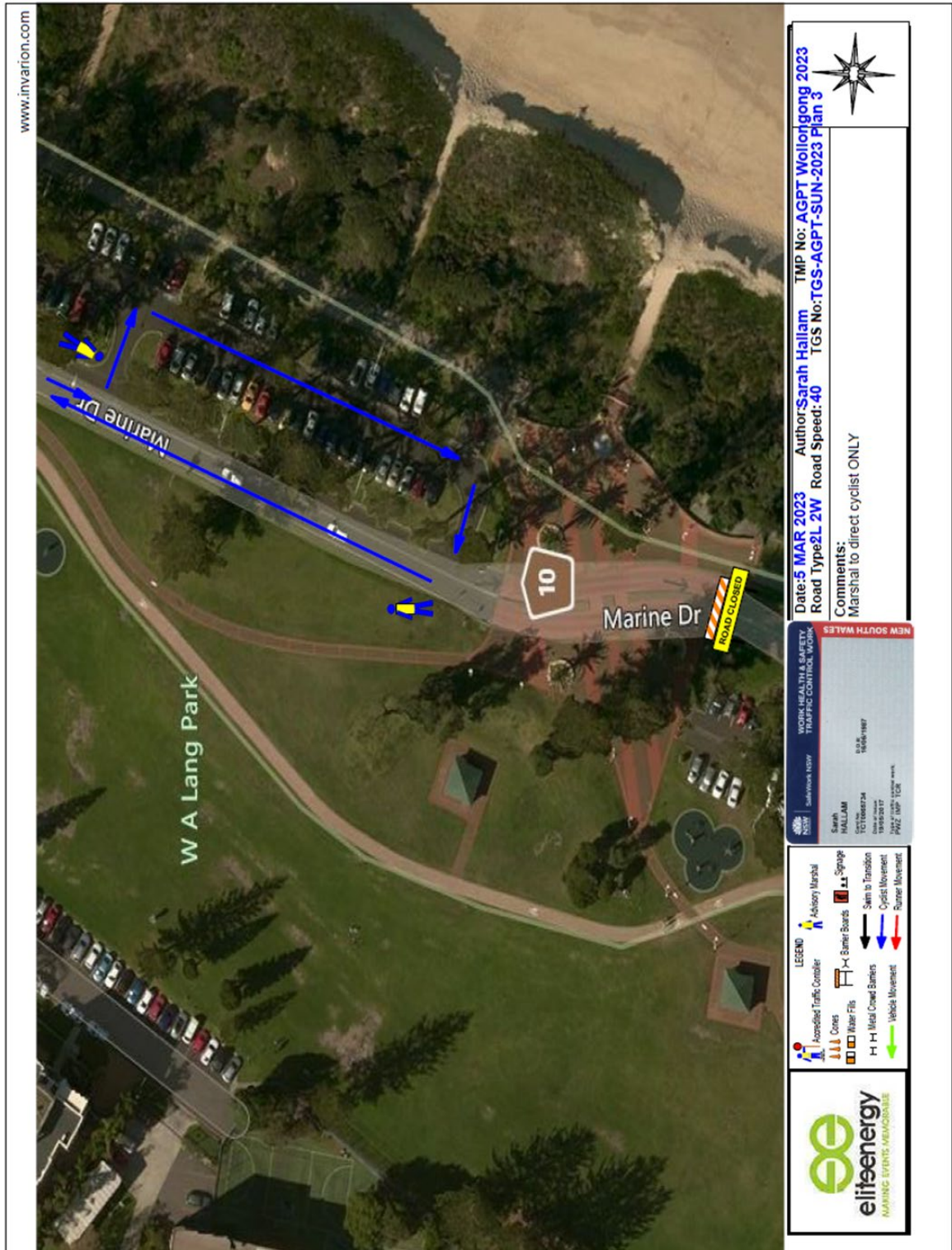
Item 3.2 - WOLLONGONG, Marine Drive, Endeavour Drive and Cliff Road – Australian Grand Prix Triathlon, 4 and 5 March 2023 – Page 4 of 7



Item 3.2 - WOLLONGONG, Marine Drive, Endeavour Drive and Cliff Road – Australian Grand Prix Triathlon, 4 and 5 March 2023 – Page 5 of 7



Item 3.2 - WOLLONGONG, Marine Drive, Endeavour Drive and Cliff Road – Australian Grand Prix Triathlon, 4 and 5 March 2023 – Page 6 of 7



Legend:

- Aerobated Traffic Controller
- Cones
- Barrier Fil
- H-Metal Crowd Barriers
- Vehicle Movement
- Advisory Marshal
- Banner Boards
- Sigage
- Sign to Transition
- Cyclist Movement
- Runner Movement

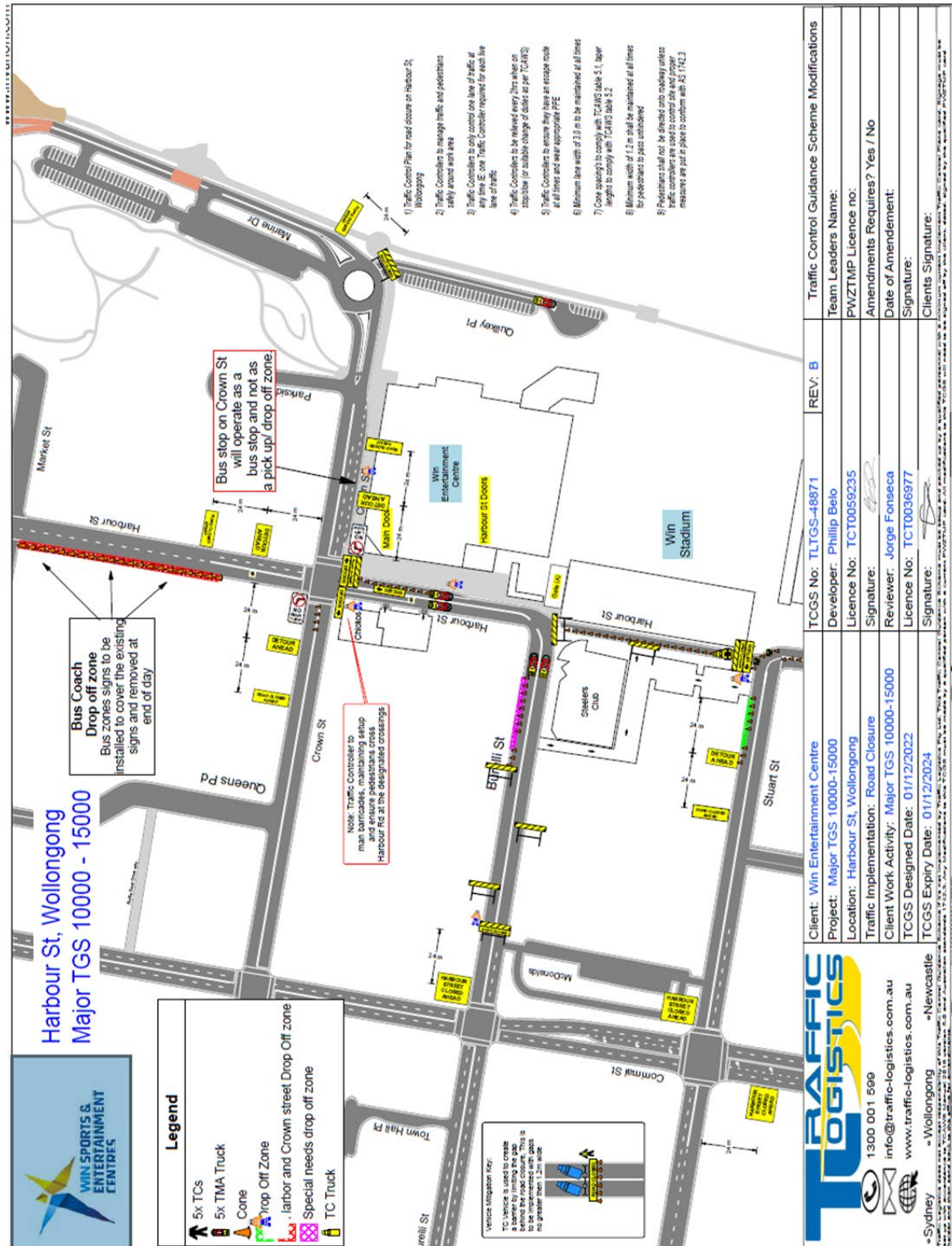
Date: 5 MAR 2023
Author: Sarah Hallam
TMP No: AGPT Wollongong 2023
Road Type: L 2W
Road Speed: 40
TGS No: TGS-AGPT-SUN-2023 Plan 4

Comments:
 Bike leg will complete 2 laps
 Marshal to direct runners and cyclists ONLY

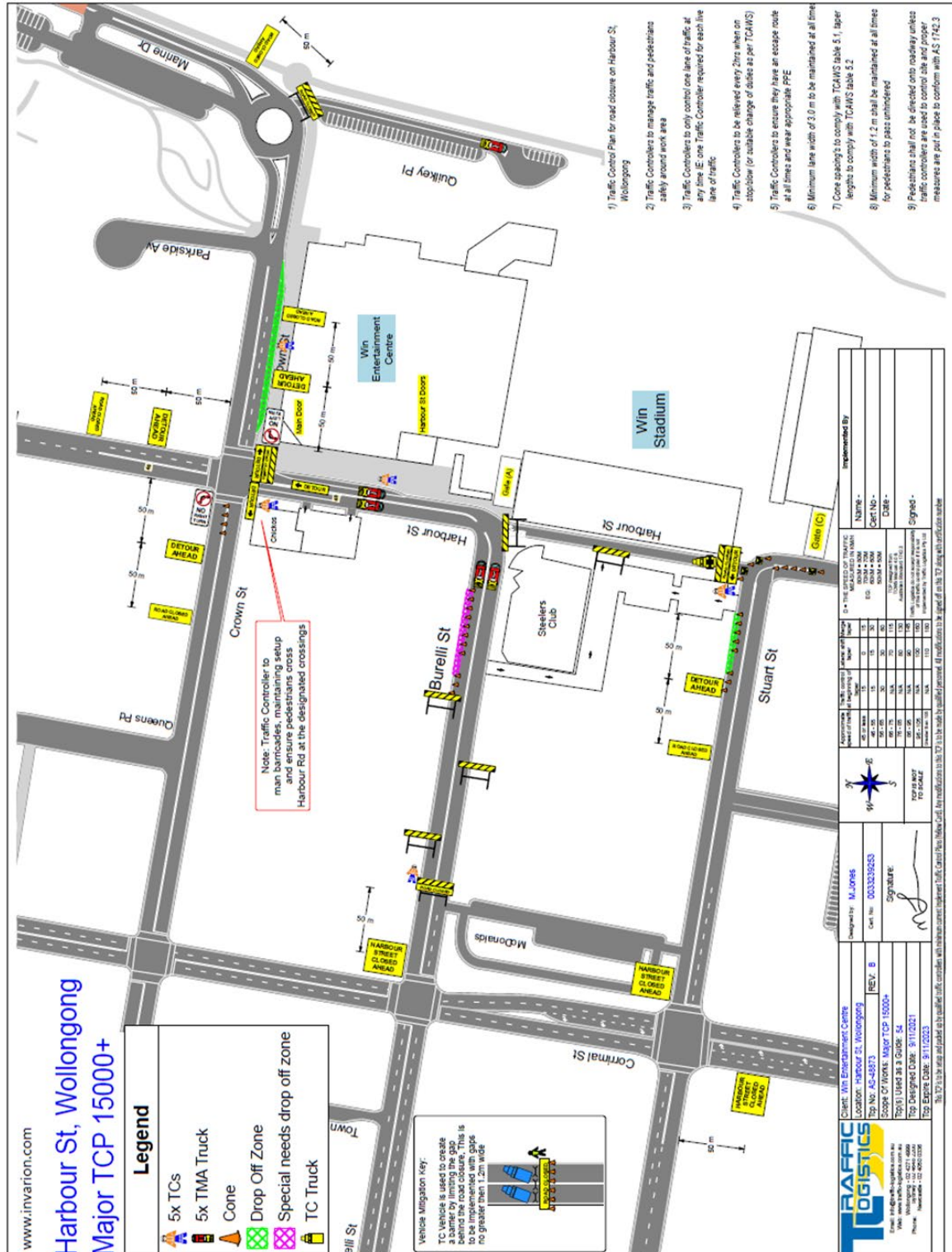
eliteenergy
 MAKING EVENTS MEMORABLE

NSW SOUTH WALES
 WORK HEALTH & SAFETY
 TRAFFIC CONTROL WORK
 SARAH HALLAM
 CTS No: TC1000024
 VMS No: VMS0017
 MPZ: 100% 100%

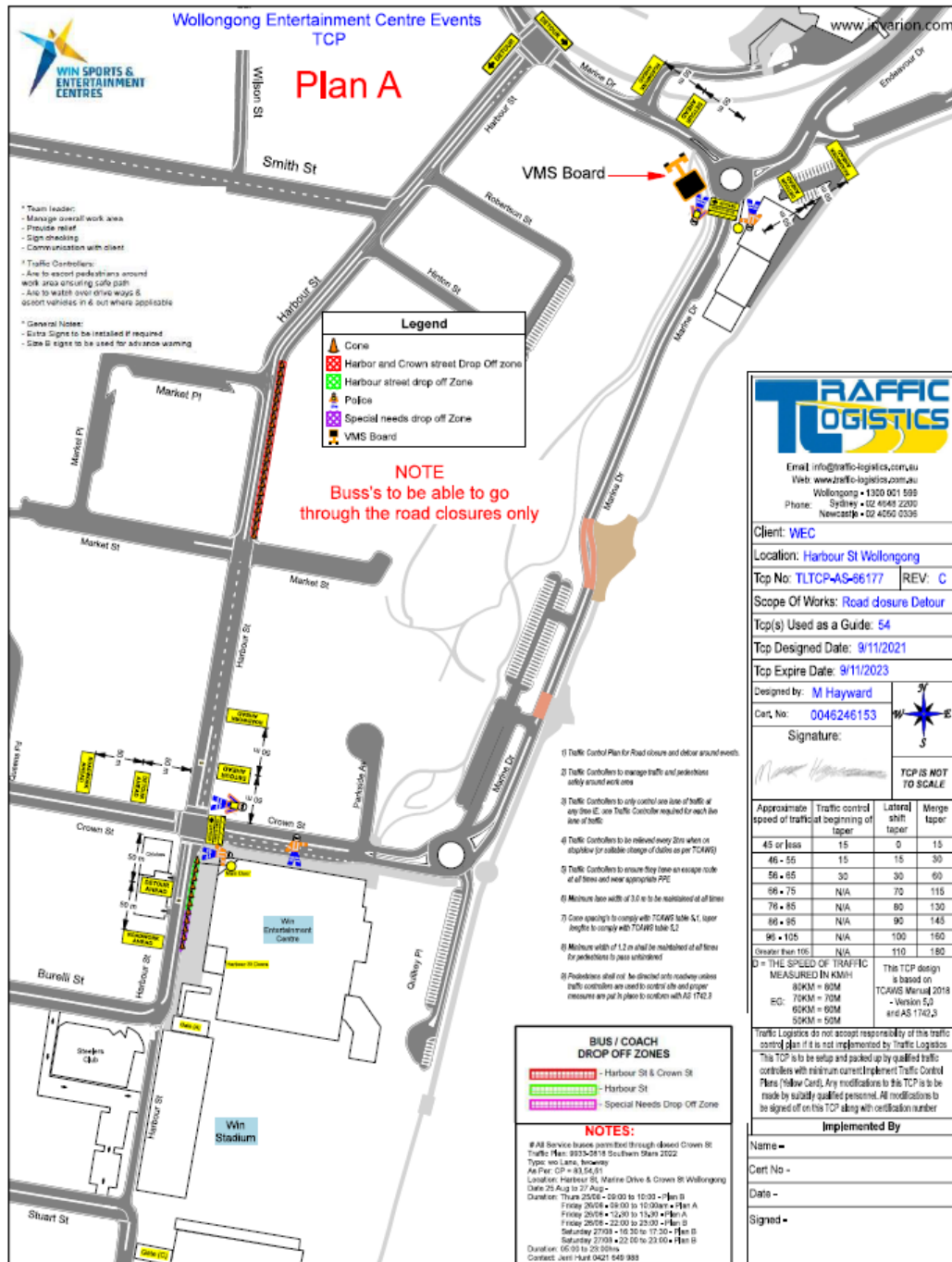
Item 3.3 - WOLLONGONG, WIN Stadium, Wollongong – St George Illawarra Dragons – Page 1 of 4



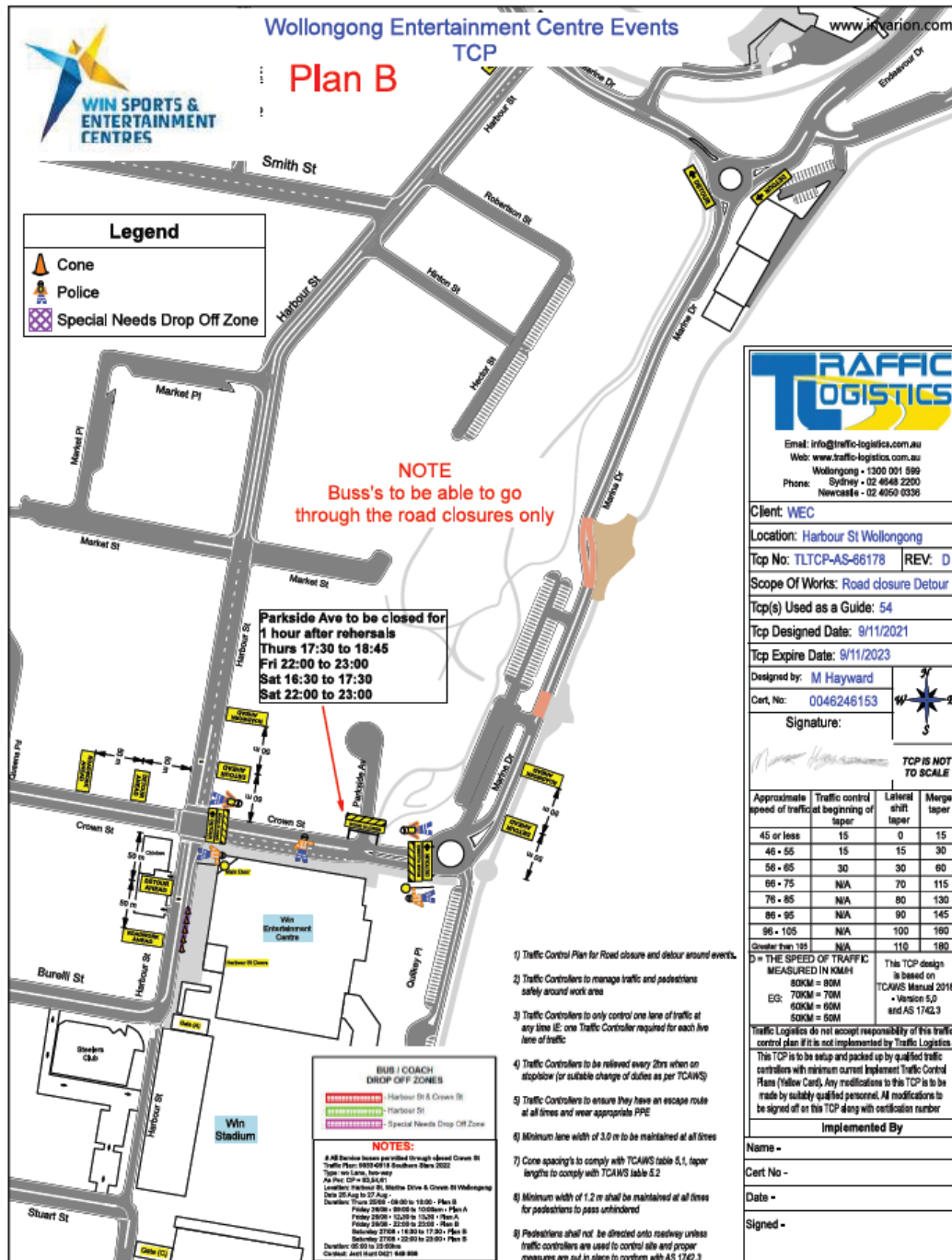
Item 3.3 - WOLLONGONG, WIN Stadium, Wollongong – St George Illawarra Dragons – Page 2 of 4



Item 3.3 - WOLLONGONG, WIN Stadium, Wollongong – St George Illawarra Dragons – Page 3 of 4



Item 3.3 - WOLLONGONG, WIN Stadium, Wollongong – St George Illawarra Dragons – Page 4 of 4



ITEM 11 NOTICE OF MOTION - COUNCILLOR JANICE KERSHAW - MARINERS MEMORIAL

Councillor Janice Kershaw has submitted the following Notice of Motion –

“I formally move that –

- 1 Council considers the establishment of a permanent memorial in Wollongong to recognise the role of the Merchant Mariner in the development of the Illawarra and their ongoing role.
- 2 Although there are various historical markers found around the area’s maritime precincts a prominent memorial would be more befitting the role of the Merchant Mariner, such as –
 - a A naval flagpole, flying the Australian Red Ensign, the national flag for the Merchant Navy, with accompanying explanatory “plinth” to act as a focus point for the Illawarra’s relationship with ships, the sea, and Mariners.
 - b A naval style flagpole with yard arms and gaff may be more functional, to allow the flying of the Australian Red Ensign along with other flags.
- 3 This item be added to the list of projects for discussion at the Councillors upcoming planning days, providing the following –
 - a Suggested locations for the installation of the flagpole
 - b Approximate cost of the different options
 - c Timeframe for installation.”

Background provided by Councillor Janice Kershaw:

Wollongong and the Illawarra has a rich and diverse maritime heritage. From the days of European first settlement merchant ships of all sizes have traded to and from the Illawarra with Wollongong harbour being the initial hub of maritime trade until the focus shifted to Port Kembla.

The Illawarra has been home to and produced many Australian commercial mariners, and whether they be fishermen in their trawlers, pilots and tugboat crew in our Harbours or deep-sea sailors navigating their large ships through our major port gateways, their work has gone on largely unrecognised. Wollongong with its port of Kembla is one of Australia’s top 10 shipping ports (on a tonnage basis), and a passing parade of merchant ships are seen off Flagstaff Hill on a daily basis

Flagstaff Hill is so named because from here flags were flown to indicate the status of shipping activity to the local populace during the early development of the city and port. Flagstaff Hill with its iconic white lighthouse is central to the Wollongong coastal vista, and overlooks the entrances to both of the ports that have accommodated the regions coastal trade (i.e. Belmore Basin -Wollongong Harbour and Port Kembla.) Flagstaff Hill would therefore be an appropriate location for a prominent but simple memorial to its past and future merchant mariners.

ITEM 12 NOTICE OF MOTION - COUNCILLOR CATH BLAKEY AND COUNCILLOR DOM FIGLIOMENI - KORRONGULLA SWAMP REMEDIATION

Councillor Cath Blakey has submitted the following Notice of Motion –

“I formally move that Council –

- 1 Note the community alarm regarding the four days of land clearing undertaken at the Korrongulla Swamp copper slag emplacement site between Boxing Day and New Years Eve, and future uses of the site.
- 2 Note that the last license review was conducted in 2018, 15 years after the Port Kembla Copper Smelter ceased operation.
- 3 Write to the NSW Minister for Environment and Heritage, NSW Shadow Minister for the Environment and cross-party Environment Portfolio holders:
 - a. Noting the local community concern regarding the clearing of vegetation and sediment disturbance on a site with heavy metal contamination.
 - b. Requesting a review of the Environment Protection Licence 2509 for the Korrongulla Swamp and its former use as a copper slag emplacement site and an analysis of previous independent site audits, and information around the findings of those site audits in respect to future permissible use of the site.
 - c. Requesting that when monitoring records and annual returns have not been satisfactorily completed within a reasonable timeframe that compliance action is taken against the license holder.
 - d. Requesting that site remediation be finalised and that an Environmental Management Plan be developed and exhibited for public consultation.

Background provided by Councillor Blakey and Councillor Figliomeni:

The copper slag emplacement site at Korrongulla Swamp in Primbee is subject to Environment Protection Licence (EPL) 2509 issued under the *Protection of the Environment Operations Act 1997*. Port Kembla Copper was first granted this EPL for "waste disposal by application to land" in 1999, and this EPL was transferred to Mimosa Rehabilitations in November 2022 for Korrongulla Swamp in Primbee.

This Korrongulla Swamp site was a sand mine site that was used as a copper smelter slag emplacement pond by Port Kembla Copper up until 2003. The copper smelter closed in 2003 and was demolished in 2014. In 2020 Council rejected a proposal to transfer the Korrongulla Swamp into Council management and ownership citing the outstanding and on-going remediation costs and liabilities. The site is zoned C2 Environmental Conservation.

EPLs are managed by the NSW Environment Protection Authority (EPA) as the regulatory authority. The EPA may refuse an application for surrender of an EPL when of the opinion that there will be ongoing environmental impacts after the site activities cease and it is appropriate to manage those impacts. Commonly, the EPA will require a site to be remediated prior to approving the surrender of the EPL. This remediation work tends to be carried out after operations at the site have ceased. Environmental monitoring is generally required post-remediation to substantiate the low level of risk from the site or premises. Often in cases of contaminated lands an EPL will be replaced with an Environmental Management Plan established to manage any residual contamination.

The community has raised concerns that there has been a lack of public consultation by the previous and current owners, and lack of availability of monitoring records and annual audit reports, both of which are license requirements.

The site adjoins Korrongulla Wetland, a Council managed reserve that is an annex of the Wollongong Botanic Garden and is classified as containing four endangered ecological communities (Swamp Oak Floodplain Forest, Bangalay Sand Forest, Freshwater Wetland on Coastal Floodplain, and Littoral Rainforest) and species including the Green and Gold Bell Frog.



Figure 1. Aerial image of Korrongulla Swamp

ITEM 13 NOTICE OF MOTION - COUNCILLOR ANN MARTIN - FIRE SALE OF KING STREET WARRAWONG SITE

Councillor Ann Martin has submitted the following Notice of Motion –

“I formally move that Council write to the Premier, the Minister for Planning and Homes, and the local Member for Wollongong Paul Scully seeking –

- 1 The immediate suspension of the Expression of Interest process and potential sale of the public land at King Street Warrawong;
- 2 That a community and State agency and stakeholder consultation and future use study process, including the Lake Illawarra Estuary Management Committee be entered into towards establishing a Masterplan for the subject site;
- 3 That Council insist that the process around the consideration of the future of the King Street Warrawong site be recommenced after the NSW State election and supports the site remaining in public ownership.”

Background provided by Councillor Ann Martin:

In the period since 16 December 2022 the NSW Property Services Group have contracted Savilles Real Estate to manage an EOI for the future use and sale of the King Street Warrawong public land site.

Community members and Paul Scully MP have called out this process that is occurring leading up to the NSW state election, without any consideration for the complex issues around the future potential of the site. Importantly the site has significance to the local Aboriginal community, is likely to be contaminated land, is identified as flood affected, and is adjacent to an area of significant environmental significance.

The site is too important and significant for the future cultural, environmental, tourism and public recreation uses for Wollongong to be sold in a way that ignores the public land status during the former Lake Illawarra Authority period and disrespects the role the Lake plays to its surrounding communities.