



BUSINESS PAPER

Works Committee Meeting

Council Chambers
17 October 2022

5.30pm

BROKEN HILL
CITY COUNCIL

**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**

MEMBERS OF THE WORKS COMMITTEE

Mayor Kennedy, Councillor Boland (Chairperson) Councillor Algate, Councillor Chandler, Councillor Page

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993*, that the Works Committee of the Broken Hill City Council will be held in the Council Chambers on **Monday 17 October, 2022** commencing at **5:30pm** to consider the following business:

AGENDA	
1	Opening the Meeting
2	Apologies
3	Leave of Absence Applications
4	Prayer
5	Acknowledgement of Country
6	Acknowledgement of Broken Hill's Mining History
7	Minutes for Confirmation
8	Disclosure of Interest
9	Reports
10	Confidential Matters
11	Conclusion of the Meeting

STATEMENT OF ETHICAL OBLIGATIONS

All Councillors undertook an Oath or Affirmation at the beginning of their term of office and declared to undertake the duties of the office of Councillor in the best interests of the people of the Broken Hill Local Government Area and the City of Broken Hill; 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.

LIVE STREAMING OF COUNCIL MEETINGS

This Council meeting is being streamed live, recorded, and broadcast online via Facebook. To those present in the gallery today, by attending or participating in this public meeting you are consenting to your image, voice and comments being recorded and published. The Mayor and/or General Manager have the authority to pause or terminate the stream if comments or debate are considered defamatory or otherwise inappropriate for publishing. Attendees are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

JAY NANKIVELL
GENERAL MANAGER

MINUTES FOR CONFIRMATION

Minutes of the Works Committee of the City of Broken Hill held Monday, September 19, 2022.

**MINUTES OF THE WORKS COMMITTEE MEETING HELD MONDAY,
SEPTEMBER 19, 2022 (5:30PM)**

PRESENT:

Councillor T Kennedy (Mayor), Councillors M Boland (Chairperson),
A Chandler and R Page.

General Manager, Chief Financial Officer, Chief Assets and Projects Officer,
Chief Corporate and Community Officer, Executive Officer and Executive
Assistant.

Media (nil), Members of the Public (1).

APOLOGIES:

Nil.

LEAVE OF ABSENCE APPLICATIONS: Councillor Algate submitted a leave of
absence application on the grounds of a “prescribed reason” under Council’s Code of
Meeting Practice.

Procedural Motion

Moved Councillor Ron Page, Seconded Councillor Alan Chandler

That the Committee accepts the leave of absence application and grants Councillor Algate
a leave of absence from this meeting.

CARRIED UNANIMOUSLY

PRAYER

Mayor Kennedy delivered the Prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Chandler delivered the Acknowledgement of Country.

ACKNOWLEDGEMENT OF BROKEN HILL’S MINING HISTORY

Councillor Page delivered the Acknowledgement of Broken Hill’s Mining History.

MINUTES FOR CONFIRMATION

Recommendation

Moved Councillor Alan Chandler, Seconded Councillor Ron Page

That the Minutes of the Works Committee meeting held Monday August 22, 2022 be
confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil.

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 202/22 - DATED SEPTEMBER 09, 2022 - UPDATE FOR THE ESTABLISHMENT OF A COMMUNITY GARDEN AT THE FORMER ALMA POOL SITE D22/48052

Recommendation**Moved Councillor Ron Page, Seconded Mayor Tom Kennedy**

1. That Broken Hill City Council Report No. 202/22 dated September 9, 2022, be received.
2. That Council formulate a Community Gardens Policy with associated Guidelines for presentation to the community for input and consultation.

CARRIED UNANIMOUSLY

2. BROKEN HILL CITY COUNCIL REPORT NO. 203/22 - DATED SEPTEMBER 05, 2022 - MINUTES OF THE NORM FOX SPORTING COMPLEX COMMUNITY COMMITTEE ANNUAL GENERAL MEETING HELD 25 AUGUST 2022 D22/46983

Recommendation**Moved Councillor Ron Page, Seconded Councillor Alan Chandler**

1. That Broken Hill City Council Report No. 203/22 dated September 5, 2022, be received.
2. That minutes of the Norm Fox Sporting Complex Community Committee, Annual General Meeting, held 25 August 2022 be received.

CARRIED UNANIMOUSLY

3. BROKEN HILL CITY COUNCIL REPORT NO. 204/22 - DATED AUGUST 29, 2022 - MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE ANNUAL GENERAL MEETING HELD 23 AUGUST 2022 D22/45281

Recommendation**Moved Councillor Ron Page, Seconded Councillor Alan Chandler**

1. That Broken Hill City Council Report No. 204/22 dated August 29, 2022, be received.
2. That minutes of the BIU Band Hall Community Committee Annual General Meeting held 23 August 2022 be received.

CARRIED UNANIMOUSLY

4. BROKEN HILL CITY COUNCIL REPORT NO. 207/22 - DATED AUGUST 22, 2022 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 2 AUGUST 2022 D22/44100

Recommendation

Moved Councillor Ron Page, Seconded Councillor Alan Chandler

1. That Broken Hill City Council Report No. 207/22 dated August 22, 2022, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 2 August 2022 be received.
3. That the Memorial Oval caretaker's vehicle be disposed of in accordance with Council's Disposal of Assets Policy.

CARRIED UNANIMOUSLY

CONFIDENTIAL MATTERS

Motion

Moved Councillor Ron Page, Seconded Councillor Alan Chandler

That the meeting be closed to the public in accordance with Section 10A(2) of the Local Government Act 1993 in order for the Committee to consider the confidential reports in closed session.

CARRIED UNANIMOUSLY

The member of the public left the Council Chambers at 5:43pm and Livestream of the meeting ceased.

5. BROKEN HILL CITY COUNCIL REPORT NO. 208/22 - DATED SEPTEMBER 09, 2022 - T22/5 REQUEST FOR TENDER THOMAS/ O'FARRELL STREET INTERSECTION RECONSTRUCTION - **CONFIDENTIAL**

(General Manager's Note: This report considers Tender Submissions and is deemed confidential under Section 10A(2) (c) (d) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).

Recommendation

Moved Councillor Ron Page, Seconded Councillor Alan Chandler

1. That Broken Hill City Council Report No. 208/22 dated September 9, 2022, be received.

2. That Conex Group Pty Ltd be awarded the contract for T22/5 Request for Tender for Thomas/ O'Farrell Street Intersection Reconstruction, for the amount of \$434,759.95 (Exc GST).
3. That Council approve an increase in capital budget for the project for \$70,208.95.

CARRIED UNANIMOUSLY

6. BROKEN HILL CITY COUNCIL REPORT NO. 209/22 - DATED SEPTEMBER 12, 2022 - T22/4 - REQUEST FOR TENDER - WARNOCK STREET DEPOT DEVELOPMENT - DETAILED DESIGN - **CONFIDENTIAL**

(General Manager's Note: This report is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

Recommendation

Moved Mayor Tom Kennedy, Seconded Councillor Alan Chandler

1. That Broken Hill City Council Report No. 209/22 dated September 12, 2022, be received.
2. That Council awards the tender T22/4 – Request for Tender – Warnock Street Depot Development Detailed Design, including optional additions, Traffic Assessment and Environmental Assessment to GHD Pty Ltd for \$1,253,158 (ex GST).

CARRIED

FOR: Mayor Tom Kennedy, Councillors Michael Boland and Alan Chandler
AGAINST: Councillor Ron Page

The General Manager took a question on notice regarding an explanation of the methodology for value for money of the preferred tenderer, and advised that this explanation will be circulated to Councillors via email prior to the September Council Meeting.

Procedural Motion

Moved Councillor Ron Page, Seconded Councillor Alan Chandler

That the meeting resumes in open session.

CARRIED UNANIMOUSLY

The member of the public returned to the Council Chambers at 5:56pm.

There being no further business to consider, the meeting closed at 5:57pm.

The foregoing minutes were read and confirmed at the Works Committee meeting held on Monday, 17 October 2022.

Chairperson

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 233/22 - DATED
SEPTEMBER 12, 2022 - ADOPTION OF THE DRAFT ASBESTOS
POLICY (D22/48333) 9

WORKS COMMITTEE

September 12, 2022

ITEM 1BROKEN HILL CITY COUNCIL REPORT NO. 233/22SUBJECT: ADOPTION OF THE DRAFT ASBESTOS POLICY D22/48333**Recommendation**

1. That Broken Hill City Council Report No. 233/22 dated September 12, 2022, be received.
2. That Council note that nil submissions were received from the public during the public exhibition period of the Draft Asbestos Policy.
3. That the Draft revised Asbestos Policy be adopted as a Policy of Council.
4. That Council notes that the adoption of the draft Asbestos Policy will replace Council's 2015 Policy.

Executive Summary:

The purpose of this policy is to outline the roles and responsibilities of Council and other organisations in managing Asbestos within the Local Government Area (LGA) of Broken Hill.

Asbestos is a known carcinogen and inhalation of fibres is known to cause lung cancer, mesothelioma and asbestosis. Asbestos was widely used in the construction industry prior to the mid-1980s and many buildings in the Broken Hill Local Government Area built prior to 1990 are likely to contain asbestos.

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for its residents, the general public within the LGA and for employees of Council.

The draft Asbestos Policy was presented to Council at the August 2022 Council Meeting and Council resolved (Minute No. 46927) to place the draft revised policy on public exhibition. The draft policy was subsequently placed on public exhibition for a 28 day period closing at midnight on Saturday 1 October 2022, during which time Council received nil submissions from the public.

This report enables Council to consider and adopt the draft revised Asbestos Policy.

A copy of the draft Asbestos Policy is attached.

Report:

Local Government plays a critical role in reducing the risks posed by asbestos. Councils work together with the State Government and wider public to address the unfortunate legacy of asbestos in building materials and land contaminated with asbestos, as well as addressing naturally occurring asbestos.

The 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.

The purpose of the policy is to outline:

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

The draft Asbestos Policy is now presented to Council for the consideration of adoption.

Community Engagement:

The draft Asbestos Policy was placed on public exhibition for a period of 28 days in accordance with *Section 253 of the Local Government Act 1993*. Nil submissions were received during this period.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

AS 2601-2001: the demolition of structures

Contaminated Land Management Act 1997

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Local Government Act 1993

Protection of the Environment Operations Act 1997

Protection of the Environment Operations (General) Regulation 2009

Protection of the Environment Operations (Waste) Regulation 2014

State Environmental Planning Policy (exempt and complying development codes) 2008)

State Environmental Planning Policy - No55 Remediation of Land.

Financial Implications:

All expenses detailed within the Draft Asbestos Policy are provided for within the adopted 2022/2023 Operational Plan.

Attachments

1. [↓](#) Draft Asbestos Policy

CODIE HOWARD
CHIEF ASSETS AND PROJECTS OFFICER

JAY NANKIVELL
GENERAL MANAGER



DRAFT ASBESTOS POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 – D22/42303		
RESPONSIBLE POSITION	Chief Assets and Projects Officer		
APPROVED BY	Council		
REVIEW DATE	30 September 2026	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
31 August 2022	Public Exhibition	46927	

1. INTRODUCTION

Asbestos is a known carcinogen and inhalation of fibres is known to cause lung cancer, mesothelioma and asbestosis. Asbestos was widely used in the construction industry prior to the mid-1980s and many buildings in the Broken Hill Local Government Area built prior to 1990 are likely to contain asbestos. The supply and installation of asbestos containing materials has been prohibited since December 2003. Asbestos, when disturbed, is hazardous. Disturbance is generally caused by building works such as demolition or alterations.

It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions

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

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

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

- as a responsible employer
- contaminated land management

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

2. POLICY OBJECTIVE

This policy aims to outline:

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

3. POLICY SCOPE

- a) This policy applies to all of the Broken Hill City Council LGA within Council's jurisdiction
- b) This policy provides information for council workers, the local community contractors, and wider public
- c) The policy applies to friable and non-friable (bonded) and naturally occurring asbestos.

4. POLICY STATEMENT

This policy aims to outline the roles and responsibilities of Broken Hill City Council in relation to asbestos management which will include:

- a) Where Council is the appropriate authority manage complaints and inspect illegal dumping or storage of asbestos on private and/or public land (This responsibility is shared with NSW EPA or SafeWork NSW or a combination of the three)
- b) Where Council is the appropriate authority control and regulate safe asbestos removal and disposal

- c) Provide accurate information to the local community, especially in relation to demolition and building, removal and transporting of asbestos waste
- d) Council's approach to dealing with sites that contain asbestos containing materials in an emergency
- e) Council's approach to managing asbestos containing materials in Council's workplaces.

4.1. Regulatory Responsibilities

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

- AS 2601-2001: the demolition of structures;
- Contaminated Land Management Act 1997;
- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Local Government Act 1993;
- Protection of the Environment Operations Act 1997;
- Protection of the Environment Operations (General) Regulation 2009;
- Protection of the Environment Operations (Waste) Regulation 2014;
- State Environmental Planning Policy (exempt and complying development codes) 2008);
- State Environmental Planning Policy - No55 Remediation of Land.

4.2. Council Asset Management and Staff

Council is committed to fulfilling its responsibilities to workers under the *NSW Work Health and Safety Act 2011* and *NSW Work Health and Safety Regulation 2017* and maintaining a safe work environment through council's:

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

These responsibilities are outlined in part 2.

4.3. Development Controls

Council has specific conditions for inclusion in approvals or consents for developments, where it is likely or reasonably suspected to contain asbestos. The aim of these conditions of consent is to minimise asbestos exposure in the environment by requiring asbestos safe work practices and controls and disposal procedures during development activities, including demolitions.

4.4. 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 accident or emergency (under the *Protection of the Environment Operations Act 1997*).;
- Issuing clean up notices where asbestos has been handled (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;
- Managing the Broken Hill Waste Management Facility in accordance with environmental legislation and licence conditions.

4.5. Educating Residents

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

- Prohibition of the use and reuse 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 small quantities (under 10m2) of asbestos containing materials.

Educational information and website links for educational materials can be found at www.asbestos.nsw.gov.au

4.6. Complaints and Investigations

Council investigates complaints related to asbestos dumps on private land and public land. Complaints should be reported to Council's Customer Service Centre by phone on 8080 3300 from 9am to 5pm five days a week or by email council@brokenhill.nsw.gov.au, in writing or in person (during business hours).

4.7. Further information

Council provides accurate and up to date information on safe asbestos practices on its website at www.brokenhill.nsw.gov.au.

5. IMPLEMENTATION

5.1. Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

- **Planning, Development and Compliance Unit** – Inspections of illegal dumping and/or storage of asbestos, issuing clean up notices, penalty infringement notices, planning controls, education
- **Waste Coordinator** – managing Broken Hill Waste Management Facility
- **Waste and Sustainability Manager** - managing Broken Hill Waste Management Facility, education, reporting and policy implementation
- **Trades Coordinator** – managing asbestos containing materials in Council's workplaces and infrastructure
- **Strategic Asset Management Coordinator** – managing asbestos containing materials in Council's workplaces and infrastructure
- **Work Health and Safety Advisor** – ensuring any asbestos in Council's facilities is managed in a way that does not compromise the safety of workers

5.2. Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

5.3. Associated Documents

The following documentation is to be read in conjunction with this policy.

- [Code of Practice: How to Manage and Control Asbestos in the Workplace.](#)
- Code of Practice: How to Safely Remove Asbestos. ;
- Broken Hill City Council Asbestos Management Procedures.
- Broken Hill City Council Asbestos Register(s).
- Broken Hill City Council Asbestos Management Plan(s).

6. REVIEW

The [Model Asbestos Policy](#) for NSW councils Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be every two years from the effective date. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Chief Assets and Projects Officer is responsible for the review of this policy.

7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- Protection of the Environment Operations Act (POEO) 1997;
- Protection of the Environment Operations (Waste) Regulation 2014 (NSW);
- Environmental Protection & Assessment Act (EP&A) 1979;
- Environment Protection & Planning Assessment Regulation 2000;
- State Environmental Planning Policy (Exempt & Complying Development Codes) 2008;
- Local Government Act 1993.

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Asbestos Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

8. DEFINITIONS

"Council" shall mean Broken Hill City Council.

"Demolition" shall mean the complete or partial dismantling of a structure.

"Development" shall mean the meaning and term in the Environmental Planning and Assessment Act 1979.

"PPE" shall mean Personal Protective Equipment and includes all items of protective clothing or other protective equipment that comply with all laws and requirements relating to the safe handling of asbestos.

CONFIDENTIAL MATTERS

1. BROKEN HILL CITY COUNCIL REPORT NO. 234/22 - DATED OCTOBER 11, 2022 - T22/13 REQUEST FOR TENDER BLENDE, GALENA AND WILLS STREET ROUNDABOUT ROAD RECONSTRUCTION -
CONFIDENTIAL

(**General Manager's Note:** This report is deemed confidential under Section 10A(2) (c) (d) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).



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