



Defined Asset Management Policy (DAMP) 2017

This policy was confirmed and readopted by the Dubbo Regional Council at its meeting on 28 August 2017

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A. Understanding the policy

A.1. *Council's commitment and policy precedence*

A.1.1. Commitment

The Council is committed to delivering affordable services utilising the optimal level of physical asset stock that is appropriate and sustainable.

The Council recognises its stewardship, and community leadership role, in creating and appropriately managing its physical and human [assets](#), which have been provided by past and current generations, and its obligations to ensure a sustainable level of assets for future generations that are consistent with defined standards, objectives and outcomes.

A.1.2. Precedence

- a) This policy takes precedence over all other asset and service management policies, asset and service strategies, asset and service management plans and business plans.
- b) Management standards set in this policy take precedence over all other management standards set in asset and service management strategies, asset and service management plans and functional plans **unless** such management standards have otherwise been determined in accordance with the rules and protocols and authorities set out in this policy.

A.2. *Policy intent*

A.2.1. Objective

To create and establish [management standards](#) for all [assets](#) and services under the [control](#) of Council to a reasonably safe standard and condition that is, in fact, the highest standard and condition that Council has determined it can reasonably afford in all of its circumstances and having regard to all of its written law obligations, services and other functions including the following factors or constraints:

- financial and economic limitations
- environmental and aesthetic considerations
- social and community expectations
- political considerations; and
- any other factors or constraints,

that impact on Council's ability to efficiently and effectively distribute its wealth and allocate risk across the whole of its ratepayer and resident, and visitor population.

A.2.2. Application of policy

A.2.2.1. Policy title

This policy is the 'Defined Asset Management Policy'.

It may be referred to by this name or, for ease of reference, as 'the DAMP' or 'this policy' or "the policy".

A.2.2.2. Asset groups to which this policy applies

The asset and service groups to which this policy applies are set out in **Schedule 1**. The individual asset and services attaching to each asset group are listed in Council's relevant Asset Register.

A.2.2.3. Conflict of policy with written law obligations

- a) If this policy, or any part of it, conflicts with any relevant [written law](#) then, to the extent of the conflict, written law overrides the affected provisions of this policy.
- b) The particular delegate or responsible person (decision-maker) must give written reasons for a decision not to use or modify or otherwise depart from a written law.
- c) In b), 'written reasons' means a comprehensive report to the decision-makers director or to the general manager setting out (as a minimum):
 - the facts of the particular circumstances that gave rise to non-compliance
 - the risks created or exacerbated by compliance and which were not expressly accepted or exempted in the particular written law
 - the reasons for non-compliance
 - steps taken to eliminate, reduce, avoid or manage the risk or risks including any safety measures taken; and
 - whether non-compliance arose from unusual or unique or 'one off' circumstances and the subjective likelihood of happening again expressed in qualitative terms such as 'never', 'very rare', 'unlikely', 'very likely', 'certain'.
- d) The responsible director or the general manager will decide if the relevant government department(s) responsible for the administration of the written law from which the written law obligation arose should be notified of the non-compliance and if so in what terms.

- e) Despite c) and d), if the written law specifies the matters to be taken into account and considered or if notification must be provided in a particular manner and form then this process or procedure must be followed.
- f) Written reasons and the director's response to external government agencies must be registered and kept and maintained as a legal documents for at least 12 years.
- g) **For the avoidance of doubt** in A.2.2.3.:

In a) this requirement includes, without limitation, obligations under the *Public Health Act 2010*, *Roads Act 1993*, *Work Health and Safety Act 2011*, *Environmental Planning and Assessment Act 1979* and the *Protection of the Environment Operations Act 1997* and regulations made under these Acts.

If compliance with a [written law](#) creates [a not insignificant risk](#) to people or property and the risk is not expressly accepted by clear words in the [written law](#), the relevant delegate or responsible person must take [reasonable steps](#) to reduce or eliminate the risk by either not complying with the written law or by modifying it to the extent necessary to give force to the law while avoiding the risk.

A.2.3. Defined words and special phrases

- Certain expressions, words or phrases used in this policy are defined in the [Dictionary](#).
- Any ambiguity between a word or phrase, and its definition in the dictionary, must be resolved by adopting the meaning in the dictionary. However, if a particular word or phrase has, in context, a written law meaning, then the written law meaning must prevail.
- For easy electronic reading of the policy, defined words or phrases are Hyperlinked to their respective dictionary meaning. Hyperlinked words or phrases appear as underlined text in this document.
- Hyperlinking occurs when a word or phrase is first used and thereafter only if it is relevant to do so. That a particular word or phrase may not always be hyperlinked does not derogate from its definition. Therefore, the Dictionary must always be used to aid interpretation.
- A reference to a [written law](#) includes a reference to subsequent amendments to that written law: see definition of "written law".
- Apart from in the Dictionary, other words or phrases may be defined in the particular section in which they occur.

- In this policy a reference to an “asset”, “assets” or “asset group” in context includes a “service” or “services”.

“[For the avoidance of doubt](#)” explanations are part of this policy and must be read as such when interpreting the section, subsection or clause to which they apply.

A.2.4. Headings

The headings used throughout this policy are intended for convenience only and shall in no way effect the construction or interpretation of this policy.

A.2.5. Schedules

- a) The schedules in Table 1 attach to this policy.

Table 1—Schedules attaching to Policy

| SCHEDULE | SUBJECT |
|----------|--|
| 1 | Asset Groups attaching to the DAMP. |
| 2 | General Manager’s Delegation to delegates and responsible persons |
| 3 | Asset Classification Standards (ACS) |
| 4 | Maintenance Service Level Specifications (MSLS) – <i>(to be developed)</i> |
| 5 | Asset Management Strategy <i>(to be developed)</i> |
| 6 | Asset Management Plan <i>(to be developed)</i> |
| 7 | Register of Standard Operating Procedures <i>(to be developed)</i> |
| 8 | Register of Model Safety Measures <i>(to be developed)</i> |
| 9 | Register of Safe Work Method Statements <i>(to be developed)</i> |
| 10 | Register of Waste Management Facilities |
| 11 | After-Hours Request Manual <i>(to be developed)</i> |
| 12 | Standard Terms & Conditions for Restoration Work <i>(to be developed)</i> |
| 13 | Dubbo Regional Council Guidelines for Engineering Works <i>(to be developed)</i> |
| 14 | Register of Customer Request Management System Management Standards – <i>(to be developed)</i> |
| 15 | Register of Competent and Authorised Persons <i>(to be developed)</i> |
| 16 | Register of Risk Warning Signs <i>(to be developed)</i> |
| 17 | Register of Assets with Water Features |
| 18 | Register of Designated Natural Swimming Locations |

- b) The general manager may [determine](#):-
- i) The [management standards](#) or procedures in this policy or in any schedule attaching to this policy.
 - ii) To create and establish new schedules and management standards for any of the assets in **Schedules 1 and 1A**.

- iii) To create strategies and plans for **Schedules 5 and 6**.
 - iv) To create the After-Hours Response Manual and the Standard Terms and Conditions for Restoration Work for **Schedules 11 and 12**.
 - v) To add or delete asset or service groups in **Schedule 1 and 1A**.
 - vi) To cause the “*to be developed*” schedules to be completed.
 - vii) Subsection b) v) is shall only be exercised by the general manager (reserved power).
 - viii) To delegate any or all of the [functions](#) listed above in accordance with his or her Instrument of Delegation.
- c) The phrase “*to be developed*” means all schedules must be relevantly updated or completed, subject to [resource availability](#).

A.3. Components of the policy

The DAMP:

- sets [management standards](#) for each [asset and service](#) in each [asset and service group](#),
- determines the level of service or maintenance activity that is required to maintain an asset and service at a defined management standard;
- defines the work activities to be carried out; and
- defines the level of resource allocation.

This is achieved in a 4-tiered document system of

- Asset Classification Standards (ACS)
- Maintenance or Service Level Specifications (MSLS)
- Standard Cost Estimates (SCE)
- Standard Operating Procedures (SOP)

This is supported by

- Defined asset, service, management, resource and financial performance outcomes
- Defined performance standards and reporting protocols
- A defined review, audit and compliance regime (internal and external)
- A defined review, change, renewal, training, adaptation and implementation process.

A.3.1.Asset classification standards

A.3.1.1. Why are Asset Classification Standards necessary?

Asset Classification Standards (“ACS”) are necessary so that all assets and services can be classified into distinct and flexible qualitative groups (standards) ranging from the most important to the least important asset or service group.

This is vitally important as Council has many written law, service and operational functions to be exercised and it is limited by the financial and other resources that are reasonably available to it for the purpose of exercising those functions.

Determining the level of risk allocation across all of its assets and services and across its ratepayer and customer base is a critical policy and strategic function of Council given its limited financial and other resources.

The ACS enables Council to budget for and target funds and resources based on known and identifiable standards – this is the foundation for risk allocation, improved present and future cost savings, resource allocation, productivity, innovation, sustainable service and asset and service quality enhancement.

The ACS is critical to economic development and sustainable present and future growth. Assets and services available for or used by residents and visitors are in many ways are the ‘public face’ of Dubbo Regional Council. Their perceived attractiveness by residents and by visitors, is a not insignificant reason for the successful and sustainable growth of the major centres of Dubbo and Wellington and outlying villages.

A.3.1.2. Rules for developing ACS

The following rules apply to the development of all ACS.

- a) An ACS must be developed for each specific asset or service group
- b) There should be no more than six primary levels of ACS in the total hierarchy of ACS
- c) There should be no more than 5 secondary levels attaching to each primary ACS.
- d) Each ACS, when developed, must be set out in the format specified in Schedule 3.
- e) Each asset must be classified and assigned to a relevant ACS.
- f) Each ACS shall be expressed as qualitative outcomes.
- g) The source of funding for each ACS must be stated.

- h) Each ACS must contain a concise qualitative funds statement about the required footprint for capital, operating and maintenance expenditure.
- i) **For the avoidance of doubt:**
- In b) and c), the limits are set to prevent unnecessary complexity and to provide a recognisable distinction between each ACS. Limits can be increased or reduced but the consequences must be carefully considered before deciding to do either.
 - In h), the 'qualitative statement' must be expressed for each expenditure class as 'high', 'medium', 'low', 'negligible' or 'not funded'; and
 - In h), the funds statement does not bind Council to fund a particular or any ACS at all or to any particular level.
 - In h), recognising the distinction between 'operating' and 'maintenance' funding is critical as traditionally both are lumped together making identification of either often difficult. Operating costs are often the first casualty of budget reductions or cost cutting measures. It is important to isolate maintenance costs from other operating costs not necessarily connected to maintenance. A reduction in maintenance funds inevitably leads to asset deterioration, reduced life cycle and loss of quality visually and structurally and such outcomes should be avoided or at least minimised, and any impact (consequences) reduced to quantifiable and reportable measurement.

A.3.1.3. Treatment of assets not in Asset Register

Treatment of assets not specified in an Asset Register:

- a) Any asset to which this policy applies but which is not specified in the relevant Asset Register must be managed strictly in accordance with [resource availability](#).
- b) When discovered, an asset referred to in a) must be assigned to the appropriate Asset Register and asset group and be integrated into an MSLS consistent with the level of funding it was receiving immediately before it was discovered.

A.3.1.4. Changes to Asset classification standards

The general manager may [determine](#) Asset Classification Standards for existing and new assets or asset groups.

A.3.2. Maintenance and Service Level Specifications

Explanatory Note: The *Maintenance and Service Level Specification* ("MSLS") is in two formats (see Attachments B1 and B2). Form B2 is

used by Infrastructure and Operations and may be phased out in favour of Form B1. Form B1 is the universal form. The MSLS is used to specify the level and standard of maintenance for physical assets to achieve asset life cycle objectives and outcomes. It is also used to specify the level and standard of relevant services provided internally or externally. The MSLS will be linked to the corporate management accounting system.

The [Maintenance and Service Level Specifications](#) or [Maintenance Management Plans](#) (collectively “MSLS”) are the vehicle by which each particular ACS outcome is achieved. The following matters must be taken into account with respect to all MSLS’s:

- a) The MSLS is an activity-based specification that details all activities and actions to be performed on physical assets or in relation to services attaching to a particular asset group. The MSLS enables the specified ACS outcome to be achieved.
- b) An MSLS must be developed for each primary and secondary ACS.
- c) A [Maintenance Management Plan](#) (“MMP”) may be used as an alternative to the MSLS.
- d) All MSLS and MMPs must be designated as [Schedule 4](#).
- e) **Attachment A** to this policy sets out the matters to be taken into account when developing each particular MSLS.
- f) **Attachment B1** to this policy sets out the format for MSLS (**Schedule 4**).
- g) **Attachment B2** to this policy sets out the format for Maintenance Management Plans.
- h) When each MSLS is prepared the cost of performing each ‘activity’ and each ‘action’ must be estimated. This estimate will be the ‘standard cost’ for the particular activity and action.
- i) MSLS must be used in all civil works contracts and in all service contracts if the DAMP Coordinator determines it relevant and appropriate to do so.
- j) Despite the requirements of f), g) and i), the DAMP Coordinator may approve a different format provided the matters referred to in e) and h) are not compromised.

For the avoidance of doubt in h), it is intended that the ‘standard cost’ will be the basis for ‘variance to actual’ management accounting and reporting. Over time each ‘standard cost’ should be refined based on ‘actual’ results and ‘best practice’ improvement and innovation thereby favourably affecting ‘unit cost’ performance.

A.3.2.1. Changes to MSLS management standards

A responsible person shall [determine management standards](#) set out in [Schedule 4](#).

A.3.3. Standard Operating Procedures

- a) [Standard Operating Procedures](#) (“SOP”) developed and created by Council are strategic policy documents. The purpose of each SOP is to:
 - i) confine the performance of a particular [activity](#) or [action](#) or both to a specifically determined [management standard](#); and
 - ii) reasonably ensure that each activity or action or both is performed to a pre-determined quality and cost outcome within the limit of defined [available resources](#).
 - iii) ensure that each activity is performed in a reasonably safe and environmentally appropriate manner with respect to Council employees, contractors and the public and in accordance with relevant written law.
- b) A responsible person must develop and prepare an SOP for all relevant activities and actions set out in an MSLS, and for any other management standard for which it is appropriate to develop a SOP and;
 - i) Each [Standard Operating Procedure](#) must include, as a minimum, the information set out in **Attachment C**.
 - ii) Each Standard Operating Procedure must include, to the extent that it is relevant to include, all relevant information from legislative Acts, Regulations and instruments, codes of practice and guidelines; and from relevant professional, technical, and industry standards and guidelines.
 - iii) For the purpose of b)ii), a delegate or a responsible person shall determine what is relevant, and such a decision must be recorded in writing.
- c) A register of Standard Operating Procedures must be maintained in accordance with **Schedule 7**.
- d) Each [SOP](#) is a complete and exhaustive management standard for a particular activity or action; and each SOP must be performed strictly in accordance with its terms.
- e) **For the avoidance of doubt:**
 - i) The procedure specified in each Council developed Standard Operating Procedure is exclusive, and the performance of any additional procedure or [work](#) is excluded. This is necessary so that the purpose in a) is achieved; and

- ii) The procedure by which a particular class of inspection will permit the discovery of [defects](#), or [unsafe defects](#) is exclusive; and
- iii) The procedure and extent to which a particular class of maintenance will be provided is exclusive.
- f) Despite d), if the strict performance of the terms of any SOP:
- will not substantially achieve the purpose in a); or
 - creates an [unsafe defect](#); then
- a responsible person [must](#) determine to vary the terms of the SOP so its purpose is achieved, and the [unsafe defect](#) is [eliminated immediately](#) or [made safe](#).
- g) If, under f), a responsible person determines to vary an SOP, then a brief written report setting out why, how and when (date and time) the SOP was varied must be given to:
- a. the relevant asset manager; and
 - b. the relevant director; and
 - c. the Workplace Safety Advisor; and
 - d. the DAMP Coordinator
- by 10am on the morning the day after the SOP was varied.
- h) Despite d) and f), if in the opinion of a responsible person a [defect](#) or an [unsafe defect](#) exists outside the scope of an SOP:
- the defect must be reported through the CRMS; and
 - if the defect is an unsafe defect then the procedure in [B.9 Safety measures](#) must be relevantly followed.
- i) A Standard Operating Procedure must not be performed by a person unless he or she:
- has the core competencies required to competently perform the particular SOP;
 - has received appropriate initial training in the use and application of a particular SOP;
 - has been tested and certified competent by an [authorised person](#);
 - has attended and has received relevant continuation training certifying currency in the use and application of all relevant SOPs; and
 - his or her name appears in the Register of Competent Persons maintained by *Human Resources*.

- j) The *Register of Competent Persons* must be kept and maintained as **Schedule 15**.
- k) SOP continuation training must be carried out within 12 months of the date of initial certification and thereafter as determined by an [authorised person but at not greater than at 12 month intervals](#).
- l) For the purpose workplace safety competencies of i) dot point 3 and k) the [Workplace Safety Advisor](#) is an [authorised person](#).
- m) **For the avoidance of doubt:** A.3.3. Sub-section i) dot point 3 applies to all SOPs after initial SOP training and certification has been carried out.

A.3.3.1. Creation of and Changes to Standard Operating Procedures

- k) A responsible person shall [determine](#) SOPs set out in Schedule 7.
- l) Despite a), a responsible person must not determine an SOP unless the relevant authorised person responsible for creating the SOP and the [Workplace Safety Advisor](#) concur with the intended determination.

A.3.3.2. Safe work practices and Safe Work Method Statements

The *Work Health and Safety Act 2011 No 10* and Regulations must be relevantly complied with.

- a) The general manager and all persons mentioned in **Schedule 2** must:
 - i) Identify or cause to be identified risks that may arise from the conduct of Council's activities at its work places, and which have the potential to harm the health or safety of any employee or other person for whom Council is responsible for; and
 - ii) Assess the risks identified in i) to determine the potential for harm to the health or safety of persons; and
 - iii) Eliminate each risk or put in place appropriate safety or control measures to manage each risk.
- b) A [Safe Work Method Statement](#) must be prepared for all work activities in accordance with the relevant provisions of the *Work Health and Safety Act 2011 No 10* and Regulations where a risk assessment discloses safety risks. As a minimum requirement a safe work method statement must:
 - describe how work is to be carried out, and
 - identify the work activities assessed as having safety risks, and
 - identify the safety risks, and

- describe the control measures that will be applied to the work activities, and
 - include a description of the equipment used in the work, the standards or codes to be complied with, the qualifications of the personnel doing the work and the training required to do the work.
- c) A safe work method statement may, if the general manager or a responsible person or the [Workplace Safety Advisor](#) think it appropriate to do so, be prepared for any activity that does not fall under the relevant provisions of the *Work Health and Safety Act 2011 No 10* and Regulations.
- d) Safe Work Method Statements must be referenced in each Standard Operating Procedure where it is relevant to do so.
- e) The general manager must create and maintain or cause to be created and maintained a robust system of audit and compliance, as a component of due diligence, to ensure that the *Work Health and Safety Act 2011 No 10* and Regulations are implemented and complied with.
- f) The general manager must create and implement a robust system of reporting to ensure that he or she and all directors, managers and supervisors are fully informed about compliance and non-compliance the *Work Health and Safety Act 2011 No 10* and Regulations including about reportable incidents and accidents and action taken to resolve risk exposure, workplace disputes and safety issues.
- g) **For the avoidance of doubt in b) and c),** a Safe Work Method Statement may be contained within a Standard Operating Procedure or it can be a specific stand-alone document – the general manager or a responsible person may determine the most efficient and effective way of preparing and communicating a Safe Work Method Statement.
- h) All [Safe Work Method Statements](#) must be registered in **Schedule 8**.

A.4. Policy development

A.4.1. Management standards

- a) Each section in this policy may contain a [management standard](#) or an authority to [determine](#) a management standard.
- b) Subject to c), management standards embedded at the adoption date of this policy are “[baseline management standards](#)”; but after adoption the general manager, a delegate or a responsible person or an authorised person may change any or all of them subject to the terms of [A.4.4 Allowable Factors – adjusting standards to](#)

[match](#) resources, [A.5.4 Delegation of Responsibilities](#) and **Schedule 2**.

- c) The general manager, a responsible person or an authorised person must not change any management standard that the Council has reserved to itself to change.
- d) Following adoption of this policy by the Council the “[as at](#)” management standards may be changed given limitations or restrictions on funding and resource availability, operational limitations, special risk exposure and changing political, social, economic and financial priorities which may relevantly impact on the Council.

Accordingly, the Council, general manager, a delegate, responsible person or an authorised person will make these changes in accordance with:

- the terms of this policy; or
 - the delegation granted in [A.5.4 Delegation of Responsibilities](#) or **Schedule 2**.
- e) Any [determination](#) by:
 - the general manager
 - a delegate
 - a responsible person; or
 - an authorised person

to change any management standard in this policy may be done only in accordance with resource availability or operational limitations or special risk exposure.

- f) In this policy the word ‘[shall](#)’ and words importing the same meaning are used to describe the performance of a management standard. These words set a clear [baseline management standard](#) “[as at](#)” the date the Council adopted this policy and, from then on, may be changed by the Council, the general manager, a delegate, or by the relevant responsible person or authorised person.
- g) All [management standards](#) set out in this policy or in any other policy, strategy, business plan or any other document attaching or forming part of this policy must be performed in accordance with [resource availability](#) limits.
- h) All [unsafe defect](#) complaints must be inspected in accordance with [B.9 Safety measures](#). This inspection is triggered when any person alleges that an unsafe defect does or might exist at, on or about any asset, service or property owned, occupied, managed or controlled by Council.
- i) All [non-safety complaints](#) must be inspected in accordance with established CRMS standard response times.

- j) Where Council engages a contractor to provide works and services and the contract is performed in accordance with a General Conditions of Contract (or similar document), specifications or schedule of works or services (the “contracted management standards”), then:
- the contract must be managed in accordance with the contracted management standards; and
 - any other management standard to be performed by Council in relation to a contract or otherwise must be included in **Schedule 4**.
- k) **For the avoidance of doubt in j)**, this means that before Council performs any activity (management standard) in or in relation to a contract independently or concurrently with a contractor, the management standards to be performed by Council must be included in [Schedule 4](#).

A.4.1.1. The DAMP Coordinator reports

- a) All of the risk exposure, including the consequences of risk exposure, set out in the [DAMP Coordinator's Risk Analysis and Reports](#) have been fully considered in setting the management standards adopted in this policy;
- b) Apart from the matters dealt with in this policy, no further action shall be taken to implement any of the recommendations set out in any of the documents that comprise the DAMP Coordinator’s Risk Analysis and Reports.
- c) Despite b), if, a delegate or responsible person thinks it is appropriate to review any matter in any of the DAMP Coordinator’s Risk Analysis and Reports , then a report and recommendation – including all costs of implementing any such recommendation – shall be put to the general manager for consideration and determination.
- d) A recommendation to the general manager in c) must be accompanied by advice from the DAMP Coordinator.
- e) Unless specified in **Schedule 4**, [no inspection](#) shall be conducted to discover whether or not any risk enumerated in any of the DAMP Coordinator’s Risk Analysis and Reports is present at any of the assets or services comprising any of the asset or service groups specified in **Schedules 1 or 1A**, or at any asset or service or asset or service group not specified in **Schedule 1**.

A.4.1.2. Statewide Mutual Best Practice Manuals

- a) The *Statewide Mutual Liability Scheme Best Practice Manuals* (“the manuals”) are guidelines only and must not be adopted by Council as policy in any form.

- b) Despite a), the general manager may, but only if he or she considers it beneficial and appropriate to the development of Council's management systems and management standards, determine to incorporate a particular element from any of the manuals into Council's own management standards and management systems.
- c) A decision made pursuant to b) must not be taken to mean that any of the manuals have been adopted as Council policy.
- d) Before making a determination under b), the general manager must consult with the DAMP Coordinator.
- e) The general manager **may not** delegate the performance of this subsection.
- f) A decision by the general manager must be in writing and recorded in an *Exercise of Delegated Authority Form (Annexure D)*.

A.4.1.3. Business Plans

- a) Business plans attach to and form part of this policy.
- b) Business plans are a critical part of the Corporate and business planning process and may include broad but inexact performance standards that require refinement into precise management standards. Therefore, a delegate, responsible person or authorised person must, subject to [A.4.4 Allowable Factors – adjusting standards to match resources](#), and [A.5.4 Delegation of Responsibilities](#) and **Schedule 2**:
 - translate asset management performance standards from each respective business plan into the activity-based management standard format required by this policy (**Attachment B1**); and
 - include the translated management standards in [Schedule 4](#).
- c) Despite a), when any part of any business plan is translated into a management standard and after translation the management standard is inconsistent with [resource availability](#), then the management standard must be adjusted to match resource availability. (See [A.4.4 Allowable Factors – adjusting standards to match resources](#)).
- d) The translated management standards, when put in Schedule 4 format, must be integrated into the corporate accounting system so that defined performance standards for all activity, action, asset, service and asset and service groups and can be measured based on standard cost and variance analysis against defined budgets.
- e) To ensure the integrity of the DAMP policy outcomes and Part 5 of the *Civil Liability Act 2002* legal defences, physical asset and service budgets must be prepared against defined management standards and be based on the outcome of actual asset and service inspections.

- f) The process referred to in e) will ensure a defined and targeted budget estimate that will eliminate or reduce over servicing and underservicing of assets and services.
- g) The DAMP Coordinator will, on request or on his or her own initiative, provide guidance and advice to assist with the translation and budget process.

A.4.2. The level to which management standards will be developed

- a) [Management standards](#) must only be developed in accordance with relevant and sound management, engineering, scientific or technical practice of the day.
- b) Management standards must not be developed using practices, measures, guidelines, standards or recommendations based on abstract notions such as “world best practice” or “best practice” or any similar term.
- c) Despite a), management standards, unless required by relevant written law to the contrary, must be developed to a standard that does not exceed [resource availability](#) limits.
- d) Conformance with the requirements of c) does not authorise the development of an [unsafe management standard](#).
- e) If a delegate or a responsible person or an authorised person determines that a particular management standard is unsafe, then he or she must ensure that the management standard is not used, deployed or implemented until it has been made safe.
- f) **Definition:** for the purpose of A.4.2., “**relevant and sound management, engineering or technical practice of the day**” means:
 - reliable, durable, safe management practice; or
 - reliable, durable, safe and proven engineering or scientific or technical practice;

consistent with resource availability but excludes “world best practice” or “best practice” or any practice, measure, guideline, standard or recommendation with similar terminology and meaning.

A.4.3. Who can determine management standards?

- a) The Council has and retains the power to adopt, amend, repeal, revoke or rescind this policy.
- b) Pursuant to s.335 of the *Local Government Act 1993*, and subject to the delegation in [A.5.4.1.k\) Implementation](#), the general manager shall cause this policy to be implemented and is solely responsible

- for the appointment of [delegates](#), responsible persons and authorised persons set out in **Schedule 2**.
- c) [Management standards determined](#) pursuant to this policy by Council, the general manager, a delegate, a [responsible person](#) or an [authorised person](#) shall always be subject to and limited by:
- funds and resources voted and resolved by Council for each asset group;
 - operational limitations; or
 - special risk exposure.
- d) [Management standards](#) throughout this policy shall apply unless:
- a different management standard is set in [Schedule 4](#); or
 - a management standard is determined to the contrary by the general manager, a delegate, a responsible person or an authorised person.
- e) If the general manager, a [delegate](#), a [responsible person](#) or an [authorised person](#) decide to change a [management standard](#) anywhere in this policy, that change:
- must be determined in writing by completing an **Exercise of Delegated Authority Form**; and
 - must be specified in the relevant [MSLS](#) and recorded in **Schedule 4**.
 - relating to an ACS, must be recorded in the particular ACS and determined using an *Exercise of Delegated Authority Form (Attachment D)*.
 - the *Exercise of Delegated Authority Form (Attachment D)* can be found as an electronic form at:
<http://councilpedia.dubbo.nsw.gov.au/Pages/DelegatedAuthority.aspx> .
- f) **For the avoidance of doubt**, management standards set in [Schedule 4](#) or in a Maintenance Management Plan or are determined in an *Exercise of Delegated Authority Form* take precedence over management standards set in this Policy in sections A, B, C, D, E, F and in Tables.
- g) Despite (d), a decision to change the timing of when an inspection or maintenance or [supervision](#) activity (a management standard) will be done within the scope of a particular asset inspection or maintenance cycle need not be recorded on an *Exercise of Delegated Authority Form* if, but only if:
- the change is a programming or scheduling change made within the scope of a particular cycle; and
 - but for the scheduling change the particular cycle will be performed as specified.

- h) **For the avoidance of doubt in g),** this means, for example, that a cycle expressed as “once daily” or “once weekly” or “once monthly” or “annually” (a management standard) when specified must be performed as stated, but:
- the timing of the actual performance of an inspection or maintenance activity (i.e. reprogramming or rescheduling within the scope of a management standard) may be varied at the discretion of a delegate, responsible person or authorised person in accordance with resource availability or operational limitations or for convenience if it doesn’t involve a departure from the management standard; and
 - any change made within the scope of a management standard need not be recorded on an Exercise of Delegated Authority Form but the change must be recorded as a program or rescheduling change and a permanent record kept of the original and changed program or schedule.

A.4.4. Allowable Factors—adjusting standards to match resources

An [allowable factor](#) is a factor that can affect the performance of a particular [management standard](#). A management standard must be adjusted when an allowable factor is present and it operates to prevent the performance of a management standard at the set level and standard. A delegate or [responsible person](#) or authorised person must consider relevant allowable factors before he or she decides to set a management standard.

- a) [Management standards](#) in this policy, in [Schedule 4](#) or in any other schedule or attachment or table, must be [relevantly adjusted](#) to allow for the affect on [resource availability](#) caused by any of the following [allowable factors](#):
- after-hours call outs;
 - emergencies;
 - weekends;
 - public holidays;
 - school holidays;
 - long service leave
 - compassionate or special leave
 - rostered days off;
 - industrial disputes;
 - absenteeism, sickness, long service or annual or special leave;
 - staff training;
 - operational limitations;

- special risk exposure; or
 - any other factor, not being a factor set out above, which in the opinion of a responsible person directly impacts on resource availability for [the affected management standard](#).
- b) Despite a), the level of resources and materiel for the performance of each particular management standard must not be increased above its respective budgeted level.
- c) **For the avoidance of doubt**, the practical effect of a) is that a delegate or a responsible person or an authorised person must adjust a management standard where an allowable factor adversely affects or is likely to affect the performance of a particular management standard.

A.4.5. Customer Response, service charters and service agreement management standards

Explanatory Note: internal or external service charters and service agreements, when used, often specify defined levels and standards of service, including defined or implicit service response times. Therefore, if such levels of service and response times purport to be CRMS standards they must accord with CRMS standards approved by the general manager. All other levels and standards of service specified must comply with [resource availability](#) limits and be included in [Schedule 4](#).

- a) All [Customer Request Management System management standards](#) (“CRMS standard”) must be determined and approved by the general manager prior to implementation.
- b) To ensure compliance with c), the general manager must cause to be undertaken:
- i) within six months of the adoption of the DAMP policy a review of all existing CRMS standard’s; and thereafter
 - ii) an annual review of all CRMS standard’s.
- c) Before the general manager approves a CRMS standard he or she shall cause to be prepared a detailed analysis of the following matters:
- i) The effect and operational impact of each particular customer service standard or [service charter](#) recommendation upon achieving the management standards set out in all schedules attaching to this policy;
 - ii) The cost—in dollar and resource terms—of implementing each particular customer service standard or [service charter](#) recommendation;
 - iii) The degree of operational reactiveness likely to be expected, expressed as ‘full-time equivalent persons’ needed to service

- each particular customer service standard or service charter;
and
- iv) If the general manager determines it relevant to do so, an analysis must be carried out of the predicted [corporate risk management exposure](#) and the effect of Council adopting each particular CRMS standard – this analysis will be done by a responsible person nominated by the general manager.
 - d) All CRMS standards must be unambiguous and measurable.
 - e) Only approved CRMS standard's must be incorporated into policy, management or business plans, customer or service charters, service agreements, the *Customer Request Management System*, and any public document or community publication that incorporates a CRMS standard or a performance standard requiring the application or use of Council's assets or services or defines explicit or implied response times..
 - f) CRMS standards must not be changed unless determined by the general manager.
 - g) A register of all CRMS standards shall be kept as **Schedule 14**.
 - h) **For the avoidance of doubt**, only the general manager can [determine](#) a CRMS standard, but he or she can delegate the actual preparation of a draft CRMS management standard or the carrying out of analysis or risk assessment required under c).

A.5. Policy deployment

A.5.1. Determination of delegates, responsible persons and authorised persons

The general manager shall determine [delegates, responsible person\(s\) and authorised persons](#). The determination of responsible persons and authorised persons is set out in **Schedule 2**.

A.5.2. Authorised persons

- a) A delegate or responsible person must determine to nominate, by position, those persons who will act in the capacity of an [authorised person](#).
- b) Before determining an authorised person, a responsible person must consult with the *Human Resources* to ensure that each proposed authorised persons possess the necessary core competencies and qualifications to perform all of the functions he or she will be required to perform.
- c) A register of authorised persons must be kept and maintained in **Schedule 15**.

A.5.3. Delegates, responsible persons and authorised persons to act in good faith

Subject to the provisions of Section 731 of the *Local Government Act, 1993*, a decision made by a delegate or by a responsible person or authorised person to carry his or her respective functions under this policy shall be a decision of the Council provided always that he or she has acted in good faith.

A.5.4. Delegation of Responsibilities

A.5.4.1. Instrument of Delegation to the general manager

- a) Subject to compliance with the requirements of the *Local Government Act, 1993* ("the Act"), and any express policy or direction of Council, the Council pursuant to the provisions of Section 377 of the Act hereby delegates to the general manager authority to exercise and perform on behalf of Council all functions, powers, authorities, duties and matters (hereinafter referred to as "the delegated functions") contained in the Defined Asset Management Policy ('the DAMP policy').
- b) Subject to c), the delegated functions include the power and authority to determine:
 - i). management standards; and
 - ii). to suspend, change, amend, alter, vary, or modify the DAMP policy in response to Council resolutions which impact upon and are relevant to this policy; and
 - iii). to suspend, change, amend, alter, vary, or modify the DAMP policy in response to budgetary or resource availability constraints, emergencies, operational limitations and special risk exposure; and
 - iv). to change, amend, alter, vary, modify or upgrade the DAMP policy:
 - to rectify typographical errors
 - to improve precision, clarity, readability and comprehension
 - to respond flexibly to strategic, economic or operational change
 - to add or delete assets or asset groups
 - in accordance with the appointed DAMP Coordinator's recommendations relating to prospective risk or any other relevant risk; or
 - to comply with relevant written law
 - to comply with relevant authoritative legal precedent which impacts upon the DAMP policy and decided by the

High Court of Australia or by an Australian court of superior record (Supreme Court or Court of Appeal).

- c) Before a determination is made under b) iv), the appointed DAMP Coordinator must be consulted and he or she must review all proposed changes to or upgrading of the policy.
- d) Subject to the provisions of Section 378 of the Act, the general manager may sub-delegate any of the delegated functions but any sub-delegation must not include the power of delegation and the power or authority to repeal, revoke or rescind the DAMP policy.
- e) Despite d), the general manager must not determine or sub-delegate any function:
 - reserved specifically to the general manager;
 - reserved to the Council by law; or
 - the Council has reserved to itself.
- f) The general manager, a delegate, a responsible person or an authorised person must record, in writing, all decisions made under delegated authority, and such decisions shall be recorded in a manner and form specified in Attachment D to the DAMP policy or the electronic form to be found in Councilpedia
- g) The general manager shall report to Council, in a manner directed by the Council, as to any amendment to this policy.
- h) If the Council does not direct in accordance with g), then, but only then, the general manager must report all amendments to the policy to Council once annually, or more frequently if the general manager thinks it appropriate to do so.
- i) Despite g) and h), any change to any management standard in the policy or in any schedule must not be reported to the Council unless the Council or the general manager determine otherwise.
- j) The general manager cause the DAMP Coordinator to formalise his recommendations and that they be determined and attach to the DAMP policy.
- k) **Implementation**
 - a) This policy, or any particular part of it, shall take operational effect from the date upon which the Council formally adopts this policy or such other date as Council may determine.
 - b) Subject to the implementation of this policy no act or decision by the general manager or his or her delegate or any responsible or authorised person properly previously appointed shall be wanting due to any defect or lack of proper appointment.
 - c) **For the avoidance of doubt**, b) shall cease to have effect twelve (12) months from the date of adoption of this policy.

A.5.5. Policy Review, Audit and Compliance

A.5.5.1. Policy review

To be completed

A.5.5.2. Policy Audit

To be completed

A.5.5.3. Policy compliance

To be completed

B. Managing the Assets

B.1. Asset management strategy

When developed the *Asset Management Strategy*:

- must be designated **Schedule 5** of the policy; and
- is a statement of principle and intent, and does not set any [management standards](#) or impact on any management standard set in this policy including **Schedule 4**; and
- where there is a conflict between the Asset Management Strategy and any management standard set in this policy, the management standards set in this policy must prevail.

B.1.1. Asset management plans—physical assets

- a) When developed, the *Asset Management Plans* :
 - will relevantly incorporate the principles and outcomes set in the *Asset Management Strategy*;
 - will be relevantly incorporated into each business plan;
 - will be designated **Schedule 6** of this policy;
 - will be a statement of principle and intent, and will not set any [management standards](#) or impact on any management standard set in this policy including **Schedule 4**.
- b) The principles and outcomes set out in an *Asset Management Plan* must be relevantly incorporated into the development of the Asset Classification Standards (“ACS”) and the Maintenance Service Level Specifications (“MSLS”).
- c) Where conflict exists between an *Asset Management Plan* and any management standard set in this policy, the management standards set in this policy must prevail.

- d) Where any performance criteria in a business plan conflicts with a management standard set in this policy or in any of its schedules, then the management standard set in this policy must prevail.
- e) Where a conflict arises between the Asset Management Strategy or an Asset Management Plan then:
 - the DAMP Coordinator must be consulted; and
 - together with the delegate or responsible person a resolution to the conflict must be agreed; and
 - the DAMP Coordinator may, if it is necessary to do so, amend the DAMP policy or recommend to the general manager the necessary changes for his or her approval.

B.1.2. Ultra violet radiation and shade protection

- (a) Except to the extent and standard of any existing:
 - shade structures;
 - special ultra violet radiation protection covers or membranes; or
 - trees or shrubs;that are presently provided at any asset to protect or assist in the protection of any person from solar ultra violet radiation or heat:
 - (i.) No additional or new protection from ultra violet radiation shall be provided; and
 - (ii.) No trees or shrubs shall be planted or placed to provide protection from solar heat; and
 - (iii.) No risk warning shall be given to the public, generally or specifically, about the hazards to the human body of exposure to natural solar ultra violet radiation, or solar heat.
- (b) Despite (a), a delegate or responsible person may determine to provide any of the things specified in (i.), (ii.) and (iii.) if required by [written law](#) to do so or if Council has approved plans for the provision of such things; but
- (c) The installation or upgrading of such things must be confined to [resource availability](#) and to the extent of the approved plan or plans.

B.2. Use of assets

B.2.1. Terms and conditions of entry

The general manager [may](#), subject to any Council policy or legislative requirement or limitation or [written law](#), determine the terms and conditions of entry or use of the assets comprising the Asset Groups mentioned in **Schedule 1**.

B.2.2. Supervision of assets

Each asset to which this policy applies shall be [unsupervised](#) unless determined otherwise in **Schedule 4**.

B.2.3. Council rangers and regulatory enforcement

- a) The enforcement of [written law](#), Council policy and signage prohibiting certain activities at or about the assets or services must only be carried out:
 - within manpower levels approved by Council; and
 - [resource availability](#) limits; and
 - only by [authorised persons](#).
- b) Subject to e), a [responsible person](#) shall [determine authorised persons](#) and their qualifications, responsibilities and functions.
- c) Before making a determination under b), a responsible person must consult with [Human Resources](#) to ensure that all rangers (authorised persons) possess the necessary **core competencies** and **qualifications** to perform all functions required to be carried out.
- d) A register of authorised persons must be kept and maintained in **Schedule 15**.
- e) The general manager, as the primary 'duty holder' under Part 3.1 clause 32 of the *Work Health and Safety Regulation 2011* (WHSR), must ensure that the relevant director responsible for regulatory enforcement complies with the WHSR and, without being exhaustive, takes [reasonably practicable](#) steps to ensure:
 - that each matter referred to in *Chapter 3: General risk and workplace management*, is relevantly considered and implemented for all regulatory enforcement functions;
 - that particular attention is directed to single-person responses to after-hours call outs;
 - that the risk and threat of violence is assessed;
 - that the question of whether rangers should patrol in pairs is addressed; and
 - that a formal assessment of all risk is carried out; and
 - that a system of on-going risk assessment and monitoring is established; and.
 - the [Workplace Safety Advisor](#) be consulted in relation to each enumerated point and the practical application of the WHSR.

Definition: "formal assessment" means in accordance with formal risk management protocols and it is in writing.

- f) Despite b), if at any time an authorised person thinks that his or her personal safety might be compromised in any particular operational situation then the authorised person must:
- immediately retreat to a safe position; and
 - call for immediate assistance, including assistance from the NSW Police Force; and
 - not exercise his or her power until it is safe to do so.
- g) **For the avoidance of doubt in f)**, a ranger or any employee or contractor responsible for the enforcement of Council's regulatory or policy functions must call the NSW Police Force for assistance if:
- he or she is attacked;
 - a person being questioned or apprehended threatens to use violence; or
 - any other person threatens to use force against a ranger or any Council employee or contractor.
- h) An authorised person shall respond to customer requests in accordance with the CRMS and [B.7 Response to Customer requests](#).

B.2.4. Use of assets by the disabled

- a) Subject to [unjustifiable hardship](#), all assets must be designed, constructed or established to meet the requirements of the *Disability Discrimination Act 1992* ("DDA"), *Disability Discrimination Regulations 1996* (DDR) *the Disability (Access to Premises - Buildings) Standards 2010* and *Disability Standards for Accessible Public Transport 2002*;
- b) For all assets and whether designed, constructed or established before or after the commencement of the DDA, Action Plans must be developed for each asset which satisfy *Part 3 – Action plans* of the DDA;
- c) Designated authorised persons will be responsible for the assessment of all asset designs to ensure that designs comply with the approved Action Plan for the particular asset;
- For the avoidance of doubt**, this means that an authorised person will be designated in each [corporate functional area](#) of responsibility to coordinate and implement any DDA Action Plans
- d) All Action Plans, original and subsequent amendments, must be kept for the life of the respective asset to which it applies.

B.3. Records of assets

B.3.1. Asset classification and recording

- a) All assets must be classified according to the relevant ACS and be managed in accordance with the appropriate MSLS management standards set out in **Schedule 4**; and
- b) An Asset Register must be kept and maintained containing the following minimum information:
 - i) all assets must be capable of sorting and reporting based on the following four methods:
 - alphabetically;
 - by asset group;
 - by ACS classification; and
 - by MSLS classification.
 - ii) each asset's planned life or duty cycle and ageing profile;
 - iii) each asset's:
 - purchase or acquisition date;
 - original valuation;
 - current valuation;
 - original life or duty cycle expectancy;
 - current life or duty cycle expectancy;
 - method of depreciation;
 - initial rate of depreciation;
 - current rate of depreciation;
 - planned disposal date.
 - iv) inspection and maintenance cycles; and
 - v) capital improvements done which extend an asset's life cycle.
 - vi) **For the avoidance of doubt in iii):** an asset may have a duty cycle **or** a life cycle or both a duty cycle **and** life cycle may apply to a particular asset. Where a duty **and** a life cycle apply both must be recorded.

B.3.2. Guidelines for engineering works and standard drawings

Dubbo Regional Council Guidelines for Engineering Works (the "guidelines") include Standard Drawings ("drawings") therefore:

- a) If guidelines and drawings exist in relation to a particular kind of works, then the work must be done in conformity to the guideline or drawing unless an [authorised person decides](#) otherwise.
- b) “works” include work that involves construction, installation, repair, modification or maintenance of an asset, component or part.
- c) Where the guidelines are silent on a particular works, then the works must be carried out in accordance with the relevant specification and [sound engineering and professional practice](#).
- d) The guidelines including drawings shall be designated as **Schedule 13**.
- e) Each guideline and drawing must have a unique registration number.
- f) An [authorised person](#) must:
 - approve the making of any new guidelines or drawings;
 - approve revisions, amendments and updates to guidelines or drawings;
 - approve revocation of guidelines or drawings;
 - promptly withdraw out-of-date or revoked guidelines or drawings;
 - keep the guidelines and all drawings current.
- g) The following things must be included in the guidelines and drawings:
 - Pits, pit covers and grates
 - Sub-surface Drains
 - Culverts
 - Fences and safety railing
 - Traffic Management
 - Shared Footpaths
 - Cross Sections
 - Drainage
 - Standard Barrier for Laneway
 - Permanent Survey Marks
 - Tractor Crossing for Footpaths in Reserves
 - Kerbs
 - Vehicle Crossings
 - Bus Shelters

- Street Furniture and Signs
 - [Model Safety Measures](#) for Stormwater Drainage Systems
 - [Protective Structures](#) for Stormwater Drainage Systems
 - [Lock Down Devices and Mechanisms](#) for Stormwater Drainage Systems
- h) An authorised person will determine the timetable for the development of the things mentioned in g), and the priority of development for each item in accordance with [available resources](#).
- i) An authorised person may determine to add new or delete items from g).

B.3.2.1. Permanent survey marks

An [authorised person](#) must be designated to:

- i) create and maintain a register of all permanent survey marks;
- ii) maintain or cause to be maintained all permanent survey marks in good condition; and
- iii) prepare relevant reports on the location and condition of permanent survey marks as may be required by [written law](#) or by Council policy or by a relevant delegate mentioned in **Schedule 2**.

B.3.3. Records to be kept of certain contract and asset management decisions

- a) A decision made by the general manager, a delegate or responsible person to determine any management standard under this policy shall be recorded and maintained.
- b) The general manager or a delegate shall determine the manner, form and duration of records to be kept.
- c) [Attachment I – Record of Certain Contract and Asset Management Decisions](#) sets out the minimum records and detail that must be kept and maintained.

B.4. Inspection of assets and services

B.4.1. Routine inspection

[No routine inspection](#) will be carried out on any [asset](#) or service unless an inspection is specified:

- by written law; or
- in Schedule 4.

B.4.2. Technical inspection

A [technical inspection](#) will only be carried out:

- when determined necessary; and
- to the management standard;

as determined by a [responsible person](#).

B.4.3. Re-inspection of activities

a) When an [activity](#) is completed, a responsible person must, as soon as is [reasonably practicable](#), carry out a [final inspection](#) to ensure that each particular activity:

- conforms to the required management standard; and
- is left in a [reasonably safe condition](#).

b) After the final inspection in a) is done, **no re-inspection** of any [activity](#) shall be undertaken to determine if the work or works done or service provided remains in a safe condition or if it continues to perform to the required [management standard](#).

c) **For the avoidance of doubt in b)**, if, following a final inspection, Council receives a [customer request](#) or [work request](#) that an unsafe defect or condition exists, then a customer response inspection must be carried out in accordance with [B.7. Response to Customer requests](#).

B.5. Maintenance of assets

B.5.1. Routine maintenance

[No routine maintenance](#) will be carried out on any [asset](#) unless an inspection is specified:

- by written law; or
- in Schedule 4.

B.5.2. Council interference with public utility assets

This section applies where Council proposes to carry out [works](#) on its assets and such works may interfere with or require the relocation of infrastructure belonging to a [public utility](#).

- a) Except in an [emergency](#), no works shall be carried out by Council in a public road reserve, or at any other location, if such works will or are likely to interfere with or damage [non-road infrastructure](#) belonging to a public utility **unless** the relevant utility:
- i) has been advised in writing, or verbally in the case of an emergency, of the impending works; and

- ii) has provided Council with detailed plans of the nature, type and precise location of its services; or
 - iii) has tasked an employee or agent to provide on-site advice about the exact whereabouts of its services.
- b) When a verbal notification is given pursuant to a) i), the name of the person to whom notification was given, along with the date, time and substance of the notification, and the utility's response shall be recorded.
 - c) Where in a) iii) a utility tasks an employee, or a contractor on its behalf, to provide on-site advice concerning the location of its service, the name of that person along with the date and time and details of any advice given must be recorded.
 - d) A responsible person shall determine the manner and form of records required to be kept.
 - e) Before a responsible person referred to in d) determines the manner and form of records he or she must consult with the DAMP Coordinator and any amendment required by the DAMP Coordinator must be implemented.

B.5.3. Restoration by council of public utility works

The general manager must cause to be developed a formal document to be called the "*Standard Terms & Conditions for Restoration Work*". The document, when complete, must be included in this policy as **Schedule 12**.

The document must be completed and implemented on a date to be determined by the general manager.

The *Standard Terms & Conditions for Restoration Work* address the situation where, at the request of a public utility, developer, builder, contractor or private person (the "[third party](#)"), Council decides to [restore](#) infrastructure works done to its assets by third parties. The following must be included in the *Standard Terms & Conditions for Restoration Work*:

- a) Council will only act on an official [restoration order](#) from a third party and on terms satisfactory to Council;
- b) A third party must, **before** Council will accept a restoration order, be given and have agreed in writing to Council's "*Standard Terms & Conditions for Restoration Work*";
- c) Despite b), if Council receives a [customer request](#) and a [customer response inspection](#) reveals that a third party works on a Council asset or other property is or may be unsafe, then the inspector will determine what, if any, action must be taken to restore the third party work to a [reasonably safe condition](#);

- d) If, under c), a responsible person decides to mobilise Council's [resources](#) to restore the third party works to a reasonably safe condition, the cost of such work must be invoiced to and recovered from the respective third party;
- e) If Council receives a restoration order from a third party and decides to carry out a restoration, it must be done in accordance with its "*Standard Terms & Conditions for Restoration Work*" but within [resource availability](#), [operational limitations](#) or [special risk exposure](#);
- f) If Council decides not to accept or carry out a restoration, then the third party must be [notified immediately](#) and such notification [confirmed in writing](#). Written confirmation must be sent no later than by the close of business on [the day after](#) the decision is made not to carry out the restoration;
- g) If Council accepts a restoration order from a third party, **no** [inspection](#) will be carried out of the third party works:
- (i) to initially determine if the works are in a [reasonably safe condition](#); and
 - (ii) Subject to [B.7 – Response to Customer Requests](#), no inspection shall be carried out of any third party works between the date of the receipt of the restoration order and the date and time upon which Council has decided to program the restoration works to commence.

B.5.4. Bird damage

This sub-section applies to all **Schedule 1** asset groups.

Subject to **Schedule 4**, any [bird damage](#) must be managed as follows:

- a) No inspection will be carried out of any asset or service to determine if any bird damage, or unsafe condition caused by bird damage, is being caused or has been caused.
- b) Despite a), if a responsible person decides:
 - while carrying out any class of inspection; or
 - during any maintenance activity;
 - that bird damage is an [unsafe defect](#); then
 - safety measures must be erected in accordance with [B.9 Safety measures](#).
- c) A delegate shall determine what control measures, if any, are to be taken to control, displace or eliminate birds so that bird damage is eliminated or reduced.
- d) Before a delegate determines control measures he or she must consult with the DAMP Coordinator.

B.6. Environmental & heritage management

This section will be completed when relevant Business Plans are available.

B.7. Response to Customer requests

[Customer requests](#) play a vital role in the effective management of Council's assets, services and resources. A customer request provides the opportunity to carry out a [customer response inspection](#) of an asset or service to evaluate a particular request, but also to gauge how an asset or service is performing at a specific point in time against defined management standards.

Customer requests and non-budgeted work requests are unplanned and unfunded events which can place an immediate reactive demand on Council's resources. Therefore, it is imperative that customer requests be properly assessed, prioritised and scheduled seamlessly into the maintenance or service planning function.

CRMS management standards must be set in accordance with [A.4.5 Customer Response, service](#) charters and service agreement management standards.

Customer request and customer response documentation (electronic or hard copy) plays a pivotal role in providing factual documentary evidence of what Council did or did not do for each request. This information will be vital if Council is sued. Therefore, it is essential that customer request and response documentation is properly and accurately completed.

For the avoidance of doubt, not all customer requests will be inspected. For example, customer requests which don't involve a safety complaint or merely request information, advice or the supply of a service may not require an inspection. The CRMS will specify when an inspection will be required.

B.7.1. Investigation, inspection and rectification of customer requests

- a) Subject to [resource availability](#) all [customer requests must](#) be either:
 - inspected; or
 - if the CRMS does not require an inspection to be done, the request must be dealt with as specified by the CRMS.
- b) Notification of a customer request to Council shall be deemed to have occurred at the date and time it was first [received by the Council and entered into the CRMS](#).

- c) Customer requests, including unsafe defects or conditions, must be rectified in accordance with the relevant maintenance procedure applicable to the particular type of customer request.
- d) Despite c), if a formal system of maintenance is operational, and this includes a system of prioritisation for different defect types (collectively “the system”); then defects and unsafe defects arising from customer requests or work requests must be rectified in accordance with the system requirements.

B.7.2. Customer requests alleging an unsafe defect

All [customer service requests](#) alleging an [unsafe defect](#) must be dealt with in accordance with B.7. and [B.9 Safety measures](#).

B.7.3. Customer Service Requests about roads—certain designated officers to be notified

B.7.3.1. Introduction

Section 45 (1) of the Civil Liability Act 2002 requires Council to possess **actual knowledge** of the **particular risk** the materialisation of which **resulted in the harm** before a plaintiff can succeed against Council. It is for the plaintiff to prove actual knowledge, and all that that entails, on the part of Council.

The courts have provided guidance about at what level, and other characteristics, a person must possess before Council can be said to have “actual knowledge” about a particular incident or accident or a condition about a particular risk that caused a plaintiff’s harm; this applies to notifications not being customer service requests. Therefore, it is necessary to identify the person or persons in *Infrastructure and Operations Division* who will be Council’s Section 45(1) [proper person](#) responders.

B.7.3.2. Council responders for the purpose of Section 45(1) of the Civil Liability Act 2002

- a) The general manager or a delegate must determine and declare at what level within the Council’s organisation structure a [proper person](#) shall receive and act on Customer Service Requests for road assets.
- b) A person must not be declared a [proper person](#) unless he or she has the following attributes:
 - (i.) the express authority to decide and take what action is required to be taken in relation to a Customer Service Request involving a [public road](#) or [road work](#); and
 - (ii.) the express authority to commit Council to the expenditure of funds to carry out the action in (i.); and

- (iii.) competency and experience in carrying out road works and;
 - (iv.) possess demonstrated ability to carry out an objective inspection and assessment of a Customer Service Request, to the satisfaction of a [responsible person](#).
- c) Nothing in b) shall prevent a [proper person](#) from tasking a person who is not a proper person from carrying out an inspection of a Customer Service Request and gathering factual evidence of the particular event which gave rise to the request, to enable a proper person to assess and determine what course of action, if any, should be taken in relation to the particular request.
- d) For the purpose of c), a proper person [must be satisfied](#) that the person tasked to carry out the inspection of a [particular Customer Service Request](#) is competent to do so.
- e) Where an inspection is tasked under c), a proper person shall not possess or be deemed to possess “actual knowledge” until the tasked person provides a proper person with his or her report and that report provides explicit detail of facts surrounding the particular Customer Service Request.
- f) The persons (by designation) mentioned in the **Table** below are declared to be [proper persons](#) for the purpose of Section 45(1) of the *Civil Liability Act 2002* as Customer Service Requests notification responders for requests relating to Council’s [road assets](#):

Table—Declared Proper Persons: Infrastructure and Operations Division

| Designation/Position | Manager yes/No | Comment |
|---------------------------------|----------------|--|
| Manager Infrastructure Delivery | Yes | |
| Manager Transport & Emergency | Yes | |
| Senior Assets Systems Engineer | Yes | |
| Operations Engineer West | Yes | |
| Operations Coordinator East | Yes | |
| Senior Projects Engineer | Yes | |
| Project Engineer | No | Two Project Engineers report to the Senior Projects Engineer and both are declared proper persons. |
| Project Engineer | No | |
| Works Supervisor 1-West | No | |

| Designation/Position | Manager yes/No | Comment |
|-------------------------|-------------------|---------|
| Works Supervisor 2-West | No | |
| Works Supervisor 3-West | No | |
| Works Supervisor 4-West | No | |
| Works Supervisor 1-East | No | |
| Works Supervisor 2-East | No | |

- g) All Customer Service Requests for roads and footpaths **that form part of a road** must be sent to the [proper person](#) responsible for the road the subject of a particular Customer Service Request.
- h) For the purpose of this subsection and the Table only, a position designated as a manager must only be notified if, and only if, the relevant proper person cannot be contacted, or a significant motor vehicle or cyclist accident occurs on a road involving significant injury, or death, or significant road infrastructure damage.
- i) Despite h), a proper person, [may](#), but only if he or she thinks fit, respond to any Customer Service Request about roads.
- j) Details of each Customer Service Request response by a [proper person](#) must be recorded into the CRMS.

B.7.4. The five (5) hour safety response procedure rule

This rule only applies to [safety complaints](#) and is subject to the variations to the 5 Hour Rule set out in the Table 2.

- a) A responsible person must cause all safety complaints, whether initiated through the CRMS or a [work request](#):
- to receive a [customer request inspection](#) within [five \(5\) working hours](#) of being [received by the Council](#); and
 - to be assessed in accordance with the *Test for Unsafe Defect* as set out in **Annexure E**.
- b) **For the avoidance of doubt in a)**, the purpose of this inspection is to determine if, in fact, an unsafe defect actually exists, and then to decide what action to initiate.
- c) If a safety complaint will not be [inspected](#) before the [close of business](#) on the day it is received, it must [immediately](#) be referred to the relevant [after-hours](#) response officer so that the inspection can be completed within five (5) working hours; but
- d) If the inspection cannot be done within five working hours due to [resource availability](#) or an emergency, and the inspection will not be carried before 12 noon on the next working day, then:

- a new date and time must be set for the inspection to be carried out at the [earliest possible opportunity](#); and
 - a permanent record must be kept of the decision to reschedule the inspection, and the new inspection date and time must be recorded.
- e) **For the avoidance of doubt:** The primary role of a person carrying out a [customer service request inspection](#) is to discover what, if any, unsafe defects exist and to and initiate remedial action by others. And to report findings and recommendations to the relevant responsible person, and to record his or her findings in the CRMS.
- f) A person carrying out a [customer service request inspection](#) may only attempt to eliminate a minor (simple) unsafe defect or if this is not possible, to erect [temporary safety measures](#) (if such measures are immediately available to the inspector).
- g) The [customer](#) who lodged a CRMS must not be contacted and advised about Council's inability to comply with the 5 Hour Safety Rule or about any changed inspection date and time.
- h) Despite g), a delegate or a responsible person may decide, but only on a case-by-case basis, to notify the customer who originated the particular Customer Service Request about the changed inspection date and time if, but only if, the customer's description of an [unsafe defect or condition](#) appears to the delegate or responsible person to warrant such action.
- i) With respect to h):
- a. Except where a customer originates a Customer Service Request in person or by letter, the manner of such notification must be same as the manner chosen by the customer when he or she originated the particular Customer Service Request (e.g. by phone, email, text message, fax); and
 - b. Where a customer originates a Customer Service Request in person or by letter, then notification must be by telephone only.
 - c. Only two attempts be must made to contact the customer.
 - d. if the customer resides outside of the Dubbo Regional Council local government area, then no contact must be made.
- j) **For the avoidance of doubt:**
- i. **in f), "immediately available"** means safety measures carried by the inspector in his or her vehicle.
 - ii. **in h), "customer's description"** refers to the description given by a customer in the Customer Service Request. As a customer's description is all Council has to go on until it

carries out an objective [customer service request inspection](#), a responsible person must make an often imperfect value judgement about substance and accuracy of a customer's description which can be inaccurate, ambiguous, vague or incorrect.

B.7.4.1. Variations to the 5 Hour Safety Response Rule

The 5 Hour Safety Response rule is set for the Dubbo City and Wellington Central Business Districts (CBD) and the urban area, and Table 2 sets out the "Adjusted Response Time" and the "After hours and Public Holiday Response Time" for all other locations.

a) **Definitions:**

"Adjusted Response Time" means the additional time allowed to respond to safety complaints in rural areas outside of the CBD and urban area during [ordinary working hours](#).

"After hours and Public Holiday Response Time" means the variation to the 5 Hour Safety Rule to allow the necessary resources to be organised in response to After Hours and Public Holidays callouts.

b) The variations that apply to the 5 Hour Safety Response rule are set out in **Table 2**.

Table 2 Variations to 5 hour rule

| Location (Town or Village) | Adjusted Response Time | After hours and Public Holiday Response Time |
|---|------------------------|--|
| Dubbo City and Wellington CBD and urban areas | 5h 00m | 5h 30m |
| Villages of Brocklehurst Wongarbon, Eumungerie, Mogriguy, Elong Elong, Ballimore and Geurie | 5h 40m | 6h 00m |
| All other locations, places and areas (except CBD and urban), within Dubbo Regional Council local government area | 6h 30m | 6h 30m |

c) **For the avoidance of doubt**, unless determined otherwise by a delegate or responsible person, a safety complaint or notification must be responded to within the times specified in **Table 2**.

B.7.5. Non-safety customer requests

All non-safety customer requests:

a) must be inspected within the relevant time limit specified in **Schedule 4** or in the CRMS;

- b) CRMS response times must not conflict with **Schedule 4** where Schedule 4 specifies a response time;
- c) must be rectified in accordance with the relevant maintenance procedures applicable to the particular type of customer request; and
- d) if no maintenance procedure exists, then in accordance with a procedure decided by a responsible person.

B.7.6. Work requests

All [work requests](#) must be:

- a) Where an inspection is required, be [inspected](#) within the relevant time limit specified:
 - in **Schedule 4** or if not here; then; then
 - in the CRMS or if not here
 - in the work request or work order or if not here; then
 - in a written directive by a responsible person.
- b) Performed and completed in accordance with the completion time specified in the work request or work order, or in **Schedule 4**.
- c) **For the avoidance of doubt, Schedule 4** takes precedent over the completion time specified in a work request or works order unless a responsible person determines to the contrary.

B.7.6.1. Response to hazardous waste, rubbish and animal complaints

- a) Customer requests and other notifications about animals, hazardous waste and rubbish dumping must be responded to in accordance with CRMS management standard response times.
- b) The responsible person must ensure that “other notifications” are entered into the CRMS within one (1) working day of the receipt of a notification referred to in a).
- c) **Definition:** for the purpose of a), “other notifications” means customer requests made other than by the procedure in the CRMS or *After-Hours Response Manual*.

B.7.7. After-hours response service

It is important that a systemised approach to the management of after-hours notifications or complaints about Council’s assets or services be established, implemented and maintained.

B.7.7.1. Development of an after-hours response manual

- a) The general manager must take steps or cause steps to be taken to formalise and, if he or she considers it appropriate to do so, improve the current method of receiving and responding to after-hours customer requests made by any person including the NSW Police Force or any emergency service established under the *State Emergency and Rescue Management Act 1989*; or by a public authority.
- b) Formalisation of the current method must include establishing a system to enable Council's after-hours response to customer requests and other notifications to be delivered in an effective and efficient manner but subject to [resource availability](#). The system must ensure that each, and all, after-hours responses can be performance measured and reported against set management standards.
- c) When formalised, the after-hours response method will be known as the *After-Hours Response Manual* and must be designated as **Schedule 11** of this policy.
- d) The formalisation of the after-hours response method and *After-Hours Response Manual* must be completed by a date to be determined by the general manager.
- e) Despite d), the general manager must report to Council the date by which he or she has determined that the *After-Hours Response Manual* will be completed, and then report to Council three times during the nominated period on the progress of the development of the manual.

B.7.7.2. Current after-hours response method

Until the *After-Hours Response Manual* is completed and declared to be operational by the general manager, the present system and method of responding to and managing after-hours call outs must be complied with.

B.7.7.3. Exceptions to the current after-hours response method

The following conditions must prevail over the present system and method of responding to after-hours customer requests:

- a) [No inspection](#) of safety measures erected at any of Council's assets or services will be carried out after-hours to determine whether safety measures have been damaged, removed or rendered ineffective by any cause whatsoever.
- b) Despite a), an inspection of [safety measures](#) must be carried out if:
 - the *After-hours Response Manual* requires an inspection to be done; or
 - it is specified in **Schedule 4**; or

- requested by a member of the NSW Police Force or any emergency service established under the *State Emergency and Rescue Management Act 1989*; or by a public authority; or
- a customer request is received notifying Council that safety measures, whether erected by Council or by a contractor to Council, have been damaged or an accident has occurred where safety measures are erected; or
- a responsible person decides to carry out an inspection at a specific location (but he or she must not carry out a general inspection of safety measures beyond the chosen location), or
- [written law](#) directs an inspection to be done.

B.8. Emergencies

The following procedure applies to an [emergency](#):

- a) Emergencies must be responded to in accordance with the *Dubbo Regional Council Emergency Management Manual*.
- b) If the *Dubbo Regional Council Emergency Management Manual* or any particular part of it is or becomes inconsistent with the provisions of the *State Emergency and Rescue Management Act 1989*, including the *Dubbo Regional Council Emergency Management Plan* (EMPLAN), it must be amended.
- c) If Council is requested to respond to a hazardous situation or condition involving gas, chemical, nuclear or biological substances:
 - i) its assistance must be limited to providing resources and assisting to secure the perimeter of the area affected; and
 - ii) an employee must not participate in the actual containment or clean-up of the situation or condition, unless the employee:
 - has the required and proven expertise, training and competency; and
 - is provided with the necessary [personal protective equipment](#); and
 - the employee's participation is expressly authorised by the general manager to be involved in the containment or clean-up operations;
- d) Despite c), Council will only respond to or participate in the actual containment or clean-up of gas, chemical, nuclear or biological substances operations if, and only if, it has developed the necessary specialist and operational capability to do so, and the Council or the general manager [determines](#) to deploy that capability generally or on a case by case basis.

- e) For the avoidance of doubt in c), “chemical” includes an explosive or an improvised explosive.

B.9. Safety measures

B.9.1. Importance of safety measures

[Safety measures](#) are vital for the protection of people and property, and are a critical component of the effective management of assets, services and resources.

An [unsafe defect](#) usually prompts an immediate reactive response, and an unplanned application of resources. This is an inappropriate use of scarce resources.

Safety measures, properly taken and maintained, neutralise the risk and the reactive response. This allows the unsafe defect to be programmed and prioritised for rectification or elimination within established cyclical maintenance programs and [available resources](#).

For example, if an unsafe defect is discovered by an inspection (of any type), during construction or maintenance or it is notified through the CRMS, there are only two practical courses of action open to Council:

- eliminate the defect by the [immediate](#) application of resources; or
- [erect](#) safety measures and maintain them until it is convenient for Council to eliminate the defect or unsafe defect.

B.9.2. Model safety measures

A [Model Safety Measure](#) is a flexible pictorial and written instruction setting out the minimum standard of safety measures which must be erected at, on, over or about an asset or component or part that is determined to be unsafe or creates a potentially unsafe condition, and is subject to the following conditions:

- a) Compliance with measures under the Work Health and Safety Act 2011 and regulations or Codes of Practice or Guidelines.
- b) In accordance with written law.
- c) Model safety measures will be developed incrementally over time as available resources permit.
- d) A register of model safety measures shall be maintained as **Schedule 8**.
- e) Model safety measures must not be developed for:
 - any work activity for which a safe work method statement must be or has been prepared; or
 - any machinery, plant, equipment, electrical system, motor vehicle, thing or asset, including any component or part of any of these things if they are required by written law,

including safety written law, to be protected to a prescribed standard so as to prevent people from suffering injury or damage.

- f) A responsible person may determine to develop model safety measures for items excluded in e), but only if by doing so will improve the understanding of a particular safe work method statement and a risk assessment is carried out before a determination is developed.
- g) Before a model safety measure is developed, the responsible person must consult with the [DAMP Coordinator](#) and Workplace Safety Advisor and who will determine if a risk assessment is required to identify the risks the model safety measure is to eliminate or reduce or to warn and protect people from.
- h) With respect to f), a written record of the risk assessment must be kept.

B.9.2.1. Model safety measures for stormwater drainage systems

- a) Subject to [C.12.3 Fencing, protective structures and lock-down devices](#), a responsible person must determine:

- either generally; or
- on a case by case basis;

[model safety measures](#) to be [erected](#) in or about any drainage system or appurtenant works.

- b) Model safety measures developed for drainage systems must be incorporated into standard drawings in accordance with [B.3.2 Guidelines for engineering works and standard drawings](#).

B.9.3. To what standard must safety measures be erected?

With the exception of [temporary safety measures](#), both [short term](#) and [long term](#) safety measures must be [erected](#) to a standard sufficient to [make safe](#) an [unsafe defect](#). In particular:

- a) [model safety measures](#), where applicable, must be used; or
- b) if no model safety measure is available, to a standard which reduces an unsafe defect to a [reasonably safe condition](#).
- c) safety measures erected at a workplace to eliminate or control a risk must be erected to the relevant standard prescribed by the *Work Health and Safety Act 2011 No 10* and Regulations and if no safety measures are prescribed, to a standard which satisfies the definition of “reasonably practicable” under the Act.

B.9.4. When do safety measures need to be erected?

Safety measures must be [erected](#):

- a) Whenever a reasonably foreseeable risk or hazard exists which may affect the safety of people or property provided always that Council has a duty of care to erect safety measures; or
- b) When safety measures are required by any relevant [written law](#) to be erected; or
- c) If Council has actual knowledge about a particular hazard.
- d) Despite a) and c), except for safety measures erected at a workplace, safety measures must not be erected if a responsible person determines that the particular defect is [obvious](#) and by reason of it being obvious poses no threat or danger to persons taking reasonable care for their own safety.

B.9.5. Records of safety measures

The following information shall be kept and maintained in relation to safety measures erected:

- asset/service identification;
- location;
- date/time of erection of safety measures;
- details of the unsafe defect;
- details of action taken to rectify the unsafe defect;
- weather conditions (at the time safety measures are erected);
- details of safety measures [erected](#); and
- name and signature of responsible person certifying the erection of the safety measures.

B.9.6. When must a record of safety measures be kept and notice?

- a) Details of safety measures erected must be recorded:
 - i). immediately following erection;
 - ii). before leaving a work site at any time;
 - iii). if a safety measure is displaced due to:
 - storm and tempest
 - vandalism; or

If, in any other circumstance a responsible person determines it necessary.

- b) Despite a) (iii.), Council will only have knowledge of a displaced safety measure if, and only if, a [customer request](#) or [work request](#) is made advising of the displacement or for road assets, a [proper person](#) has been notified..

- c) If, in the opinion of a responsible person, safety measures **are not** required to be [erected](#), a record must be kept and maintained to that effect.

B.9.7. Unsafe defect identification, marking and recording

[Unsafe defect](#) identification, marking and recording in, on, or about any asset or service, must be done in accordance with:

- a) the *DAMP “Unsafe Defect Test”* set out in **Attachment E**; and
b) the relevant Standard Operating Procedure for the type of inspection required to be undertaken.

Where a Standard Operating Procedure calls for a [painted surface safety measure](#) the paint used must:

- be slip resistant
- be a highly visible colour
- be removable by mechanical means or by solvent
- when applied be capable of remaining plainly visible for at least six months.

B.9.8. Unsafe defects – safety measure procedure

- a) If, on inspection, a responsible person determines a [defect](#) to be an [unsafe defect](#) then:
- the unsafe defect must be eliminated [immediately](#); or
 - [permanent safety measures](#) must be caused to be [erected](#) and maintained until it is convenient to eliminate the unsafe defect.
- b) Despite a), if permanent safety measures are not immediately available then [temporary safety measures](#) must be erected but only if the responsible person carrying out the inspection has with him or her safety measures of this kind.
- c) If temporary safety measures **are not** available, then the responsible person carrying out the inspection must contact the responsible supervisor and request permanent safety measures be erected as soon as is [reasonably practicable](#).
- d) Where temporary safety measures are erected, the responsible person must immediately report an ‘[unsafe defect](#)’ through the [CRMS](#) so the relevant people are tasked to erect permanent safety measures.
- e) If a responsible person carrying out an inspection determines that the unsafe defect is **inherently hazardous** (“serious hazard”) that temporary safety measures are inappropriate, then he or she must:

- contact the responsible supervisor and request immediate assistance, and
- stay at the site and control traffic until a work crew arrives to erect permanent safety measures.

Definition: “inherently hazardous” means the public cannot avoid the hazard by the exercise of reasonable care and skill.

- f) In respect to e), if the responsible supervisor receives a call from an asset inspector about a serious hazard then he or she must:
- cause a work crew to respond immediately to erect permanent safety measures and to control traffic; and
 - if a work crew cannot respond immediately, contact the local police and request immediate traffic control assistance until a works crew can respond.
- g) Permanent safety measures must be erected (to replace temporary safety measures) in accordance with the time limits in **Table 3**. These time limits are to be taken from the date/time a particular temporary measure was erected.

Table 3: Time limits for replacement of temporary safety measures

| Location (Town or Village) | Time Limit (hours/minutes) |
|--|-------------------------------|
| Brocklehurst, Eumungerie, Ballimore Wongarbon and Geurie. | 5h : 30m |
| Dubbo City urban area | 5h : 00m |
| Elong Elong, Euchareena, Mogriguy, Mumbil, Rawsonville, Toongi, and all other areas and locations within Council's local government area. | 6h : 00m |
| Wellington township. | 5h : 00m |

- h) Despite the time limits Table 3), provided it is reasonably practicable to do so, permanent safety measures must be erected before the end of daylight on the same day that a particular temporary safety measure was erected.
- i) **For the avoidance of doubt:**
- **in h)**, this step is necessary to reasonably ensure that at night the public is adequately warned or protected or both warned and protected from an unsafe defect.
 - **in Table 3**, the time limits mean that the action required must be taken and completed before the expiry of each respective time limit but if not, then a responsible person must determine a different time limit.

B.9.9. Duration of safety measures

- a) If a safety measure is erected, the particular unsafe defect must be repaired or otherwise eliminated in accordance with [B.9.12 Safety measures for road and other assets](#).
- b) [Temporary safety measures](#) must only remain erected in accordance with [B.9.8 Unsafe defects – safety measure procedures](#).
- c) [Short term safety measures](#) may not be erected for longer than one calendar month.
- d) [Long term safety measures](#) may be erected for such periods, greater than one month, as determined by a responsible person.

B.9.10. Ongoing inspection and maintenance of safety measures

When [safety measures](#) are erected they must remain effective. This means that the unsafe defect must remain in a [reasonably safe condition](#), until it can be eliminated.

The following procedure must be followed:

- a) After safety measures have been erected, a [safety measures inspection](#) must be carried out on the following basis:
 - (i.) only during [ordinary working hours](#);
 - (ii.) once fortnightly for [short term safety measures](#);
 - (iii.) once monthly for [long term safety measures](#); or
 - (iv.) in response to a [safety complaint](#) regarding any safety measures erected.
- b) The timing of the [safety measures inspection](#) will be determined at the discretion of a responsible person.
- c) Despite a), where short or long term road work is being carried out the frequency of inspection specified in the particular contract documentation must be complied with or, if no contract documentation exists, then at a frequency in accordance with the advice of the Workplace Safety Advisor.
- d) **For the avoidance of doubt in a)**, if a [safety complaint](#) is received a [safety measures inspection](#) must be carried out.
- e) **For the avoidance of doubt in b)**, this means that a responsible person can schedule, [at will](#), the relevant safety measures inspection to be done at any time during the inspection frequency period. The critical factor is that the inspection must be done once during, but before the expiry of, the respective inspection frequency period set in a) or at a frequency advised by the Workplace Safety Advisor.

B.9.11. Decommissioning of safety measures

- a) [Safety measures](#) must not be decommissioned unless the unsafe defect has been eliminated.
- b) A responsible person will [determine](#) when safety measures can be decommissioned.
- c) The following record must be kept of all decommissioned safety measures:
 - asset/service identification;
 - weather conditions;
 - location of safety measures;
 - date/time of decommissioning of safety measures;
 - the reason for decommissioning of safety measures;
 - a statement that the work or service was left in a reasonably safe condition;
 - name and signature of the person who authorised the decommissioning of the safety measures;
 - name and signature of the person who actually decommissioned the safety measures; and
 - The person authorising decommission and the person actually decommissioning the safety measures may be the same or independent persons.
- d) Where a [painted surface safety measure](#) is used a reasonable attempt must be made to remove or obliterate the painted surface at the time the [unsafe defect](#) is eliminated.
- e) **For the avoidance of doubt in d)**, once an unsafe defect, which was previously protected by a painted surface safety measure, is eliminated, the painted surface becomes superfluous. However, it is undesirable that a painted surface remain in place as people, over time, will devalue the safety function of a painted surface if no hazard exists. This may increase the risk that a person may ignore a painted surface safety measure, when a real risk or hazard exists, and suffer injury.

B.9.12. Safety measures for road and other assets

- a) When a [safety measure](#) is required to be [erected](#) on a [road asset](#) or at or about any other asset listed in **Schedule 1**, it must be erected:
 - (i.) in accordance with relevant written law,
 - (ii.) in accordance with the relevant Standard Operating Procedure, or if no Standard Operating Procedure exists,
 - (iii.) to the satisfaction of a responsible person.

- b) **For the avoidance of doubt in a)**, “to the satisfaction of a responsible person” means that a responsible person must be satisfied, after inspecting the safety measures erected, that a particular safety measure reasonably warns or protects people from the unsafe defect.
- c) Where permanent safety measures, including [painted surface safety measures](#), are erected to protect the public from an unsafe defect, the particular [unsafe defect](#) must be repaired or otherwise eliminated in accordance with Council’s established:
- (i.) maintenance planning procedures and timelines, or
 - (ii.) if, relevant, the capital works program adopted by Council.
- d) **For the avoidance of doubt in c) ii)**, this refers to where an unsafe defect is part of an asset that is programmed for full or partial reconstruction; and it is convenient to defer the rectification of an unsafe defect, or any defect which is not unsafe, so it can be rectified as part of the reconstruction.
- e) Despite c), a responsible person must ensure that permanent safety measures are maintained until the unsafe defect is repaired or otherwise eliminated.
- f) A responsible person may decide to erect safety measures other than or in addition to a [painted surface safety measure](#).

B.10. Risk management

B.10.1. Risk management policy statements

- (a) The following **draft** Enterprise Risk Management documents (“ERMDOCS”) attach to and apply to the DAMP policy:
- Enterprise Risk Management Policy 2013
 - Enterprise Risk Management Plan 2013
 - Enterprise Risk Management Framework 2013
 - Enterprise Risk Management Communication Strategy 2013.
- (b) If an ambiguity or conflict exists between the DAMP policy and any one or all of the ERMDOCS, the DAMP policy shall prevail to the extent of that ambiguity or conflict.

B.10.2. Introduction

This Defined Asset Management Policy and the Workplace Health and Safety Policy, and initiatives, are components of Council’s overall corporate risk management strategy.

The identification and management of risk is pivotal to the successful management of Council's business, and to its ongoing success. Risk can have a positive or negative impact.

The impact of not identifying a social, economic, financial or business opportunity is a significant risk, and this can be just as serious as, if not more serious than, any other risk Council may face.

However, for a person who suffers injury from the materialisation of a risk, the consequences can be personally devastating. For Council there can be serious financial impacts in terms of defending a breach of its relevant common law or written law duty of care (e.g. workplace health and safety, environmental, food safety, and building written law). Costs to Council can result in increased damage awards, legal costs, increased premiums for liability and Workers' Compensation insurance. Simply, no one wins. Either way, the direct and consequential costs can be very significant.

On the other hand, risk, in any form, will provide Council with an opportunity to improve any weakness which might be present in its systems, processes and staff competency. The benefits are twofold. First, the quality and safety of Council's assets will improve. And, secondly, the wider community and Council's citizens and customers will experience improved standards of customer service and safety.

B.10.3. Risk management framework

- a) Council's risk management framework or specific risk management initiatives are and must continue to be developed with reference to:
 - Council's adopted Enterprise Risk Management Policy and strategy; and
 - the respective first principles of sound management, financial, engineering, scientific and technical practice; and
 - the relevant guidelines set out in Australian Standard AS/NZS ISO 31000:2009, Risk Management but subject to the limits, if any, specified in the Enterprise Risk Management Policy and Strategy..
- b) The general manager must cause the adopted Enterprise Risk Management Policy and Strategy to remain relevant to Council's strategic and operational needs but subject to [resource availability](#).

B.10.4. Workplace Health and Safety framework

Council's Workplace Health and Safety Policy and Strategy must be developed with reference to the principles set out in *AS 4801-2000 Occupational Health and Safety Management System* or as otherwise prescribed by the *Work Health and Safety Act 2011 No 10* and Regulations.

B.10.5. Risk assessment and certification

Where this policy requires a delegate or a [responsible person](#) to consult with Council's DAMP Coordinator or Workplace Safety Advisor, the following procedure must be followed:

B.10.5.1. Record of decision

A written record must be made and kept by the affected authorised person, responsible person or relevantly by the DAMP Coordinator or the Workplace Safety Advisor of:

- any risk assessment done;
- all matters and factors considered in preparing the risk assessment;
- advice provided; and
- any [decision](#) made.

B.10.5.2. Risk warnings

When consulted about a [risk warning](#) the DAMP Coordinator or Workplace Safety Advisor must, as a minimum:

- a) Visit the affected asset or site;
- b) Provide written advice including:
 - details of any site visit, including photographs;
 - an analysis of the particular risk exposure;
 - whether Council has control over the risk, and if not, why;
 - the class and age of persons exposed to the risk;
 - the likelihood, severity and magnitude of the probable injury;
 - whether the risk is obvious and [inherent](#);
 - whether the risk is obvious but not inherent;
 - the ability of the person confronting the risk to recognise, appreciate and to take reasonable steps to avoid the risk;
 - the reason for declaring a risk an '[obvious risk](#)';
 - details of the mechanism of injury and the feasibility of eliminating or reducing the risk to a level acceptable to people confronting the risk;
 - the likely impact of any proposed sign on the target group in terms of modifying behaviour and inducing compliance;
- c) The DAMP Coordinator or Workplace Safety Advisor recommendation must include the following advice:
 - if a sign is not required, why not;

- if a sign is required, why;
 - the suitability or otherwise of a proposed sign;
 - the required location of a sign;
 - the number of sign(s) required;
 - the size of the sign; and
 - if there are any special risk communication features which need to be incorporated into a sign.
- d) A register of all Risk Warning signs, including location, type and date installed or modified, must be kept and maintained as **Schedule 16**.

B.10.6. Risk management of specific classes of assets

B.10.6.1. Fencing

- a) Subject to [C.5 Fencing and alternatives](#), if a responsible person:
- i. decides that any fencing is to be erected, demolished or modified; and
 - ii. that decision is based wholly or partly on safety grounds; then
- the responsible person must, before any erection, demolition or modification is done, carry out a risk assessment in accordance with the principles in AS/NZS ISO 31000:2009; and
- b) consult with the Council's DAMP Coordinator or Workplace Safety Advisor concerning the adequacy or otherwise of any proposed safety measures to protect persons or property from damage which may arise from a reasonably foreseeable risk.
- c) The DAMP Coordinator or Workplace Safety Advisor must certify that the risk assessment carried out relevantly complies with AS/NZS ISO 31000:2009, Risk Management.

B.10.6.2. Naturally occurring hazard

If a [naturally occurring hazard](#) is located on or is in close proximity to an asset or public place, a responsible person in consultation with the DAMP Coordinator or Workplace Safety Advisor shall determine if a [risk warning](#) or [safety measures](#) are required and to what standard and extent they are required.

B.10.6.3. Trees risk

See also [C.4 Tree assets](#)

- a) If [compelling environmental or aesthetic factors](#) exist to keep or plant a particular tree species with the [known propensity](#) to cause harm, an [authorised person](#) must, in consultation with the DAMP

Coordinator or Workplace Safety Advisor prepare a formal [risk assessment](#), in accordance with the relevant principles in AS/NZS ISO 31000:2009, Risk Management, to determine:

- the reasonably foreseeable risk generated by planting a particular species of tree;
 - the likelihood and consequence of any tree damage;
 - the vulnerability of people or property to tree damage;
 - the level of risk; and
 - an appropriate risk treatment strategy.
- b) A plan of management must be developed, implemented and maintained:
- for trees identified as having a known propensity to cause harm to people or property;
 - incorporate a risk treatment strategy to treat identified risk; and
- c) The DAMP Coordinator or Workplace Safety Advisor must certify in writing that the risk assessment carried out by the authorised person relevantly complies with AS/NZS ISO 31000:2009.
- d) A written record must be kept of the risk assessment, all matters considered, and of any [decision](#) made.
- e) **For the avoidance of doubt in b)**, despite a risk being identified based on risk assessment, that to do nothing in response to a risk may be reasonable open to a decision-maker.

B.10.6.4. Storm-water drainage systems

See also [C.12 Flood and Stormwater Drainage System Assets](#).

- a) Before a responsible person decides to erect fencing or a [protective structure](#) or install lock down devices or mechanisms to a component of a flood or [stormwater drainage system](#); or
- b) Where a [naturally occurring hazard](#) is located on or is in close proximity to a drainage system; then the responsible person must:
- carry out a risk assessment in accordance with the principles in AS/NZS ISO 31000:2009; and
 - consult with the Council's DAMP Coordinator or Workplace Safety Advisor about the adequacy or otherwise of any proposed [lock down devices or mechanisms](#), [fencing](#), [protective structure](#), or [safety measures](#) to be [erected](#).
- c) The DAMP Coordinator or Workplace Safety Advisor must certify, in writing, that the risk assessment relevantly complies with AS/NZS ISO 31000:2009.

- d) Despite a) and b) the responsible person must reasonably ensure, and the DAMP Coordinator or Workplace Safety Advisor must be reasonably satisfied, that the proposed design and erection of any fencing, protective measures, or safety measures does not interfere with the efficient functioning of any drainage system and appurtenant works so as to cause or exacerbate the flooding of any property beyond the designed constructed capacity.
- e) A responsible person must determine, in consultation with the DAMP Coordinator or Workplace Safety Advisor:
- either generally; or
 - on a case by case basis;
- the standard of [lock down devices or mechanisms](#) to be installed and [protective structures, fencing](#) and [safety measures](#) to be [erected](#) at, in or about any drainage system or appurtenant works.
- f) **For the avoidance of doubt in d),** “reasonably satisfied” means that the DAMP Coordinator or Workplace Safety Advisor is satisfied, based on the responsible persons assessment that all relevant factors have been considered. But that DAMP Coordinator or Workplace Safety Advisor will not advise on the adequacy of engineering design or related matters.

B.10.7. Consulting with the DAMP Coordinator or Workplace Safety Advisor

If a [delegate, responsible person](#) or an [authorised person](#) is required to consult with the DAMP Coordinator or the Workplace Safety Adviser then the:

- a) Workplace Safety Advisor must only be consulted on workplace health and safety and related matters and his or her advice will be confined to such matters; and
- b) DAMP Coordinator must be consulted on all matters affecting or likely to affect the DAMP; and
- c) if the Workplace Safety Advisor thinks there may be an ambiguity or conflict between management standards set in DAMP and workplace health and safety [written law](#), he or she must consult with the DAMP Coordinator and both must resolve the issue in question.

— end this page —

C. Specific Assets and Related Matters

C.1. Critical infrastructure assets

A critical infrastructure asset is an asset that is crucial for the economic, efficient or safe functioning of Dubbo City, Wellington and all towns, villages and locations within the Dubbo Regional Council local government area.

C.1.1. Declared critical infrastructure assets

- a) The following assets are declared [Critical Infrastructure Assets](#):
- Dubbo City Airport
 - Dubbo Regional Council Administration Building
 - Dubbo City Sewerage Treatment Works
 - John Gilbert Water Treatment Plant
 - Water treatment plant at Wellington
 - Water treatment plant at Geurie
 - Water supply bore serving Mumbil
 - Sewage treatment plant at Wellington
 - Sewage treatment plant at Geurie
 - Sewage treatment plant at Mumbil
- b) Reference to a particular declared asset includes its respective components and parts.
- c) Reference to a **water or sewerage treatment plant** includes all of its respective sub-assets, attributes, components and parts located anywhere within Council's area of responsibility.
- d) **For the avoidance of doubt in c)**, this includes, but is not limited to, piped networks, valves, pits, telemetry, pump stations, reservoirs, dams, weirs, bores and effluent pondage external to each main treatment works.

C.1.2. Determination of management standards

Management standards must be determined having regard to the following:

- a) All Critical Infrastructure Assets must be managed in accordance with and within the financial and other limitations set out in the respective [business plan](#) that Council has resolved to adopt;
- b) Subject to [resource availability](#) limitations for each respective business plan, the relevant responsible person will determine the

- [management standards](#) for each respective critical infrastructure asset;
- c) Management standards determined under b) must be included in **Schedule 4**.
- d) Only management standards that Council itself will perform must be included in **Schedule 4**.
- e) **For the avoidance of doubt in d)**, this means that:
- management standards contained in any contract with an independent person must not be included in Schedule 4; but
 - management standards contained in an in-house service agreement must be included in **Schedule 4**.

C.1.3. Tenders and Contracts

If Council decides to invite a tender for works or services, whether on an 'open' or 'selective' tender basis, then the relevant responsible person for the affected critical infrastructure asset, for which a tender for works or services is proposed, must ensure, before the tender is released to the public or selected person, that:

- a) the management standards included in the tender documents (e.g. the General Conditions of Contract and Specification, Technical Specification or Plans and Drawings) or in any similar documentation that may be used, comply with [C.1.2 Determination of management standards](#) a) and b); and
- b) all management standards are unambiguous; and
- c) the performance of all management standards is measurable.

C.1.4. Management standards

Each critical infrastructure asset must be managed and operated as follows:

- a) If a contractor is engaged, in accordance with the terms of the contract entered into between Council and the Contractor.
- b) If Council performs any activity (management standard) at a critical infrastructure asset managed and operated by a contractor, then the management standard must be set out in **Schedule 4**.
- c) If Council manages and operates a critical infrastructure asset itself, then the particular critical infrastructure asset must be managed in accordance with the relevant management standards set out in **Schedule 4**.

C.1.4.1. Routine inspection

- a) Unless specified by [written law](#) or in **Schedule 4, no routine inspection** will be carried out on any critical infrastructure asset or its sub-assets, attributes, components and parts.
- b) **For the avoidance of doubt in a)**, this means – with respect to any water or sewerage treatment plant sub-assets, attributes, components and parts located in any public road reserve, park or reserve, public place, public open space, or on private property – that [no routine inspection](#) will be carried out to determine the presence of any maintenance defect or unsafe defect.

C.1.4.2. Technical inspection

A [technical inspection](#) will only be carried out:

- when determined necessary; and
- to the management standard

determined by a responsible person.

C.1.4.3. Routine maintenance

Unless specified by [written law](#) or in **Schedule 4, no routine maintenance** will be carried out on any critical infrastructure asset or on any of its sub-assets, attributes, components or parts.

C.1.4.4. Written law compliance

Each critical infrastructure asset must be managed, controlled and operated in accordance with all relevant written law.

For the avoidance of doubt, written law comprises ‘statutory duties’ and ‘statutory powers’. The **former** usually, but not always, requires strict compliance. Often there is some flexibility with ‘how’ and to ‘what extent’ compliance is required. On the other hand, the **latter** usually, but not always, is a discretionary power allowing Council to choose to exercise it or not, but if it decides to exercise the power then how, when and to what extent it will exercise it is usually left to Council. It is by understanding the scope and intent of a particular statutory power or duty that management flexibility (and cost and resource opportunity) may be available. Written law must always be closely scrutinised and be properly applied and understood (interpreted).

C.1.4.5. Security

- a) The respective delegate or responsible for each critical infrastructure asset, in consultation with the general manager, the DAMP Coordinator or Workplace Safety Advisor and any other person deemed relevant by the general manager, must determine the management standards for the security of each asset declared in [C.1.1 Declared critical infrastructure assets](#).

- b) Security arrangements, management standards, protocols and systems that apply to each critical infrastructure asset must, at all times, be kept confidential and be known only to:
- the general manager;
 - the director or director's responsible for critical infrastructure assets;
 - the manager directly responsible for the particular critical infrastructure asset; and
 - if a security service contractor is engaged, the security contractor.
- c) If a security service contractor is engaged, each principal or director of the security contractor must provide Council with a written undertaking, under seal, to secure and keep secure, and keep confidential, security arrangements, management standards, protocols and systems in place for all critical infrastructure assets.
- d) **For the avoidance of doubt in c)**, this requires the security contractor to give written corporate and personal guarantees. The respective guarantees must be drawn up by Council's lawyers.

C.2. Lighting System assets

- a) The relevant authorised person or responsible person will determine and implement management standards for Council owned or controlled lighting, systems and structures.
- b) When determined, the management standards must be included in **Schedule 4**.

C.2.1. Inspection and Maintenance

- a) [No routine inspection](#) shall be carried on any lighting system or structure at any of the assets, except as provided in **Schedule 4** or required by written law, in accordance with [B.4 Inspection of assets](#).
- b) [No routine maintenance](#) shall be carried out on any lighting system or structure, except as provided in **Schedule 4**, in accordance with [B.5.1 Routine maintenance](#).

C.2.2. Replacement and upgrade

Except as provided for in **Schedule 4** or in the respective annual capital or operating budget approved by Council:

- a) No removal, addition, change or alteration to any existing lighting, systems or structures will be carried out or be provided at any of the assets;
- b) The present level, type, style and quality of lighting at any of the assets shall remain unchanged;

- c) **Except** for [routine maintenance](#), minor repairs, and technical upgrades required by written law or by the respective manufacturer, **no modification** to any Council owned or controlled lighting structure is to be carried out unless prior approval is obtained from a responsible person;
- d) Before any modification is done, [Error! Reference source not found. Error! Reference source not found.](#) must be complied with.
- e) New lighting systems, structures and illumination must comply with the relevant Australian Standard, and if no relevant Australian Standard exists, to a [management standard](#) determined by a responsible person;
- f) In this section “**structure**” means light poles and lighting towers.

C.3. Sign assets

- a) The relevant [authorised person](#) or [responsible person](#) will determine and implement management standards for routine inspection and routine maintenance of Council owned signage.
- b) When determined, the management standards must be included in **Schedule 4**.

C.3.1. Inspection and Maintenance

- a) [No routine inspection](#) shall be carried on any sign or on any structure upon which a sign is mounted at any of the assets, except as provided in **Schedule 4** or required by written law, and in accordance with [B.4 Inspection of assets](#).
- b) No routine maintenance shall be carried out on any sign or structure upon which a sign is mounted, except as provided in **Schedule 4**, in accordance with [B.5.1 Routine maintenance](#).

C.3.2. Language & symbolic symbols

- a) Unless otherwise resolved by Council, only the English language will be used as the universal language on all [signs](#).
- b) Where appropriate, the relevant symbolic symbol sign may be used to support the interpretation of the English word.
- c) With respect to b), a symbolic symbol sign must only be designed, manufactured, used, erected or displayed if:
 - it has been adopted by Standards Australia; or
 - a responsible person certifies that any proposed symbolic symbol sign which has not been adopted by Standards Australia complies with Australian Standard AS 2342 – 1992, AS 2416 – 2002, as amended, and any other relevant Australian Standard.

- d) With respect to b), a responsible person will decide if a symbolic symbol sign is appropriate.
- e) Despite d), and for a risk warning only, before exercising his or her discretion a responsible person must consult with Council's [DAMP Coordinator or Workplace Safety Advisor](#) in accordance with [B.10 Risk management](#).

C.3.3. Water safety signs

Despite any provision to the contrary in this policy, signs erected around or about:

- any [body of water](#) designated by Council for bathing or other aquatic activities; or
- any indoor or outdoor swimming pool or aquatic recreation centre;

for the purpose of controlling bathing or warning people about risks or hazards associated with bathing, must relevantly comply with *AS2416–2010: Design and Application of Water Safety Signs*.

C.3.4. Sign replacement and installation

- a) Where existing signs do not conform with [C.3.2 Language & symbolic symbols](#) they will be replaced:
 - subject to [resource availability](#); and
 - over time on a progressive basis; or
 - when existing signs require replacement due to physical deterioration, vandalism, theft or damage.
- b) No initial inspection will be carried out to discover whether or not any sign complies with this policy.
- c) No new signs shall be installed unless approved by a responsible person.

C.3.5. Natural hazard risk warning

- a) No [risk warning](#) will be [erected](#) warning about any [naturally occurring hazard](#).
- b) If a responsible person decides to erect a risk warning he or she must first consult with the [DAMP Coordinator or Workplace Safety Advisor](#) and comply with [B.10 Risk management](#).

C.3.6. Risk warning signs

- a) A register of all [Risk Warning Signs](#), including location, type and date installed or modified, must be kept and maintained as **Schedule 16**.

- b) The [DAMP Coordinator or Workplace Safety Advisor](#) must be consulted before any risk warning sign is designed or erected, and must comply with [B.10 Risk management](#).

C.4. Tree assets

- a) This section applies to all trees within Council's local government area and which are under Council's control. All tree assets must be managed in accordance with the following management standards.
- b) The relevant authorised person or responsible person will determine and implement [management standards](#) for [routine inspection](#) and [routine maintenance](#) of trees controlled by Council. When determined, the management standards must be included in Schedule 4.

C.4.1. Statement of community significance

[Tree assets](#) are a very important component of the natural and built environments.

The community recognises and values the important environmental, aesthetic and intrinsic value of trees, and the contribution they make to the community's pleasure, comfort and wellbeing.

[Trees](#) play a major role in defining the character of the Region, and they provide shade, reduce solar radiation, expire oxygen, absorb carbon dioxide and assist in noise reduction and air purification.

Given that the life cycle of a tree often can, and often do, exceed the average human life span of 70 years, the decision to plant and maintain a tree has significant cost implications, as does the maintenance of naturally seeded trees within road reservations and located at and about assets. It is therefore critical that only suitable species are selected and planted, which will provide the desired growth, environmental, aesthetic and safety outcomes for the community.

C.4.2. Inspection and Maintenance

- a) [No routine inspection](#) shall be carried on any tree at any of the assets, except as provided in **Schedule 4** or required by written law.
- b) When a routine inspection of a tree is specified, the inspection must be undertaken:
- by an [authorised person](#); and
 - in accordance with the relevant [Standard Operating Procedure](#); and
 - in accordance with [B.4. Inspection of assets](#).

- c) Routine inspections must be limited to discovering [visually obvious](#) defects.
- d) A [technical inspection](#) of a tree must be undertaken if, but only if:
- a visual inspection reveals the need to do so; or
 - an [authorised person](#) directs that a technical inspection be done.
- e) No routine maintenance will be carried out on any tree, except as provided in **Schedule 4**, and in accordance with [B.5. Maintenance of assets](#).
- f) When routine maintenance of a tree is specified, it must only be undertaken by an authorised person, and done in accordance with the relevant Standard Operating Procedure.
- g) Despite e), [reactive maintenance](#) will be carried out if a [tree inspection](#) reveals the need to do so or an unsafe defect exists.

C.4.3. Legislative and policy considerations

This policy is subject to the provisions of (as amended):

- the Dubbo Regional Council Urban Local Environmental Plan (“ULEP”);
- the Dubbo Regional Council Rural Local Environmental Plan (“RLEP”)
- the Environmental Planning and Assessment Act (“EPAA”);
- a Development Control Plan (“DCP”;
- a Tree Preservation Order (“TPO”);
- a Tree Policy or Tree Strategy adopted by Council;
- the Roads Act 1993; and
- the Local Government Act 1993.

If an Environmental Planning Instrument (“EPI”) imposes a mandatory written law standard in respect to anything in this section, then the written law standard must prevail but only to the extent that it is necessary to modify this section.

C.4.4. The discovery of sick, injured or hazardous trees

Subject to [C.4.7 Tree damage maintenance](#) and **Schedule 4**:

- a) No [tree inspection](#) shall be carried out to discover:
- if any tree is sick, injured or diseased;
 - if any tree species planted by or under the control of Council has the known or suspected propensity to harm

- people or cause harm to any asset, [utility](#) infrastructure, or private property;
- whether a tree has caused, is causing, or is likely to cause, harm to people or property either directly or indirectly;
- b) When a [tree inspection](#) is carried out in accordance with this policy the inspection shall be limited to the discovery of [visually obvious](#) defects or disease;
- c) A [technical inspection](#) shall be carried out if, and only if, a [visual inspection](#) reveals the need to do so.

C.4.5. Tree removal

- a) A tree must not be removed just because it is a species with a [known propensity](#) to cause harm to people.
- b) If an [authorised person](#) decides that a dead or dying tree is dangerous to people or property, he or she must authorise the removal of the tree.
- c) If an authorised person decides that a tree is dangerous to human life or property:
- it must be removed or made safe by the [person](#) responsible for the particular tree; and
 - if that person is Council, at the [earliest possible opportunity](#); and
 - if that [person](#) is not Council, by the time specified in any Order or direction given by Council.
- d) A tree shall not be declared a hazard merely because it may naturally be allergenic or drop sap, gum, flowers, fruit, seeds and shed leaves, twigs or branches etc. over which people may slip, trip or fall on (or be struck by a falling branch) or otherwise suffer harm.
- e) **For the avoidance of doubt**, a reference to an “Order” in this subsection is a reference to an Order under s.124 of the *Local Government Act 2003* or under s. 121 of the *Environmental Planning and Assessment Act 1979*, and includes a power Council may possess to issue an Order under the authority of another written law.

C.4.6. New tree planting

- a) A tree which has the [known propensity](#) to cause harm must not be planted in or:
- along a public road or roads;
 - about public car parks;
 - about public parks or reserves;

- about a public place;
 - about a sporting, recreational or entertainment facility; or
 - about any other property, facility or building under the control of Council.
- b) Despite a), a tree which has the [known propensity](#) to cause harm may be planted if, but only if, an [authorised person](#) determines that [compelling environmental or aesthetic factors](#) exist; and
- c) If compelling environmental or aesthetic factors exist, and an [authorised person decides](#) to plant a tree contrary to a), he or she must, before a tree is planted, carry out a risk assessment and consult with the DAMP Coordinator or Workplace Safety Advisor in accordance with [B.10 Risk management](#).
- d) When a decision is made under b), a plan of management for the particular tree or trees, incorporating the risk treatment strategy, must be developed, implemented and maintained to treat the identified risk.
- e) **For the avoidance of doubt** in d): a risk assessment may determine that in a particular circumstance and from a public risk perspective, to do nothing is an appropriate response.

C.4.7. Tree damage maintenance

Subject to C.4.7.1:

- a) If, when carrying out any class of inspection, it is discovered that [harm](#) has occurred to a Council [asset](#) or to an adjoining property by a tree under the control of Council, then Council must:
- repair the damage; and
 - take steps to prevent further harm.
- b) Despite a), harm to a Council asset will not be [maintained](#) or [made safe](#) if:
- it is not an [unsafe defect](#); or
 - it is an unsafe defect and the risk arising from the harm is [obvious](#); or
 - the harm falls within the [management standards](#) specified in **Schedule 4** and the particular harm is [obvious](#).

C.4.7.1. Tree damage to an adjoining property

Despite [C.4.7 Tree damage maintenance](#), if an [adjoining property](#) is or is suspected of being harmed by a tree under the control of Council, then before any work is carried out a [responsible person](#) must:

- a) Unless tree harm to an adjoining property is [visually obvious](#), direct an [authorised person](#) to carry out a [technical inspection](#) to

determine if the harm has been caused by a tree for which Council is responsible;

- b) Consult with the [DAMP Coordination or Workplace Safety Advisor](#) who will:
- determine if Council is obligated to repair any damage on the basis of the [technical inspection](#) report; or
 - require a further technical inspection or opinion to be provided; or
 - if necessary, seek legal or other relevant professional advice on Council's liability exposure; and
 - if necessary notify Council's insurer (if a claim is to be made against Council for harm caused by trees).
 - direct the authorised person referred to in a):
 - to prepare a report only on the factual findings of the technical inspection on the particular harm;
 - not to include in the report any comment on Council's legal liability;
 - prepare a cost estimate to remediate the tree damage; and
 - to submit his or her written report within 24 working hours of completing the technical inspection, or such other time as may be agreed between the responsible person and the DAMP Coordinator or Workplace Safety Advisor.
- c) **For the avoidance of doubt in a) & b);** despite harm being visually obvious the DAMP Coordinator or Workplace Safety Advisor must be consulted.

C.4.8. Unsafe or dangerous trees

See also [B.7 Response to](#) Customer requests.

Despite anything to the contrary in this policy, when a [customer request](#) or [works request](#) alleging that a tree is unsafe or dangerous ("affected tree") is received, a [responsible person](#) must ensure that following procedure is followed.

C.4.8.1. Where an affected tree is under council's control

Where an affected tree is under Council's control:

- a) An [authorised person](#) must be directed to carry out a [tree inspection](#) in accordance with the five (5) hour safety response procedure in [B.9 Safety measures](#); and
- b) If on inspection a tree or part of a tree is found to be hazardous to people or property it must be:

- removed; or
 - made safe by treating the hazardous components of the affected tree; or
 - safety measures must be erected and maintained until it is convenient for the tree to be removed or treated.
- c) Sub-section [C.4.4 The discovery of sick, injured or hazardous trees](#) must be complied with.
- d) **For the avoidance of doubt** “under Council’s control” means that a tree is located on a Council asset or other property owned or under the control of Council but it excludes a tree on privately owned property or on property owned or under the control of a public authority.

C.4.8.2. Where an affected tree is on private property

Subject to a *Tree Preservation Order, Tree Policy or Tree Strategy* (collectively referred to as “TPO”) requiring a tree inspection to be carried out for a particular tree species:

Where a [customer request](#) involves an alleged unsafe or dangerous tree on private property:

- a) An [authorised person](#) must be directed to carry out a [tree inspection](#) in accordance with the five (5) hour safety response procedure in [B.9 Safety measures](#). However,
- b) If, on inspection, an [authorised person](#) forms an opinion that the affected tree is a protected tree under the TPO and the tree is dangerous then the authorised person must
- give the customer immediate written authorisation to remove, lop, prune or pollard the tree; and
 - advise the customer that the customer, and not Council, is responsible to remove, cut down, top or lop, the tree at his or her expense; and
 - take appropriate steps to ensure the safety of people or property who may be affected by the unsafe or dangerous tree.
- c) If, on inspection, an [authorised person](#) forms an opinion that the affected tree is not a protected tree under the TPO then he or she must advise the customer, in writing:
- that the customer does not require Council’s approval to remove, lop or top the tree; and
 - to obtain their own expert opinion about the condition of the tree from an independent qualified arborist; and
 - to act on the advice of the qualified arborist; and

- that Council will not be taking any further action.
- d) An authorised person may decide not to carry out a tree inspection if:
- a customer requests that a tree on his or her property be removed, lopped or topped; and
 - a customer, in response to questions put by an authorised person, tells him or her that the tree is of a certain species or size; and
 - an authorised person forms an opinion that the tree is exempt from the operation of the TPO.

For the avoidance of doubt a “request” may be made by a customer in person, by telephone, in writing and by facsimile or email.

- e) If an authorised person forms an opinion that the tree is exempt from the operation of the TPO , the customer must be advised of this fact in accordance with c).
- f) In this section “**in writing**” or “**written**” mean a letter or facsimile or Email on Council’s letterhead and signed by a responsible person who is the [authorised persons](#) supervisor.

C.4.8.3. Where an affected tree is under the control of a public authority

Where a tree is under the management or control of a public authority (other than Council) and an [authorised person](#) carries out a [tree inspection](#) and forms an opinion that the affected tree is dangerous he or she must immediately notify the relevant public authority in writing:

- a) that the tree is dangerous and to take steps to make the tree safe; and
- b) If the tree is a protected tree under the TPO then he or she must also advise the public authority, in writing:
- that it does not require Council’s approval to remove, lop or top the tree; and
 - to obtain their own expert opinion about the condition of the tree from an independent qualified arborist; and
 - to act on the advice of the qualified arborist; and
 - that Council will not be taking any further action.
- c) This subsection does not apply to:
- trees within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

- action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Electricity Safety Act 1945*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

C.5. Fencing and alternatives

C.5.1. Introduction

Fencing plays an important role in asset management and it assists with the management, supervision and protection of people or property. The purpose of fencing includes:

- to delineate a property or asset
- for privacy
- for security protection (e.g. to confine or restrict movement or prevent access)
- as a safety barrier to prevent access to a hazard
- as an environmental or aesthetic structure
- for stock and animal control; or
- traffic and pedestrian control or protection.

A fence may satisfy several purposes and outcomes simultaneously.

The objective of this section is to ensure that all relevant factors and alternatives are considered before a fence is designed, erected, replaced or removed.

C.5.2. Management standards

- a) The relevant [authorised person](#) or [responsible person](#) will [determine](#) and implement management standards for routine inspection and routine maintenance of Council owned fences and barriers. When determined, the management standards must be included in **Schedule 4**.
- b) Unless different management standards are set out elsewhere in this policy, the following management standards apply to all [fencing](#).

C.5.2.1. Inspection and Maintenance

- a) [No routine inspection](#) will be carried out on any fence or barrier at any of the assets unless provided for in **Schedule 4** or required by written law, and in accordance with [B.4 Inspection of assets](#).
- b) [No routine maintenance](#) will be carried out on any fence or barrier, except as provided in **Schedule 4**, and in accordance with [B.5.1 Routine maintenance](#).

C.5.2.2. Installation and removal of fencing

- a) Subject to [C.5.2.5 Risk management of fencing and alternatives](#) and, no new or additional [fencing](#) shall be erected at or about any of the [assets](#) **unless** specified in the relevant business plan and approved in the capital expenditure budget.
- b) Fencing must not:
- be demolished
 - removed; or
 - replaced
- unless** its demolition, removal or replacement:
- is specified in the relevant approved operating budget; or
 - in the opinion of a [responsible person](#) it is dilapidated or has become unsafe or is no longer required.
- c) Before a determination is made by a responsible person pursuant to a) and b) the following matters must be considered subject to [B.10.5 Risk assessment and certification](#):
- the purpose and outcome of the fence;
 - risk and safety issues including the age and class of person exposed or likely to be exposed to any risk, and the severity and magnitude of any risk ;
 - the need for a [risk warning](#);
 - environmental effects;
 - aesthetic considerations;
 - ongoing inspection and maintenance requirements;
 - resource availability; and
 - any other matter considered relevant by a responsible person.

C.5.2.3. Alternatives to fencing

- a) If practical, alternatives to fencing may be used if, but only if:
- a [responsible person](#) considers it appropriate to do so give all relevant competing factors; and
 - the alternative chosen will provide a reasonably effective physical barrier to a particular hazard; and
 - the alternative will be durable, sustainable and cost effective for the design life of the alternative.
- b) Without restriction, typical alternatives might include:
- water features

- natural features
 - trees, shrubs or herbaceous plants
 - garden beds
 - [painted surface safety measures](#)
 - a risk warning sign.
- c) **For the avoidance of doubt in a)**, when considering the phrase “all relevant competing factors”, the following factors must be considered by the responsible person:
- i). A young child is an [incapable person](#), who must be supervised and protected by his or her [parent](#) while visiting or using a Council asset.
 - ii). Council can reasonably expect, and must plan for, the presence of an incapable person at its assets.
 - iii). While Council can assume that an incapable person will be under parental supervision; it must make allowance for a parent who might be inattentive or inadvertent and not supervise an incapable person adequately in a particular circumstance.
 - iv). A lapse of parental supervision is particularly important consideration where a hazard exists in close proximity to, for example, residential and commercial areas, schools, childcare facilities, public libraries, shops, medical centres, hospitals, sporting facilities, parks and reserves, footpaths, water features, a body of water, a watercourse or a playground.
 - v). It is not Council’s obligation to ‘prevent accidents or risk-taking conduct’, it is “exercise reasonable care” in a particular situation.
 - vi). The “reasonableness” of fencing (or no fencing) is a legal test, not that fencing or other measures failed to prevent injury.
 - vii). To determine what is reasonable in a particular situation will require proper identification and analysis of the particular risk or risks.

C.5.2.4. Environmental and safety buffer zones

- a) If it is reasonably practicable to do so, [environmental and safety buffer zones](#) must be established or allowed to naturally developed as an alternative to fencing to:
- protect foreshore, cliff, escarpment or steep slope areas from erosion;
 - to discourage the public from venturing too close to [naturally occurring hazards](#); and

- to discourage the public from venturing too close to watercourses or bodies of water.
- b) An environmental and safety buffer zone may be established:
 - (i.) by allowing any existing trees, shrubs or herbaceous plants to establish with or without artificial assistance;
 - (ii.) by a program of artificial cultivation and planting of trees, shrubs or herbaceous plants;
 - (iii.) by a combination of the points above; or
 - (iv.) by using other suitable alternatives to fencing.
- c) The size and shape of a environmental and safety buffer zone shall be determined by a responsible person having regard to:
 - (v.) the existence of reasonably foreseeable naturally occurring hazards;
 - (vi.) the '[obviousness](#)' of naturally occurring hazards;
 - (vii.) the ability of people to recognise and appreciate the magnitude and severity of the naturally occurring hazard;
 - (viii.) the ability of [people](#) and [incapable persons](#), including [young children](#), to take reasonable care for their own safety;
 - (ix.) environmental and aesthetic considerations;
 - (x.) any other factor determined by the risk manager; and
 - (xi.) available funding.
- d) Foreshore, cliff and escarpment environmental buffer zones must not be inspected or maintained unless a [responsible person](#) determines otherwise or a [Customer request](#) or [Works Request](#) is received alleging an [unsafe defect](#).

C.5.2.5. Risk management of fencing and alternatives

See also [B.10.6 Risk management of specific classes of assets - Fencing](#)

Where a responsible person decides wholly or partly on safety grounds that fencing or an [environmental and safety buffer zone](#) will be developed or erected, he or she must, prior to a fence or an environmental and safety buffer zone being erected, carry out a risk assessment and consult with the DAMP Coordinator or Workplace Safety Advisor in accordance with [B.10.5 Risk assessment and certification](#).

C.5.2.6. Assets with water features

- a) The management standards for water features are set out in [C.17. Water Feature assets](#).

- b) **Schedule 17** sets out all assets with water features.

C.5.2.7. Bridges, weirs and stormwater outlet structures

Members of the public (including children) may engage in risk-taking conduct such as by accessing and climbing onto and diving or jumping off bridges, weirs and stormwater outlet structures located in, along or over a watercourse.

The risk of harm by being by being swept off or over a weir crest, or by diving or jumping into shallow or variable depth water (whether turbid or turbulent or not) is reasonably foreseeable and is an obvious risk to persons engaged in risk-taking conduct, and notwithstanding that the severity and magnitude of harm likely to result, if a risk materialises, may not be appreciated by a person who engages in risk-taking conduct.

Therefore, the following management standards apply:

- a) **South Dubbo Weir:** fencing or safety barriers of any type must not be erected:
- i. at either end of or about the weir to try and prevent people gaining entry onto the abutments, crest, spillway or rockfill ramp; and
 - ii. around and about the weir to prevent people from gaining access to it.
- b) **Road and pedestrian bridges and low level crossings:** except to the extent that fencing or safety barriers of any type may exist on or about any road or pedestrian bridge or low level crossing, fencing or safety barriers must not be erected on or about any bridge or crossing.
- c) **Stormwater outlet structures:** no fencing or other safety measures to prevent people jumping or falling off or entering piped systems be erected or installed across any stormwater outlet structure unless the responsible determines otherwise on a case-by-case basis and complies section [B.10. Risk management](#) and consults with the DAMP Coordinator or Workplace Safety Advisor **before** making a determination.
- d) The Council or the general manager or a [delegate](#) may, despite a), determine to erect, remove or modify risk warning signs or general safety or information signs or fencing or safety barriers at, on or about the South Dubbo Weir or on or about any road or pedestrian bridge or low level crossing.
- e) Before the Council, general manager or a delegate determine any of the matters in c), they must consult with the DAMP Coordinator about the impact or likely impact of the proposed decision.

C.6. **Playground assets**

This section applies to all asset groups where [playground assets](#) are installed.

- a) All playground assets must be managed in accordance with the following management standards.
- b) The relevant authorised person or responsible person will determine and implement [management standards](#) for [routine inspection](#) and [routine maintenance](#) of Council owned playgrounds.
- c) When determined, the management standards must be included in **Schedule 4**.

C.6.1. **Inspection and Maintenance**

- a) [No routine inspection](#) may be carried on any playground asset, except as provided in **Schedule 4** or as required by written law, in accordance with [B.4 Inspection of assets](#).
- b) [No routine maintenance](#) will be carried out on any playground asset, except as provided in **Schedule 4**, in accordance with [B.5.1 Routine maintenance](#).
- c) Inspection and maintenance management standards must be developed generally in accordance with the principles set out in AS/NZS 4486.1:1997 – “Playgrounds and playground equipment: Part 1: Development, installation, inspection, maintenance and operation”.

C.6.2. **Installation and removal of playground equipment**

- a) New [playground equipment](#) must not be:
 - purchased;
 - manufactured; or
 - supplied, erected or installed;**unless** specified and approved in Council’s capital expenditure budget.
- b) All new playgrounds must be relevantly designed using the relevant principles set out in AS 4685–2004 Parts .1, .2, .3, .4, .5 and .6, AS 4486.1:1997, AS/NZS 4422:1996, AS 1924, Parts 1 and 2; and AS 2555 – 1982 for supervised adventure playgrounds respectively published by Standards Australia.
- c) Seating provided at or around a playground asset must face toward (and not away from) the playground asset so that parents or guardians of young children can observe and supervise their children at play.

d) The existing type, style and quality of playground equipment must not:

- be removed from service; or
- be added to, changed or altered or modified;

unless the removal, addition, change, alteration or modification is specified and approved in the relevant capital expenditure or operating budget.

e) Under surfacing (impact absorbing material) must be installed under or around all playground equipment where it is reasonably foreseeable a person or [young child](#) may fall from any height onto a hard and unprotected surface.

Surfacing material used must comply with *AS/NZS 4422: 1996 – “Playground surfacing - Specifications, requirements and test method”*.

f) Existing playground equipment shall not be removed from service by reason only that it does not conform to current technical standards *AS/NZS 4486.1:1997, AS 1924, Parts 1 and 2, or AS 4685-2004 Parts .1, .2, .3, .4, .5 and .6* respectively published by Standards Australia.

g) Provided always that when an item of playground equipment is found not to comply with a current technical standard published by Standards Australia and, non-compliance will, in the opinion of a responsible person expose a user to actual or potential injury; then

- the offending equipment must be modified to achieve compliance; or
- if modification is not feasible, the equipment must, as soon as [reasonably practicable](#), be removed from service.

h) Despite g), if an item of playground equipment is found unsafe and cannot be modified or removed from service, then it must be [made safe](#) so that the offending equipment is [inoperable or inaccessible](#) to all users.

C.6.3. Fencing of playground assets

a) Despite [C.5 Fencing and alternatives](#), no childproof fencing, or any other type of safety fencing, shall be erected around a playground to protect [young children](#), including [incapable persons](#) from accessing:

- i. a public road
- ii. a [body of water](#) or [watercourse](#) or [water feature](#)
- iii. a cliff, escarpment or steep slope
- iv. a road bridge or pedestrian bridge or tunnel or underpass.

- v. any other potential hazard or risk.
- b) Fencing off of a playground is not required if, but only if, any of the things listed in a) are adequately fenced off so as to prevent access by [young children](#) and [incapable persons](#) to any of them.
- c) In b), if any one or all of the things listed in a) are present and fenced at an asset with a playground, the responsible person must consult with the DAMP Coordinator and determine if the fencing is 'adequately fenced off'.
- d) Despite a), a fence that complies with *Australian Standard AS 1926.1 – 1993, Part 1: fencing for swimming pools* (as amended) may be erected around a [playground asset](#) if it is located within fifty metres of any of the things listed in a), but not around a [decorative pond](#).
- e) The fifty metres referred to in b) may be increased or decreased if, after carrying out a risk assessment, the [responsible person](#) thinks it appropriate to do so having regard to:
- the age of persons exposed to risk;
 - the terrain, including any slope;
 - the visibility, from the perspective of a parent or guardian of a young child, of the terrain between the playground asset and the body of water or water course;
 - the location of seating, barbeque, picnic or toilet facilities in relation to a playground asset and any body of water or watercourse; and
 - the magnitude and severity of risk if it materialises.
- f) The DAMP Coordinator must be consulted before a responsible person decides under c).
- g) **For the avoidance of doubt in c)**, the purpose of this subsection is to ensure that the responsible person considers:
- that a parent or guardian may inadvertently fail to take reasonable care of an [incapable person](#);
 - the ability of a parent or guardian to observe an incapable person if the person wanders away from a playground asset toward a hazard or risk or body of water or watercourse; and
 - the opportunity a parent or guardian may have to discover and prevent an incapable person from reaching a body of water or watercourse before it enters the water.

C.7. Road assets

- a) All [road assets](#) must be managed in accordance with the following management standards unless determined otherwise by the [responsible person](#).

- b) When determined, the management standards must be included in **Schedule 4**.

C.7.1. Section 45(1) Civil Liability Act 2002—Persons Authorised to Determine to Carry out Road Work

For the purpose of section 45(1) of the *Civil Liability Act 2002* Council shall only have “actual knowledge” of the particular risk the materialisation of which resulted in harm if, and only if, a designated delegate or responsible person who has the written delegation and authority to “[carry out roadwork](#)” or “[road work](#)” has been formally advised in writing about the particular risk in question. (See [B.7.3](#))

C.7.2. Inspection and Maintenance

- a) [No routine inspection](#) will be carried on any road asset, except as provided in **Schedule 4** or required by written law, in accordance with [B.4 Inspection of assets](#).
- b) A [technical inspection](#) will only be carried out:
- when determined necessary, and
 - to the management standard determined by the responsible person.
- c) No routine maintenance will be carried out on any road asset, except as provided in **Schedule 4**, in accordance with [B.5.1 Routine maintenance](#).

C.7.2.1. Non public roads

- a) [No routine inspection](#) or any other inspection will be carried out on any road which:
- is not a public road; or
 - is not included in Council’s Road Register.
- b) [No routine maintenance](#) or any other maintenance will be carried out on any road which:
- is not a public road; or
 - is not included in Council’s Road Register.
- c) Despite a) and b), inspection or maintenance activities must not be carried out any road not included on Council’s Rural Road Map or included in the Road Register.

C.7.2.2. Unpaved and unformed footpaths

- a) [No routine inspection](#) shall be carried out on any [unpaved](#) or [unformed](#) path

- b) [No routine maintenance](#) shall be carried out on any unpaved or unformed path.

C.7.3. Defect identification and marking on road and footpath assets

- a) The identification, marking, or recording of maintenance [defects](#) on public roads and footpaths is done to identify a particular location for reconstruction or repair. Accordingly, the following rules apply:
- Defects must be marked using high visibility non-slip paint.
 - Distinctive marks must be developed to distinguish between an ordinary maintenance 'defect' and an 'unsafe defect' so that each mark is plainly different.
 - A Standard Operating Procedure must be developed for the marking of maintenance 'defects' and 'unsafe defects', and must incorporate the requirements of [B.9.7 Unsafe defect identification, marking and recording](#).
 - Defects must be identified and marked in accordance with the relevant Standard Operating Procedure for the type of inspection required to be undertaken.
- b) Whether or not a defect constitutes an unsafe defect will be determined by a responsible person having regard to:
- the DAMP test for "unsafe defects" (set out in [Attachment E](#)); and
 - the relevant Standard Operating Procedure for road or footpath inspection.

C.7.4. Maintenance of asphalt, brick and concrete footpath surfaces

- a) [No routine maintenance](#) shall be carried out on any defect in a brick, concrete or asphalt surface except in accordance with the [maintenance intervention standards](#) set in **Attachment G**.
- b) A responsible person may determine to vary with the management standards specified in **Attachment G** or **Schedule 4**
- c) Despite a), if an unsafe defect is discovered or reported:
- during the carrying out of any class of inspection; or
 - during maintenance; or
 - by a Customer Request or Work Request.

then the relevant procedure in [B.9 Safety measures](#) must be followed.

C.7.5. Defect maintenance on paved and unpaved footpaths

- a) [No routine maintenance](#) will be carried out to any [paved](#) (asphalt, concrete or brick) or [unpaved](#) public [footpath](#) or edge drop-off where deformation or damage is caused by the following [allowable factors](#):
- general wear and tear;
 - soil expansion and/or contraction;
 - general or localised settlement of soil, [paved](#), [unpaved](#) or [brick pavement](#) surfaces howsoever caused;
 - [tree damage](#); or
 - any [natural phenomenon](#).
- b) The [allowable factors](#) in a) must be [considered](#) when [determining management standards](#) in, or to be included in, **Schedule 4**.
- c) [No routine maintenance](#) shall be carried out on any [defect](#) except in accordance with the [management standards](#) specified in **Schedule 4**
- d) Despite c), if:
- during the carrying out of any class of [inspection](#); or
 - during maintenance; and
 - an [unsafe defect](#) is discovered;
- then the relevant procedure in [B.9 Safety measures](#) must be followed.
- e) If a responsible person decides that an edge drop-off is caused by poor or inadequate:
- design;
 - construction; or
 - maintenance; then
- the edge drop-off must be reinstated, irrespective of **Schedule 4**.

C.7.6. Foot-trodden paths

This sub-section applies to all asset groups and individual assets listed in **Schedule 1**.

Innumerable foot-trodden paths exist within and about many of Council's assets. As no inspection will be carried out to discover such paths, the only time an unsafe defect will be reported is if a customer raises a CRMS or if a Council employee or contractor unexpectedly discovers an unsafe defect.

Council cannot prevent the creation of these paths, and people will always use them as a short cut to somewhere or for convenience

despite the existence of risk or the likelihood of a particular risk materialising.

Except, perhaps, in a unique situation of which Council may have no knowledge, the vast majority of unsafe defects on or about a path will be obvious to a person using a path, and a person will be able to take reasonable steps to secure his or her own safety from risk.

Closing a path or erecting a risk warning will not deter path users from using a path or from creating an alternate path.

- a) [Foot-trodden paths](#) must not be:
 - inspected;
 - repaired or maintained; or
 - closed, except where [compelling environmental or aesthetic factors](#) or [compelling safety factors](#) are determined to exist and closure is deemed necessary to preserve any such factors.
- b) [No inspection](#) shall be carried out to discover the existence of any foot trodden-path.
- c) Unless there are [compelling safety factors](#) do so, signs of any type, including a [risk warning](#), must not be erected at or about any foot-trodden path:
 - promoting or advising people to use a path; or
 - warning the public not to use a path.
- d) Risk warning signs must not be erected on any [foot-trodden path](#) (or any part of a path) if a path is located:
 - within a Public Open Space as defined by Zone 6(a) in the Dubbo Local Environmental Plan (Rural Areas); or
 - along or about any [watercourse](#) or [body of water](#); or
 - along or about any flood detention/retarding basin or siltation dam, or
 - within any public road reserve or common, or
 - at any other location not listed above.
- e) Despite d), if a [customer request inspection](#) or a [routine asset inspection reveals](#) or Council has **actual knowledge** from another source of an unsafe defect or condition in a foot-trodden path in a public road reserve, then it must take steps to erect safety measures or have the unsafe defect eliminated.
- f) Subject to g), if a responsible person decides to close and rehabilitate a foot-trodden path for [compelling environmental or aesthetic factors](#), or repair an unsafe defect on any such path, no further action must be taken to:
 - warn people not to use the path or any other similar path;

- warn people about any risk on the path or on any other similar path;
 - discover any other path and look for the same or similar risks;
 - close a path or any part of a path to prevent public use.
- g) Safety measures necessary to protect people at a place of work as defined in s.3 of the *Work Health and Safety Act 2011 No 10* and Regulations may need to be put in place and maintained.

C.7.7. Grass and vegetation maintenance

- a) No [grass cutting](#) of grass or any other vegetation will be carried out in, along or about any road asset; and
- b) **For the avoidance of doubt in a)**, this means that grass or any other vegetation:
- anywhere within a public road reserve;
 - along or about any public footpath; and
 - in or about any [drainage system](#);
 - will not be mown, slashed or killed or controlled with herbicide.
- c) If a responsible person decides to act contrary to a), he or she must:
- comply with all relevant written law;
 - establish a cyclical program for grass cutting;
 - keep a permanent record of all changes to the cyclical program;
 - have due regard to weather conditions;
 - cyclical or seasonal growth patterns; and
 - include or adjust [management standards](#) set in **Schedule 4** accordingly.

C.7.8. Fencing off public roads—pedestrian safety

See also [C.5 Fencing and alternatives](#)

This subsection applies only to public roads under Council's control.

- a) A fence must not be erected along any public road the purpose of which is to prevent pedestrians:
- from accessing and using a public road; or
 - from crossing a public road at any spot not designated as a formal pedestrian crossing.
- b) Risk warning signs ("RWS") must not be erected along any public road warning pedestrians:

- about the actual or likely presence of motor vehicles on the road;
 - about the speed of vehicles using the road;
 - to cross the road at only marked pedestrian crossings or pedestrian bridges or tunnels; or
 - to keep a look out for motor vehicles.
- c) Despite a) and b), a responsible person may determine to erect fencing or a RWS at a particular location if, but only if:
- a written law is imposed upon Council to do so;
 - standard road design criteria (e.g. AS 1742, RMS or Council's road design standards), specify a particular fence or sign; and
 - [B.10 Risk management](#) is relevantly complied with.
- d) Despite c), a fence or RWS must not be erected if the responsible person decides that a particular risk:
- is obvious to a person confronting it;
 - is a matter of common knowledge even if the risk is not prominent, conspicuous or physically observable;
 - is to be found generally at similar locations in the urban or rural road network.
- e) Despite d), if a responsible person decides that a [compelling safety factor](#) exists, then an RWS may be erected.
- f) In this subsection, the following definitions apply:
- | | |
|--------------|---|
| “fence” | means a safety fence or barrier designed to effectively prevent children and adults from crossing a road. |
| “pedestrian” | includes cyclists and equestrians. |
| “sign” | includes a road sign required to be erected in accordance with relevant written law or road management or design standards. |
| “RWS” | means a ‘risk warning sign’ within the meaning of the Civil Liability Act 2002 (s.5M(11)) but excludes any other road sign. |

C.8. Park assets

- a) All [park assets](#) must be managed in accordance with the following management standards.
- b) The relevant [authorised person](#) or [responsible person](#) will [determine](#) and implement [management standards](#) for all Council owned or controlled park assets.

- c) When determined, the management standards must be included in **Schedule 4**.

C.8.1. Inspection and Maintenance

- a) [No routine inspection](#) shall be carried out at any park asset, except as provided in **Schedule 4** or required by written law, in accordance with [B.4 Inspection of assets](#).
- b) A [technical inspection](#) will only be carried out:
- when determined necessary, and
 - to the management standard
- determined by the responsible person.
- c) No routine maintenance will be carried out on any park asset, except as provided in **Schedule 4**, in accordance with [B.5.1 Routine maintenance](#).

C.8.1.1. Inspection method

- a) Where an inspection of a park asset is specified in **Schedule 4**, it must be undertaken by a responsible person on foot carrying out a [visual inspection](#).
- b) The inspection must be undertaken strictly in accordance with the relevant Standard Operating Procedure.
- c) The person who actually carries out the inspection may vary the inspection method in a Standard Operating Procedure in accordance with the following [allowable factors](#), if in the opinion of the person carrying out the inspection:
- it is unsafe to comply with the method in the Standard Operating Procedure;
 - it is impracticable due to physical obstacles; or
 - the nature and character of the terrain of a particular asset requires a different method to be used.
- d) Where the inspection method is varied in by a responsible person, a record must be kept of the method adopted for the particular asset.

C.8.1.2. The general level of grassed surfaces

- a) Where a [park asset](#) has a [grassed surface](#) it must be [maintained](#) so that it is reasonably even in its general level;
- b) [Defects](#) in grassed surfaces such as but not limited to:
- general or isolated surface undulations;
 - grass or turf being slippery when wet;

- isolated or general sinking of soil, turf or grass;
- reactive soil movement including cracking, expansion and contraction;
- scouring by watering, erosion, storm or flood; and
- general imperfections caused by wear and tear;

shall not be maintained unless [maintenance](#) is specified in **Schedule 4**.

- c) Despite b), and subject to d), grassed surface defects may only be repaired if a particular defect exceeds the [maintenance intervention standard](#) in Table 7 of **Attachment G**.
- d) If, on [inspection](#), a responsible person decides that a grassed surface defect is an unsafe defect, then the unsafe defect must be dealt with in accordance with [B.9 Safety measures](#).

C.8.1.3. Grass cutting

- a) No [grass cutting](#) of grass or any other vegetation within or about any:
- park asset;
 - flood and stormwater drainage system assets;
 - road asset;
 - building asset;
 - designated natural swimming location;
 - Dubbo City Airport; or
 - a Critical Infrastructure Asset;

shall be carried out unless specified in **Schedule 4**.

- b) If a responsible person decides to act contrary to a), he or she must:
- establish a cyclical program for grass cutting;
 - keep a permanent record of all changes to the cyclical program;
 - have due regard to weather conditions;
 - cyclical or seasonal growth patterns; and

include or adjust [management standards](#) set in **Schedule 4** accordingly.

C.8.1.4. Foot-trodden paths

[“C.7.6 Foot-trodden paths”](#) applies to all park assets.

C.9. Skate Parks, BMX Tracks and Facilities

- a) The relevant [authorised person](#) or [responsible person](#) will determine and implement [management standards](#) for [routine inspection](#) and [routine maintenance](#) of Council owned or controlled skate parks, BMX tracks and facilities.
- b) When determined, the management standards must be included in **Schedule 4**.

C.9.1. Inspection and Maintenance

- a) [No routine inspection](#) shall be carried on any skate park, BMX track or facility, except as provided in **Schedule 4** or required by written law, in accordance with [B.4 Inspection of assets](#).
- c) A [technical inspection](#) will only be carried out:
 - when determined necessary, and
 - to the management standarddetermined by the responsible person.
- d) [No routine maintenance](#) will be carried out on any skate park, BMX track or facility, except as provided in **Schedule 4**, in accordance with [B.5.1 Routine maintenance](#).

C.9.2. Supervision skate parks and BMX tracks

All skate parks, BMX tracks and facilities shall be [unsupervised](#).

C.10. Boat Ramps, Jetty and Wharf Assets

- a) All boat ramps shall be managed in accordance with the following management standards.
- b) **Definition:** in this section reference to a “**boat ramp**” includes a jetty and wharf.
- c) The relevant responsible person shall determine and implement management standards for routine inspection and routine maintenance of Council owned or controlled boat ramps, jetties and wharves.
- d) When determined, the management standards must be included in **Schedule 4**.

C.10.1. Inspection and Maintenance

- a) An annual inspection of all boat ramps shall be undertaken in accordance with the relevant Standard Operating Procedure.
- b) The inspection in a) must be undertaken if no inspection is provided for in **Schedule 4**.

- c) Defects discovered on inspection must be rectified in accordance with established maintenance procedures.
- d) Except as provided in a), [no routine inspection](#) or technical inspection may be carried on any boat ramps, jetties or wharves, except as provided in **Schedule 4** or required by written law, in accordance with [B.4 Inspection of assets](#).
- e) No routine maintenance will be carried out on any boat ramps, jetties or wharves, except as provided in **Schedule 4**, in accordance with [B.5.1 Routine maintenance](#).
- f) Despite e), maintenance will only be carried out in response to defects discovered under a) and b), or in response to a [customer request inspection](#).

C.10.2. Supervision

- a) All boat ramps shall be unsupervised.
- b) One double-sided [risk warning sign](#) shall be erected at each boat ramp, and this sign must be included in **Schedule 16**.
- c) The DAMP Coordinator must be consulted about the form and wording of risk warning signs.

C.11. Building Assets

- a) All [building assets](#) must be managed in accordance with the following management standards.
- b) The relevant responsible person will determine and implement management standards for routine inspection and routine maintenance of Council owned or controlled building assets.
- c) When determined, the management standards must be included in **Schedule 4**.

C.11.1. Inspection and Maintenance

- a) [No routine inspection](#) may be carried on any building asset, except as provided in **Schedule 4** or required by written law, in accordance with [B.4 Inspection of assets](#).
- b) A technical inspection will only be carried out:
 - when determined necessary, and
 - to the management standarddetermined by the responsible person.
- c) No routine maintenance will be carried out on any building asset except as provided in **Schedule 4**, in accordance with [B.5.1 Routine maintenance](#).

C.11.2. Grass cutting

- a) [Grass cutting](#) will not be done in the [immediate vicinity](#) of any building asset.
- b) If a responsible person decides to act contrary to a), he or she must:
 - establish a cyclical program for grass cutting;
 - keep a permanent record of all changes to the cyclical program;
 - have due regard to weather conditions;
 - cyclical or seasonal growth patterns; andinclude or adjust [management standards](#) set in **Schedule 4** accordingly.

C.12. Flood and Stormwater Drainage System Assets

- a) This Section applies to all flood and stormwater [drainage system](#) assets. Drainage system assets must be managed in accordance with the following standards.
- b) The relevant responsible person will determine and implement [management standards](#) for [routine inspection](#) and [routine maintenance](#) of Council owned or controlled [drainage systems](#).
- c) When determined, the management standards must be included in **Schedule 4**.

C.12.1. Inspection and Maintenance

- a) [No routine inspection](#) shall be carried on any drainage system, except as provided in **Schedule 4** or required by written law, in accordance with [B.4 Inspection of assets](#).
- b) A technical inspection will only be carried out:
 - when determined necessary, and
 - to the management standarddetermined by the responsible person.
- c) No routine maintenance will be carried out on any drainage system, except as provided in **Schedule 4**, in accordance with [B.5.1 Routine maintenance](#).

C.12.2. Drainage system modification and installation

- a) No change or modification shall be made to any existing drainage system unless:
 - [Attachment I: Record of asset management decisions](#) is relevantly complied with; and

- the prior written approval is obtained from the responsible person.
- b) Existing drainage system [constructed capacity standards](#) must not be modified or changed.
- c) Despite b), constructed capacity standards may be changed if a responsible person determines that a component, part, partial or whole system redesign, upgrading or down-grading is necessary and Council has voted the required funds for the particular activity or project.
- d) Subject to f), all new drainage systems must be designed in accordance with:
 - all relevant written law requirements; and
 - the principles set out in the 'Australian Rainfall and Runoff' ("ARR") published by The Institution of Engineers, Australia, as amended; and
 - the principles set out in the relevant manual referred to in s.733 (4) and (5) of the Local Government Act 1993; and
 - in accordance with any other matter considered relevant by a qualified and competent professional engineer; and
 - the [principles of sound engineering and professional practice](#).
- e) The [constructed capacity standard](#) design for new or modified drainage systems must not exceed the budget and [resource availability](#) in any particular circumstance.
- f) All new [drainage systems](#) in a subdivision, including upgrades or modifications, must be designed and constructed in accordance with the Dubbo Regional Council "Design Manual for the Subdivision of Land" (as amended).
- g) Having regard to d) a responsible person shall determine the constructed capacity standard for all new or modified drainage systems respectively.
- h) **For the avoidance of doubt in d) and e)**, this means that the level of protection against flood or stormwater damage (the constructed capacity standard) will be limited by [resource availability](#).

C.12.3. Fencing, protective structures and lock-down devices

See also [C.5 Fencing and alternatives](#)

Subject to [C.12.4 The protection of persons or property](#):

- a) No [fencing](#) or [protective structure](#) shall be [erected](#) in, on, over or around any drainage system.

- b) No [lock down devices or mechanisms](#) shall be fitted to any drainage system.
- c) Despite a) and b), if a responsible person decides to install lock down devices or mechanisms or erect a protective structure, then he or she must, before doing any of these things, relevantly comply with [C.12.2 Drainage system modification and installation](#).
- d) No new or additional crossings shall be constructed, erected or installed across any drainage system;
- e) In this subsection “**crossing**” includes bridges and like structures designed specifically for pedestrian access across a drainage system.
- f) No new or additional signs shall be erected or installed along or about any drainage system warning against the likely presence of:
- floodwater or swift flowing water;
 - polluted or contaminated water;
 - deep or shallow water;
 - slippery surface conditions within or about any drainage system; and
 - deleterious material including broken glass in or about any drainage system.
- g) No risk warning signs or any other means of warning shall be provided warning against, for example, doing any or all of the following activities or risk-taking conduct in or about any drainage system:
- entering any pit or pipe, whether underground or not;
 - swimming, wading or diving;
 - fishing;
 - drinking drainage system water, or using it for stock or irrigation purposes;
 - playing generally or playing games;
 - walking, running, skating (including skateboard, rollerblade and roller skate);
 - cycle riding (including motor cycles);
 - driving motor vehicles; and
 - riding horses.

C.12.4. The protection of persons or property

The protection of people from reasonably foreseeable risk arising from drainage systems is an important management and socially responsible outcome. However, protective structures must be

reasonable and practical and **must not** adversely affect the designed flood mitigation outcome or cause or exacerbate flooding.

The following procedure must be followed:

- a) the DAMP Coordinator or Workplace Safety Advisor must be consulted before any protective structure is installed, removed, modified or dismantled in or about any drainage system.
- b) A responsible person shall determine, either generally or on a case-by-case basis, the management standards for protective structures to be erected in, over or about a drainage system.
- c) Before determining the management standards for any of the things mentioned in b), a responsible person must take reasonably practicable steps to ensure that the erection or installation of any protective structure referred to in a) o not interfere with the efficient functioning of any drainage system and appurtenant works so as to cause (or exacerbate):
 - the flooding of any property beyond that which may have occurred if the drainage system had functioned efficiently at its particular constructed capacity;
 - surcharging of the system or any part of it;
 - system inefficiency or blockage; or
 - failure of the system or any part of it.
- d) Consult with the DAMP Coordinator or Workplace Safety Advisor and together determine what written law or common law measures need to be taken to reasonably protect persons or property from reasonably foreseeable injury or damage.
- e) When determining what written law or common law measures need to be taken to protect people or property from reasonably foreseeable injury or damage, the DAMP Coordinator and Workplace Safety Advisor and the responsible person shall:
 - have regard to all relevant written law;
 - have regard to and apply the principles set out in the Standards Australia/Standards New Zealand publication AS/NZS ISO 31000:2009, Risk Management;
 - have regard to any relevant Australian Standard, professional standard, Standard Operating Procedure, or industry practice deemed relevant and appropriate in the particular circumstances by the risk manager or responsible person referred to in b); and
 - consult with Council's appointed legal advisers, if, in the opinion of the DAMP Coordinator, it is desirable and appropriate to do so.

C.13. Natural Swimming Location Assets

Definition: In this section, “swimming” includes, without limitation, any recreational or non-recreational water-based activity.

- a) [Designated natural swimming locations](#) if established must be managed in accordance with the following management standards.
- b) The relevant [responsible person](#) will [determine](#) and implement management standards for routine inspection and routine maintenance of all Council owned or controlled [designated natural swimming locations](#).
- c) When determined, the management standards must be included in **Schedule 4**.
- d) Designated Natural Swimming Locations must be included in **Schedule 18**.

C.13.1. Inspection and Maintenance

- a) [No routine inspection](#) shall be carried out at any non-designated or designated natural swimming location, except as provided in **Schedule 4** or required by written law, in accordance with [B.4 Inspection of assets](#).
- b) [No routine maintenance](#) shall be carried out at any non-designated or designated natural swimming location, except as provided in **Schedule 4**, in accordance with [B.5.1 Routine maintenance](#).

C.13.2. Supervision and risk warnings

- a) No supervision, lifesaving or rescue services or rescue apparatus shall be provided at any [non-designated](#) or [designated natural swimming location](#).
- b) If Council resolves to create a designated natural swimming location, only one (1) double-sided risk warning sign must be erected at each location.
- c) Bathing control notices must relevantly comply with *AS 2417 – 2002 Design and application of water safety signs*.
- d) Subject to [B.10 Risk management](#) the DAMP Coordinator together with the responsible person must determine the location of the risk warning and bathing control notices to be erected at each designated natural swimming location.
- e) Risk warnings, bathing control notices, supervision, maintenance; or rescue service or rescue apparatus **must not** be provided or placed at any [non-designated natural swimming location](#) despite Council knowing that people swim or recreate at a particular location or spot.

- f) **For the avoidance of doubt in a) and e),** this means that risk warnings or rescue services or rescue apparatus **will not** be erected at or about any [watercourse](#) or [body of water](#) at which a non-designated natural swimming location may be to warn any person about any risk at that location.
- g) No fencing of any type shall be erected, installed or used at any designated natural swimming location to define that location or to restrict people to within the particular location.

C.13.3. Establishment of designated natural swimming locations

C.13.3.1. Perennial natural swimming locations

A [designated natural swimming location](#) may only be established at a **perennial**, free-flowing, river, creek or lagoon (“river”).

C.13.3.2. Non-perennial natural swimming locations and water quality testing and pollution

- a) A [designated natural swimming location](#) may be established at a **non-perennial** river, creek, lagoon, lake or dam (“water body”) if, but only if:
 - initial water quality analysis tests are carried out in accordance with relevant written law or scientific standards, to determine the suitability of the water for human use; and
 - from then on water quality tests must be carried out to reasonably ensure that the water quality is suitable for human use.
- b) In respect to b), a responsible person will determine the relevant written law or scientific method to be used for water quality testing and the frequency of such tests.

C.13.3.3. Designated natural swimming locations – water quality testing and pollution

- a) No water quality analysis will be done now, or at any time in the future, at a [designated natural swimming location](#) to establish if a river is contaminated or fit for humans to recreate in.
- b) Despite a), if a river becomes polluted with a *Blue Green Algae* bloom, or by any hazardous chemical that effects, or Council considers is likely to effect, the safety of people who use a designated natural swimming location, then:
 - risk warning sign must be erected at each designated location that advises of the risk and its consequences; and
 - the risk warning must include a “swimming prohibited” symbolic symbol, and a statement that the river is polluted.

- c) If a risk warning is erected in accordance with e), it must be removed once Council has determined, by water quality testing, that the river is reasonably safe to swim in.
- d) **For the avoidance of doubt**, the term “**likely to effect**” means to cause [harm](#) to people who recreate in a river or who might drink or otherwise ingest river water.

C.13.3.4. No improvement to river or river structures to remove risk

- a) Subject to i), a river or non-perennial water body must not be altered or improved in any way so as to remove any obvious, non-obvious or inherent risk that may arise from the use of water or from any recreational activity people may undertake at a [designated natural swimming location](#).
- b) If the DAMP Coordinator together with the responsible person determines a risk to be [obvious](#) or [inherent](#) risk warning signs must not be erected.
- c) No fencing, including security fencing, of any type must be erected around or about:
 - water supply or water regulating weirs in a watercourse; or
 - the foreshore or banks of a [watercourse](#) or [body of water](#).
- d) Despite anything in C.13., the DAMP Coordinator may determine and recommend to the relevant responsible person to take reasonable risk management measures to warn and protect people or property from harm if he or she determines that it is appropriate to do so.

C.13.3.5. Council must resolve to create designated natural swimming location

- a) The fact that Council has resolved, or a delegate or responsible person has determined, to establish and maintain a park, reserve, playground or any other public asset or service at or about a river or water body is not, and must not, be interpreted as a decision by Council to establish a [designated natural swimming location](#).
- b) **For the avoidance of doubt**, Council must expressly resolve to designate a natural swimming location before one can exist.

C.14. Waste management assets

- a) All waste management assets must be managed in accordance with the following management standards.
- b) The Dubbo Waste Management Facilities are set out in **Schedule 10**.

- c) The relevant responsible person will determine and implement management standards for routine inspection and routine maintenance of Council owned or controlled waste management assets.
- d) When determined, management standards must be included in **Schedule 4**.

C.14.1. Inspection and maintenance

- a) Inspection and maintenance activities must be carried out as follows unless determined otherwise by an authorised person and set out in **Schedule 4**.

| <i>Location</i> | <i>Inspection Frequency</i> |
|-------------------------------------|-----------------------------|
| Whylandra Solid Waste Depot | Once daily |
| Recyclable Drop-off Points | Three times a week |
| Rural Solid Waste Transfer Stations | Once a week |

- b) Maintenance must be carried out in accordance with the “*Landfill Environmental Management Plan: Whylandra Waste Disposal Depot*” dated December 1997, unless otherwise determined and set out in **Schedule 4**.

C.14.2. Fire prevention

Fire prevention and suppression activities must be carried out in accordance with Fire Management Plan as set out in the “*Landfill Environmental Management Plan: Whylandra Waste Disposal Depot*” dated December 1997 (as amended).

C.14.3. Environmental standards compliance

- a) The Waste Management Facilities shall be managed so as to ensure compliance with the provisions of the:
 - “*Landfill Environmental Management Plan: Whylandra Waste Disposal Depot*” dated December 1997 (as amended); and
 - Licence No. 6058 (or the current licence number) issued under the *Protection of the Environment Operations Act 1997*, and as may be from time to time renewed.
- b) Subject to c), in addition to written law, the relevant principles set out in the following standards (as amended) must, if relevant, be considered when formulating any management standard:
 - AS 3806 – 2006: Compliance programs;
 - AS 4269 – 1995: Complaints handling;
 - AS/NZS ISO 31000:2009, Risk Management

- AS/NZS ISO 14001: 2004 – Environmental management systems - Specifications with guidance for use;
 - AS/NZS ISO 14004: 2004 – General guidelines on principles, systems and supporting techniques;
 - AS/NZS ISO 140011: 2003 – Guidelines for environmental auditing - Audit procedures - Auditing of environmental management systems; or
 - any other professional or scientifically recognised standard or guideline approved by the general manager for the particular purpose.
- c) **For the avoidance of doubt in b)**, considering the relevant principles means the responsible person must consider, but not necessarily adopt, the relevant principles in the mentioned standards unless such standards are required by written law to be complied with.
- d) If a [authorised person](#) thinks it appropriate to do so he or she may:
- adopt the relevant principles set out in the referenced standards in b); or
 - modify them to suit the particular circumstances; or
 - reject them; or
 - approve some other standard; or
 - independent of any principle set out in any standard develop and implement appropriate management standards.
- e) Despite d), the responsible person, unless he or she has obtained the prior consent of the relevant delegate, must not depart from the relevant principles set out on b).
- f) If the responsible person decides to exercise the discretion granted in d), then the DAMP Coordinator must be consulted and his or her written advice obtained prior to seeking the relevant delegate's consent in e).

C.15. Car parks (free parking areas) assets

- a) This section applies only to free parking areas (“car parks”) under the management and control of Council.
- b) All car parks must be managed in accordance with the management standards set out in this section.
- c) The relevant responsible person will determine and implement [management standards](#) for [routine inspection](#) and [routine maintenance](#) of Council owned or controlled car parks.

- d) When determined, the management standards must be included in **Schedule 4**.

C.15.1. Inspection and Maintenance

- a) [No routine inspection](#) shall be carried at any carpark, except as provided in **Schedule 4** or required by written law, in accordance with [B.4 Inspection of assets](#).
- b) A technical inspection will only be carried out:
- when determined necessary, and
 - to the management standard
- determined by the responsible person.
- c) No routine maintenance will be carried out on any carpark, except as provided in **Schedule 4**, in accordance with [B.5.1 Routine maintenance](#).

C.15.2. Mowing and herbicide treatment of grass and vegetation

Mowing, slashing or herbicide treatment of grass or any other vegetation within or about a car park, including grass or vegetation in or about any table drain or any other drainage system, shall be carried as determined by the responsible person and such management standards must be included in **Schedule 4**.

C.16. Pit covers and sprinkler head assets

- a) This section applies only to the asset groups and the specific locations mentioned in **Table 6** of **Attachment F**.
- b) Council shall not be responsible for any other pit covers or manual or automatic sprinkler heads
- c) Council is not responsible for pits, pit covers or sprinkler heads owned or controlled by any other person, public authority or corporation.
- d) Pit covers and sprinkler heads belonging to any other authority must be dealt with according to the procedure specified in **Attachment F**.
- e) A Responsible Person shall determine the management standards for all [pit covers](#), or automatic or manual sprinkler heads located on Council assets.
- f) Unless otherwise specified in **Schedule 4**, the [maintenance intervention standards](#) and procedures (management standards) set out in **Table 6** of **Attachment F** shall apply to all of Council's pit covers, or automatic or manual sprinkler heads, located in, on or about the asset groups and locations stated in **Table 6**.

C.17. Water Feature assets

Water feature assets are listed in [Schedule 17](#).

C.17.1. Introduction

In this section, for ease of reference, a '[decorative pond](#)', '[body of water](#)' or '[watercourse](#)' may be referred to by its particular name or be collectively referred to as a "[water feature](#)" or "[water features](#)".

Many of Council's assets have a naturally occurring or constructed or natural water feature within or passing through or alongside them. Water features may have important functions such as but not limited to:

- the creation of environmental buffer zones
- the aesthetic enhancement of a particular asset or part of an asset
- the protection of flora and fauna habitat and protected species
- the creation of wildlife corridors
- water storage for human or stock use
- the creation of active or passive recreational opportunities; or
- the creation of flood and drainage channels, basins, dams, weirs, pondages, or wetlands.

Any of these (or other functions) may exist independently or in combination.

It is therefore important to have a common approach to the management of decorative ponds, and land abutting a body of water or watercourse. Accordingly, the following management standards apply.

C.17.2. Management Standards

Subject to a responsible person determining otherwise and relevantly complying with [B.10. Risk management](#); [C.5 Fencing and alternatives](#); and [C.3 Sign assets](#) the following management standards apply:

- a) Fencing or protective barriers **must not** be erected along, over or around any water feature;
- b) Despite a), the responsible person may determine to erect or remove or modify any fencing erected along, over or around any water feature. [C.5 Fencing and alternatives](#) and [AB.10 Risk management](#) must be complied with.
- c) Risk Warning Signs **must not** be erected at or around any water feature warning:
 - (i). about the presence or likely presence of water

- (ii). that water is deep or shallow or variable
 - (iii). about any [obvious risk](#)
 - (iv). about any [inherent risk](#)
 - (v). about any [naturally occurring hazard](#)
 - (vi). about the need to take care in or about water
 - (vii). about the actual or likely presence of any hidden or submerged risk or hazard
 - (viii). about the presence of aquatic plant entrapment
 - (ix). about the presence of mud or silt entrapment
 - (x). about the presence or likely presence of polluted water.
- d) Despite c)(x), if, to Council's knowledge, a water feature becomes polluted with a *Blue Green Algae* bloom or by any hazardous chemical (collectively referred to as "pollutant") that Council considers is likely to effect the safety of people who make use of a water feature, then:
- (i). a risk warning sign must be erected at each affected water feature that advises of the risks and consequences presented by the pollutant;
 - (ii). the risk warning must include:
 - the words "polluted water";
 - the symbolic symbol sign for "swimming prohibited", but only if the water feature is a [designated natural swimming location](#);
 - (iii). the risk warning must be removed when a responsible person determines, after water quality tests have been done, that the toxicity of the pollutant has abated to level not likely to effect the safety of people; and
 - (iv). a risk warning **must not** be given warning of any pollution risk to stock or any other animal (including domestic birds of all types).
 - (v). The DAMP Coordinator or Workplace Safety Advisor must be consulted before a delegate or a responsible person determine to erect fencing or risk warnings along, over or about an asset with a water feature.
- e) No supervision of the public or any rescue service or rescue apparatus shall be provided at any water feature.
- f) **For the avoidance of doubt in d),** the terms:
- (i). "likely to effect" means to cause harm to people who may recreate in or otherwise use water at or from a water feature; and

- (ii). “to Council’s knowledge” means that before Council can act on the existence of a pollutant it must:
- have actual knowledge that a particular water feature is effected by a pollutant; and
 - a responsible person determines, after carrying out or causing relevant tests to be done, that the pollutant is likely to affect people.
- g) A register of assets with water features is set out in **Schedule 17**.

C.18. Community and Recreation Assets

If any management standard now adopted by Community and Recreation Division conflicts with or is ambiguous against a management standard set in the DAMP policy, then the management standards in the DAMP policy shall take precedence to the extent of the conflict or ambiguity.

- a) All Community and Recreation Division assets and services must be managed in accordance with and within the financial limitations set out in the current Business Plans.
- b) Despite a), a management standard determined by a responsible person and included in **Schedule 4**, shall take precedence over any other management standard in a Business Plan which deals with the same or similar subject matter.
- c) A responsible person must develop and determine management standards relevant to each asset and service but subject to the resource availability limitations in a Business Plan.
- d) When determined management standards must be included in **Schedule 4**.

C.19. Economic Development and Business Assets

If any management standard now adopted by Economic Development and Business Division conflicts with or is ambiguous against a management standard set in the DAMP policy, then the management standards in the DAMP policy shall take precedence to the extent of the conflict or ambiguity.

- a) All Economic Development and Business Division assets and services must be managed in accordance with and within the financial limitations set out in the current Business Plans.
- b) Despite a), a management standard determined by a responsible person and included in **Schedule 4**, shall take precedence over any other management standard in a Business Plan which deals with the same or similar subject matter.
- c) A responsible person must develop and determine management standards relevant to each asset and service but subject to the

resource availability limitations in a Business Plan.

- d) When determined the management standards must be included in **Schedule 4**.

C.20. Corporate Services Assets

If any management standard now adopted by Corporate Services Division conflicts with or is ambiguous against a management standard set in the DAMP policy, then the management standards in the DAMP policy shall take precedence to the extent of the conflict or ambiguity.

- a) All Corporate Services Division assets and services must be managed in accordance with and within the financial limitations set out in the current Business Plans.
- b) Despite a), a management standard determined by a responsible person and included in **Schedule 4**, shall take precedence over any other management standard in a Business Plan which deals with the same or similar subject matter.
- c) A responsible person must develop and determine management standards relevant to each asset and service but subject to the resource availability limitations in the Business Plan.
- d) When determined the management standards must be included in **Schedule 4**.

C.21. Infrastructure and Operations Assets

If any management standard now adopted by Infrastructure and Operations Division conflicts with or is ambiguous against a management standard set in the DAMP policy, then the management standards in the DAMP policy shall take precedence to the extent of the conflict or ambiguity.

- a) All Infrastructure and Operations Division assets and services, including Quarry assets, must be managed in accordance with and within the financial limitations set out in each respective current Business Plans.
- b) Despite a), a management standard determined by a responsible person and included in **Schedule 4**, shall take precedence over any other management standard in a Business Plan which deals with the same or similar subject matter.
- c) A responsible person must develop and determine management standards relevant to each asset and service but subject to the resource availability limitations in the Business Plan.
- d) When determined the management standards must be included in **Schedule 4**.

C.22. Planning and Development Assets

If any management standard now adopted by Planning and Development Division conflicts with or is ambiguous against a management standard set in the DAMP policy, then the management standards in the DAMP policy shall take precedence to the extent of the conflict or ambiguity.

- a) All Planning and Development Division assets and services must be managed in accordance with and within the financial limitations set out in each respective current Business Plans.
- b) Despite a), a management standard determined by a responsible person and included in **Schedule 4**, shall take precedence over any other management standard in a Business Plan which deals with the same or similar subject matter.
- c) A responsible person must develop and determine management standards relevant to each asset and service but subject to the resource availability limitations in the Business Plan.
- d) When determined the management standards must be included in **Schedule 4**.

C.23. South Dubbo Weir, Macquarie River Foreshore and Footbridge Assets

C.23.1. South Dubbo Weir

- (a) The South Dubbo Weir, the Macquarie River and foreshore and pedestrian footbridge assets must be managed in accordance with and within the financial limitations set out in each respective Business Plans.
- (b) Council resolution WSC15/130 item 2 dated 14 December 2015 applies.
- (c) No further risk warning signs be erected at or about the South Dubbo Weir.
- (d) No fencing or physical protective measures be erected on, around or about the South Dubbo Weir.
- (e) No dedicated supervision or rescue services shall be provided at the South Dubbo Weir.
- (f) With respect to (c) and (d) existing risk warning signs and fencing or physical protective measures (to the extent that any of these things exist) remain in their present location and orientation.
- (g) The DAMP Coordinator may recommend to the general manager that any or all matters set out in this section relating to the weir changed or varied if he or she considers that relevant and valid public safety issues exist.
- (h) With respect to (g) the general manager shall determine the

recommendation(s) of the DAMP Coordinator in accordance with his or her delegated authority.

- (i) **For the avoidance of doubt**, in (a) WSC15/130 refers to a previous Council resolution: “That Council not re-construct the “fan” shaped barriers on top of the weir after the construction of the rock ramp and fishway”.

C.23.2. Macquarie River, Talbragar River and other Creek or Lagoon Foreshores

- a) Fencing or any other safety measure must not be erected along the Macquarie River, Talbragar River and other Creek or Lagoon Foreshores (collectively “rivers”) to prevent people accessing the river.
- b) Risk warning sign must not be erected along the rivers to warn against any natural, artificial or recreational risk inherent to natural environment of any of the rivers.
- c) A responsible person may determine to erect fencing or other safety measures or risk warnings along a river but before making a determination he or she must first consult with the DAMP Coordinator.

C.23.3. Pedestrian Footbridges across Rivers

- a) Except for fencing or any other safety measure erected to comply with engineering design standards when initially designed and built, no other fencing or any other safety measure shall be erected on, along or over any pedestrian footbridge across the Macquarie River, Talbragar River and other Creek or Lagoon (collectively “rivers”) to prevent risk-taking by people accessing and using a footbridge.
- b) Except to for risk warning signs now erected, no further risk warning signs are to be erected at any footbridge across any of the rivers to warn against any natural, artificial or recreational risk inherent to diving, jumping, climbing on or over, fishing from or abseiling off a footbridge.
- c) A responsible person may determine to erect fencing or other safety measures or risk warnings on, along or over any footbridge across a river, but before making a determination he or she must first consult with the DAMP Coordinator.

C.24. Wongarbron Flood and Drainage Works

- (a) For 2017/18, funds are limited to **\$71,456** for engineering investigation works for the design of Wongarbron flood and drainage works to be carried out in 2017/18.
- (b) For 2017/18, funds are limited to **\$556,449** for flood and stormwater improvement works at Wongarbron.

- (c) Except for flood and stormwater drainage works (“works”) to be done under (b), no other works must be carried out at Wongarbon unless expressly authorised by the general manager.
- (d) The responsible delegate shall determine the design, extent and constructed capacity standard to which the works, limited by (b), will be built, and the location of where the works are to be specifically to be carried out.
- (e) The responsible delegate must consult with the DAMP Coordinator before making a determination under (d).

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D. Dictionary

| Word or Phrase | Meaning |
|---|--|
| “active sports ground or oval” | Means and area set aside and designed specifically for organised active sports such as football, cricket, netball, athletics and any other type of dynamic sport or activity. |
| “action” | An ‘action’ is a subset of an ‘activity’. An ‘action’ may arise where a defined ‘activity’, say, “grass maintenance”, has several distinct methods (‘actions’) of doing grass maintenance, For example: machine mowing, hand mowing and whipper snipping are separate ‘actions’ with quite different cost and time drivers. See also “activity”. |
| “activity” or “activities” | Includes, without derogating from or affecting the meaning of ‘management standard’: i) an ‘activity’ or ‘action’ specified in Schedule 4 or in any other schedule or attachment; ii) an activity or action determined by a responsible person but not specified in Schedule 4 ; iii) the work or a task done to perform a management standard; iv) the act of doing; performing a task; performing an ‘activity’ or ‘action’ or task in Schedule 4 ; performing a Standard Operating Procedure or work method instruction; managing, supervising or providing a service; or carrying out construction or maintenance to achieve a desired ‘management standard’. |
| “adjoining property” | Means real estate owned or controlled by a person other than Council. |
| “after-hours” | Means outside of the ‘ordinary working hours’ of Council. |
| “allowable factors” | Means factors set in this policy which must be considered by a delegate or responsible person or authorised person before he or she sets or decides a particular course of action or inaction or determines a management standard. |
| “all hazards found shall be made safe immediately.” | Has the same meaning as “reasonably safe condition” and “immediately” has the meaning ascribed to it in this dictionary. |
| “allurement” | Means, in context, that a given risk, due to its nature and character, may act as an attractant to a child or adult. It does not mean that Council created the risk or encouraged participation in it and nor does it inform about the probability, severity and magnitude or consequence if such a risk materialised. And it does not mean that Council has a duty higher than to act reasonably in a particular factual circumstance. |
| “and/or” | Means “A or B or both”. |
| “artificial” | Includes anything created or modified by human intervention. |
| “as at” | Means the date/time the Council resolved to adopt the DAMP policy. |

| Word or Phrase | Meaning |
|--------------------------------------|--|
| <p>“asset” or “assets”</p> | <p>Means an item of real or physical property or a strategic council service, community service, and includes without restriction or limitation:</p> <ul style="list-style-type: none"> i) Physical assets such as: roads, paths, walking trails or tracks, parks, reserves, swimming pools, trees, buildings, playgrounds, playground equipment, water and sewerage treatment facilities and reticulation systems, flood and stormwater structures and systems, outdoor lighting systems, vehicles and plant, fences, bridges, trees, sporting ovals, facilities, statues and artefacts and like things; or ii) The provision of management and supervision applied to strategic community programs such as but not limited to: child and aged care, libraries, art galleries, social justice, swimming centres, community centres, regulatory enforcement, education, environmental, health & building inspection, and emergency response & rescue. iii) Individual assets that belong to a particular asset group. iv) For the avoidance of doubt: Council invests heavily in the provision of important written law or discretionary services or community services, which operate in or out of a physical asset. In DAMP these “services” are treated as an “asset” because they are as important as a physical asset due to strategic and economic importance. A service or community service asset reflects Council’s investment in the “human asset”. In DAMP, physical assets and service assets are treated the same way; this produces a strategic, management and operational consistency. |
| <p>“asset group”</p> | <p>Means assets which are identified in this policy as belonging to a particular grouping as set out in Schedules 1 and 1A.</p> |
| <p>“at will”</p> | <p>Means at the sole discretion of a responsible person.</p> |
| <p>“Australian Standard”</p> | <p>Means a technical standard approved and published by Standards Australia (usually denoted by the prefix AS) and includes the following joint standards:</p> <ul style="list-style-type: none"> ▪ Australian/New Zealand Standards denoted by the prefix AS/NZS; and ▪ Australian/New Zealand ISO Standard denoted by the prefix AS/NZS ISO. |
| <p>“authorised person(s)”</p> | <p>Means:</p> <ul style="list-style-type: none"> i) A person authorised by this policy or by the general manager, a delegate or a responsible person to carry out a particular function, activity or management standard; and ii) Authorised persons must possess the particular training, skill, competency and experience for the particular function or activity that he or she is required to perform; and iii) For the avoidance of doubt the purpose of designating ‘authorised persons’ is to ensure that only people who are relevantly qualified, experienced and competent in their respective profession or field of training carry out designated functions, activities or management standards. |

| Word or Phrase | Meaning |
|---------------------------------|--|
| “baseline management standards” | <p>Means all management standards set in:</p> <ul style="list-style-type: none"> ▪ the policy terms & conditions; ▪ all schedules, attachments, appendices and in any other document attaching to and which forms part of the policy; <p>when the policy was adopted by resolution of the Council.</p> |
| “bird damage” | <p>Means damage caused by a colony of wild birds or bats (e.g. Ibis, Cockatoos, Gulls, Grey-headed fruit bats) roosting or nesting in a specific locality, tree or trees or building or structure in the built environment and includes damage:</p> <ul style="list-style-type: none"> ▪ to human health ▪ to trees ▪ to dwellings, buildings and structures ▪ fouling of paved roads, pedestrian surfaces and street furniture ▪ fouling of motor vehicles and any other property. <p>“bird” includes eagles and bats. “damage” includes “injury”. “fouling” includes dung, droppings or urine. “street furniture” includes park & reserve furniture and amenities, barbeques, cooking facilities and drinking water bubblers and the like.</p> |
| “BMX track” | <p>Means a purpose designed and constructed facility and track specifically for competition and recreational use by professional, amateur or casual (inexperienced) BMX competitors.</p> |
| “body of water” | <p>Includes:</p> <ul style="list-style-type: none"> ▪ a swamp ▪ a lagoon or billabong ▪ a lake, water catchment dam or weir, rural or urban dam, siltation dam ▪ a permanently wet flood detention or retention or retarding basin ▪ a flood, drainage or irrigation channel or canal ▪ a designated wetlands; or ▪ any permanently wet artificial water feature (but does not include a decorative pond, fountain, fishpond and similar things less than or equal to 600mm deep and located in or about a public park, place or building). <p>For the avoidance of doubt, “permanently wet” means water is always present according to engineering design.</p> |
| “brick” | <p>Includes all manner of concrete, masonry, brick, tile, stone, paver or block pavement materials, including synthetic variants, used to surface roads, paths, malls and floors of public and commercial buildings and dwelling houses.</p> |
| “brick pavement” | <p>Means a brick paved road, path, mall or floor.</p> |
| “building asset(s)” | <p>Means all Council owned or controlled; public buildings and amenities, administration centre, town hall, sports and aquatic centres, structures, memorials, amenities, childcare centres, libraries and art galleries, commercial buildings and dwelling houses.</p> |

| Word or Phrase | Meaning |
|---|--|
| “business plan” | <p>Means:</p> <ol style="list-style-type: none"> 1. the business plan developed for each Division and each functional area within each Division and if a business plan has not been adopted, then; 2. any previous financial or operating plans or function plans currently in use and previously properly adopted by the Council or by the general manager. |
| “car parks (free parking areas)” | Means any area of public land (other than a public road) for the accommodation of vehicles without payment of a fee or charge. |
| “carry out road work” and “road work” | Has the meaning ascribed in s.4 of the <i>Roads Act 1993</i> . |
| “close of business” | <p>Means at the end of “ordinary working hours”.</p> <p>For the avoidance of doubt “close of business” means that time when Council officially ceases work each working day at its Administration Centre and Works Depot respectively.</p> |
| “compelling environmental or aesthetic factors” | <p>Means:</p> <ol style="list-style-type: none"> i) <u>In relation to trees</u>, that such a planting is, in the opinion of an authorised person, essential to preserve: <ul style="list-style-type: none"> ▪ The visual or scientific integrity of an existing tree-scape amenity; or ▪ The integrity and/or continuity of a rare or endangered species; or ▪ The integrity of an existing flora or fauna habitat; or ▪ The integrity of an existing streetscape amenity. ii) <u>In relation to foot-trodden paths</u>, that the closure and rehabilitation of a path is, in the opinion of a responsible person, essential to: <ul style="list-style-type: none"> ▪ Preserve the visual or scientific integrity of an existing environment; or ▪ Preserve the integrity of an existing flora or fauna habitat; or ▪ Implement or maintain a particular asset management plan, strategy, or Asset Classification Standard applying to a particular asset or class of assets. |
| “compelling safety reasons” | <p>Means a particular risk or hazard the materialisation of which is likely to cause catastrophic harm if reasonable steps are not taken by Council to protect people; but excludes an “inherent risk” as defined in s.5I of the <i>Civil Liability Act 2002</i>.</p> <p>For the avoidance of doubt “compelling safety reasons” will exist whether or not a risk or hazard is obvious and where a person cannot take reasonable steps to secure his or her own safety. In this context “reasonable steps” includes a person’s ability to withdraw from or go around a risk or hazard.</p> <p>Definition: “catastrophic harm” includes death, paraplegia, quadriplegia or worse but excludes any other injury that doesn’t produce any of these outcomes and irrespective of how incapacitating such an injury may be.</p> |
| “complaint” | Has the same meaning as “customer request”. |

| Word or Phrase | Meaning |
|---|---|
| “community service asset” | Includes (see also “ asset ”): <ul style="list-style-type: none"> • social, regional theatre and convention centre, recreation and cultural services delivered by the Community and Recreation Division and • Dubbo airport, Dubbo regional saleyards, Wellington Caves and related services delivered by the <i>Economic Development and Business Division</i>; but • excludes the physical asset in which or from which a service is provided. |
| “confirmed in writing” | Means by letter or facsimile but not by e-mail |
| “condition(s) of performance” | Means the conditions which must be satisfied for the ‘management standard’ associated with an ‘activity’ or ‘action’ in Schedule 4 to be performed satisfactorily. |
| “constructed capacity standard” | Means the design standard to which the present or future flood or stormwater drainage system is designed, and refers to a systems capacity to carry a sudden, excessive run-off of water following a storm or flood of a particular magnitude expressed in terms of “average recurrence interval” (ARI) or “annual exceedance probability” (AEP) as is appropriate in each particular circumstance. |
| “consequence” | Has the meaning ascribed in clause 2.8 of AS/NZS ISO 31000:2009. |
| “control” | Includes the care and management of assets for which it is legally responsible for. |
| “corporate functional area” | Means the main functional departments reporting directly to the general manager. |
| “corporate risk: or corporate risk management exposure” | Includes any reasonably foreseeable risk including, but not limited to, risk attaching to: corporate governance, political, social, economic, financial, legal, contractual, operational, environmental, compliance, due diligence and human resource management. <i>See also “risk management”.</i> |
| “Council” | Means the Dubbo Regional Council and relevantly includes councillors, management and employees. |
| “critical infrastructure asset” | Means an asset, which is essential for the proper and continuing function of critical services or for the maintenance of public health and safety services to the inhabitants of the City. |
| “CRMS” | Means the ‘Customer Request Management System’. See also “Customer Response Management Standard” or “CRMS standard” |
| “customer” | Means a citizen, ratepayer or any person who makes a customer request or works request. |
| “customer request” | Means a complaint or work request made to Council: by any person through the CRMS and includes complaints or requests made in person; by letter; by facsimile; by e-mail; by telephone; or by two-way radio the details of which are entered into the CRMS. (see “ work request ”.) |
| “customer request inspection ” or “customer service request inspection” | Means: <ol style="list-style-type: none"> i) An inspection specifically carried out in response to a customer request or safety complaint, and whether the customer request or safety complaint originates from the CRMS or otherwise; |

| Word or Phrase | Meaning |
|---|---|
| | <p>ii) The inspection is confined to the substance and immediacy of the location of the customer request;</p> <p>iii) In respect to a safety complaint the inspection is carried out to determine whether, in fact, an unsafe defect exists and, if so, what action is required for it to be made safe; and</p> <p>iv) The inspection is carried out to determine what might need to be done or provided to satisfy the particular customer request.</p> <p>v) For the avoidance of doubt in i), ii) and iii):</p> <ul style="list-style-type: none"> ▪ An inspection excludes the discovery of any latent defect which could not have been discovered by a reasonable visual examination by the naked eye or in the case of a person wearing spectacles, by a person whilst wearing spectacles; ▪ The words “management”, “supervision”, “regulatory function”, “construction”, “maintain”, “maintained”, “maintenance”, “repair”, “cleaning activities” or any like words or terms with similar meanings shall not include or be deemed to include the act of carrying out an “inspection” of any type whatsoever; ▪ The standard of care to be exercised when carrying out an inspection is limited to the standard set in the relevant Standard Operating Procedure for the particular type of inspection being carried out; and ▪ Any person carrying out or performing management, supervision or regulatory functions; or activities such as construction, maintenance, repair, mowing or cleaning or any like words or terms with similar meanings shall not include or be deemed to include the act of carrying out an “inspection” of any type whatsoever. |
| <p>“Customer Response Management Standard”</p> | <p>Means management standards, known as ‘Customer Response Management Standards (“CRMS standard”), determined by the general manager pursuant to Section 12 of this policy and included in Schedule 14 and relevantly incorporated into Schedule 4; and</p> <p>For the avoidance of doubt, CRMS standard must not be published in a policy, management or business plans, service agreements, contracts or in public documents notifying Council’s community of the levels and standard of service they can expect unless the CRMS standard has been approved by the general manager, a delegate or a responsible person pursuant to Schedule 2 of the policy.</p> |
| <p>“damage” or “damages”</p> | <p>Includes:</p> <ul style="list-style-type: none"> ▪ physical or mental injury or illness to a human being; ▪ economic loss; ▪ damage to personal and real property publicly or privately owned; ▪ damage to Council assets and utility infrastructure or services; ▪ ‘tree damage’; and ▪ bird damage. |
| <p>“DAMP Coordinator”</p> | <p>Means an employee of Council appointed as DAMP Coordinator to coordinate the creation, maintenance, implementation, upgrading and review of the DAMP policy performance and compliance.</p> |

| Word or Phrase | Meaning |
|---|---|
| DAMP Coordinator or Workplace Safety Advisor | Means in context that the Workplace Safety Advisor will respond to workplace safety advice, and the DAMP Coordinator will respond to all other advice. |
| “DAMP Coordinator’s Risk Analysis and Reports” | Means the risk analysis and reports prepared by the DAMP Coordinator to enable Council to consider the reasonably foreseeable prospective risk exposure that the public may be exposed to by the presentation to the public of Council’s assets and services. These reports are ‘prospective’ or ‘risk neutral’ because they do not identify any real (actual) risk, only the risk that is reasonably foreseeable from an overview risk management perspective. Discovering the presence of risk at an asset or service, and determining if the risk is real, is the function of a qualified asset inspector carrying out a competent inspection in accordance with the relevant management standard. |
| “decorative pond” | Includes a constructed fountain, water feature, pondage, fishpond and similar things less than or equal to approximately 500mm deep and located in or about Community or Operational land or within a public road reservation for which Council, as the responsible road authority, is responsible for. For the avoidance of doubt , “approximately 500mm deep” means an measurement of 500mm with an error margin of plus 100mm is acceptable when measured at the deepest point of a decorative pond and excludes the depth of any siltation or similar sediment on the bottom of a decorative pond. |
| “defect” or “defects” or “defective” | Means: i) In relation to an asset or service or a component or part thereof a falling short or imperfection from the stated policy outcome, management standard or intervention level; and ii) Includes soil and grassed surface imperfections, irregularities and conditions in pedestrian and playing surfaces; but iii) It does not include an ‘unsafe defect’. See cf. ‘unsafe defect’. |
| “delegate” | Means a person who acts under a formal instrument of delegated authority and who is granted wide-ranging discretionary decision-making policy functions. See cf. also ‘responsible person’ and ‘authorised person’. For the avoidance of doubt the distinction between a ‘delegate’ and a ‘responsible person’ or ‘authorised person’ or ‘proper person’ is that the latter three usually, but not always, exercise discretionary decision-making policy functions specifically related to a function or management standard or activity that he or she is responsible for. |
| “determined by a responsible person” | Means a decision by a responsible person specified in Schedule 2 . as a responsible person or an authorised person. |

| Word or Phrase | Meaning |
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| <p>“determination” or “determine(s)” or “determined” or “to determine” or “decide” or “decision”</p> | <p>Includes:</p> <ul style="list-style-type: none"> ▪ a decision made by the general manager, a delegate, responsible person or employee in the context of the relevant section or schedule of this policy, or of a related document or policy; and ▪ a decision to exercise or not exercise a function; create, add, remove, change, amend, vary, replace, modify, rescind, revoke, suspend, establish and specify a management standard, frequency, level, standard or Standard Operating Procedure; and ▪ a decision to suspend the operation of the whole policy or any part or section of it; and ▪ a decision to classify assets or services into Asset Classification Standards and this includes the power to declassify; and ▪ the act of executing, implementing or complying with the respective terms of the policy or management standards set in or determined pursuant to the policy or a related document or policy. |
| <p>“designated natural swimming location”</p> | <p>Means:</p> <ol style="list-style-type: none"> i) a specific location at a perennial river, creek or lagoon (“river”), or at a non-perennial river, creek, lagoon, lake or dam (“water body”) which has been designated, by express resolution of the Council only, to be a ‘designated natural swimming location’; and ii) the term designated natural swimming location excludes any other non-designated natural swimming location that by common usage is used for any swimming, wading or aquatic recreational or other purpose. |
| <p>“drainage system” or “drainage systems”</p> | <p>Includes, without limitation, all flood and stormwater drainage systems, components and parts including appurtenant works that Council controls or has the care and management of.</p> <p>For the avoidance of doubt, drainage system or systems includes underground piped systems, kerb and gutter; table drains; constructed or designated overland flow paths, retention, detention, drainage channels, dams, wetlands, retarding and siltation basins and associated works or structures.</p> |
| <p>“earliest possible opportunity”</p> | <p>Means as soon as is reasonably practicable but subject to “resource availability”, “operational limitations” and “special risk exposure” as defined.</p> |
| <p>“emergency”</p> | <p>Includes the effect of a civil disturbance, terrorist attack, a motor vehicle accident, an industrial accident, withdrawal of labour by an industrial union, bush fire or imminent threat of bush fire, storm and tempest, flood whether by overtopping of a natural water course or artificial or natural drainage system, petroleum products or chemical spill, gas leak or escape, request by police or another public authority for assistance, or any matter or thing which in the opinion of Council or a responsible person constitutes a threat to people, property or Council’s services or operations, thereby necessitating an immediate application or transfer of resources from established works and services programs and a degrading of the CRMS Management Standards.</p> |
| <p>“end of daylight”</p> | <p>Means before sunset.</p> |

| Word or Phrase | Meaning |
|---|--|
| <p>“erect” or “erected” or “erection”</p> | <p>Means:</p> <p>i) In the context of ‘safety measures’, that safety measures will be:</p> <ul style="list-style-type: none"> ▪ erected; ▪ installed; ▪ positioned; ▪ designated; ▪ developed; ▪ planted or grown or allowed to grow artificially or naturally; ▪ announced; or ▪ otherwise put in place by whatever method or means to effectively warn, protect or ‘make safe’ people or property from a risk or hazard; or <p>ii) In context of the physical or built environment to: build; construct; raise; set in an upright or perpendicular position; assemble; make ready for use.</p> |
| <p>“enforcement” or “enforcement activities”</p> | <p>Includes regulating the use of Council’s property, services, public land and enforcing written law, policy, regulations or Council policy.</p> |
| <p>“ensure”</p> | <p>Has the same meaning as “must ensure”.</p> |
| <p>“environmental and safety buffer zone”</p> | <p>Means a designated strip of land usually but not always five metres or more wide in which:</p> <ul style="list-style-type: none"> ▪ naturally seeded trees and vegetation are allowed to grow with or without assistance; or ▪ artificially seeded (planted) trees and vegetation is grown; <p>to create a natural barrier along, for example, ocean, foreshore, river, creek, dams, lakes stormwater drainage systems, and along developed park assets with natural cliff or escarpment features through which people will find it difficult negotiate; and</p> <p>For the avoidance of doubt one of the key objectives of an environmental and safety buffer zone is to cause people to ‘slow up’ or ‘stop’ when near to a naturally occurring hazard so that they can take care for their own safety.</p> |
| <p>“environment” or “environmental”</p> | <p>Includes all aspects of the surroundings of human beings, including:</p> <ul style="list-style-type: none"> ▪ the physical factors of those surroundings, such as the land, the waters and the atmosphere; and ▪ the biological factors of those surroundings such as the animals, plants and other forms of life; and ▪ the aesthetic factors of those surroundings, such as their appearance, sounds, smells, tastes and textures. |

| Word or Phrase | Meaning |
|---|--|
| “fencing” | <p>Includes:</p> <ul style="list-style-type: none"> ▪ any barrier or structure erected to delineate one area from another; ▪ a boundary or security fence; ▪ a fence erected for the purpose of warning and protecting persons from a hazard; ▪ any railing erected to assist people whilst using steps, stairs or ramps; ▪ any safety fence or railing; ▪ any flora planted as a barrier or to delineate one area from another or as an environmental buffer zone; ▪ any fencing around, in or about flood or stormwater drainage systems; ▪ a fence required by written law to be erected and maintained to a prescribed standard. |
| “final inspection” | <p>Means an inspection to ensure that an ‘activity’ or ‘work’ has been carried out:</p> <ul style="list-style-type: none"> ▪ to a determined management standard; ▪ to a contract or contract specification; or ▪ has been left in a ‘reasonably safe condition’. |
| “five hours” or “five (5) working hours” | <p>Means five (5) consecutive “ordinary working hours” but subject to B.7.4 The five (5) hour safety response procedure</p> |
| “flood and stormwater drainage system(s)” | <p>Means any structure, device or thing designed or constructed to be a flood or stormwater drainage system or component or part of it and includes without limitation: kerb & gutters; road shoulder drains; overland flow paths; piped systems; pits; inlet or outlet structures; open channels; retarding or retention or detention basins; siltation dams or traps; control valves; regulating systems and surcharge mechanisms; flood walls, levees, gates; drainage channels; and associated appurtenant works associated with any of these things.</p> |

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| Word or Phrase | Meaning |
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| <p>“footpath”</p> | <p>Means:</p> <p>i) A footpath, footway, path or pathway, bicycle path, walking trail or track constructed and maintained by Council for use by pedestrians or by pedestrians and pedal (non-motorised) cyclists but does not include any footpath which:</p> <ul style="list-style-type: none"> ▪ has not been constructed or ‘expressly designated’ by Council to be a path; or ▪ has not been constructed by a responsible road authority; or ▪ connects to other land not owned or controlled by Council; or ▪ is a foot-trodden path. <p>ii) Subject to this definition of ‘footpath’, ‘footpath’ has the same meaning as ‘footway’ in s.4 of the Roads Act 1993 in relation to public roads under Council’s control as a roads authority.</p> <p>iii) For the avoidance of doubt:</p> <ul style="list-style-type: none"> ▪ a footpath, footway, path or pathway, bicycle path, walking trail or track path, footpath or bicycle path constructed and maintained within a road reserve by a responsible road authority is a footpath; and ▪ a footpath, footway, path or pathway, bicycle path, walking trail or track constructed in or about any other asset (not being in a road reserve) by Council for use by the general public is a footpath; and ▪ a foot trodden track or path over roadside land or any other Council land is not a footpath; and ▪ a foot trodden track or path over roadside land or any other Council land that connects from a roadway or footpath to privately owned land is not a footpath; and ▪ the term ‘expressly designated’ means by resolution of the Council or by the general manager exercising his/her delegated authority. |
| <p>“foot-trodden path”</p> | <p>Means a road, path, footpath, track or trail:</p> <p>i) Created and used by people (or wholly or partly by wild or domestic animals and used by people) walking continuously, over time, along the same line so that a common foot trodden path, footpath, track or trail is created.</p> <p>ii) Created by any type of motor vehicle, motor cycle, bicycle or by equestrian activities.</p> |
| <p>“footway”</p> | <p>Has the same meaning as s.4 of the Roads Act 1993.</p> |
| <p>“For the avoidance of doubt” clause</p> | <p>Means a clause that:</p> <p>i) Explains the intended operation of a section, subsection, paragraph, phrase, term or word it qualifies; and</p> <p>ii) Must be read together with and as part of the section, subsection, paragraph, phrase, term or word it relevantly refers to.</p> |
| <p>“free parking area(s)”</p> | <p>Has the meaning ascribed in the Dictionary (Section 3) of the <i>Local Government Act 1993</i>.</p> |

| Word or Phrase | Meaning |
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| “frequency” | <p>Means:</p> <ul style="list-style-type: none"> i) That the relevant management standard, activity, action or function (collectively, “activity”) shall be carried out at any time during the stated time period or interval. ii) That a delegate or a responsible person may, at his or her discretion, at any time during the stated time period or interval, change the day and/or time that the activity shall be carried out at will in accordance with resource availability, or an emergency. |
| “funds and resources” | <p>Has same meaning as “resource availability”.</p> |
| “function” | <p>Includes:</p> <ul style="list-style-type: none"> ▪ a power, authority and duty; and ▪ unless stated to the contrary in an instrument of delegation or Schedule 2, includes a power to repeal, revoke, rescind, amend, alter or vary. |
| “general manager” | <p>Means the general manager of the Dubbo Regional Council.</p> |
| “grass cutting” | <p>Includes mowing, slashing, cutting, whipper snipping, rolling and poisoning of grass, lawn, turf and vegetation</p> |
| “grassed surface” | <p>Means:</p> <ul style="list-style-type: none"> i) for ‘public open space’ (not being a ‘passive recreation area’ or an ‘active sports ground or oval’), a natural grassed surface whether the grass species is native or introduced and whether or not it is maintained; or ii) for a ‘passive recreation area’, a natural or cultivated grassed surface whether the grass species is native or introduced and whether or not it is maintained; or iii) for an ‘active sports ground or oval’ a cultivated and maintained lawn or turf surface. |
| “grassed surface defect” | <p>Includes any defect in a ‘grassed surface’ in a Park Asset including the defects referred to in Table 7 of Attachment G.</p> <p>For the avoidance of doubt, only those defects that exceed the determined ‘maintenance intervention standard’ will be eliminated or repaired. However, if any grassed surface defect is deemed by a responsible person to be an unsafe condition or defect, then the defect must be eliminated or safety measures taken to warn and/or protect people from the defect.</p> |
| “harm” | <p>Has the meaning ascribed in s.5 of the Civil Liability Act 2002 and in relation to trees and shrubs includes damage caused by trees to people and to any public or private building or property or utility infrastructure services, and For the avoidance of doubt, harm caused by tree or shrub includes: damage caused by healthy trees, sick or dying trees, tree root systems, sudden branch drop syndrome, falling limbs, branches, fruit, flowers, foliage, leaves, seeds, gum, sap, berries; and harm caused by natural poisons or allergens from bark, sap, gum, flower, seed, fruit or leaves.</p> |

| Word or Phrase | Meaning |
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| “hazard” | <p>Means a source of potential harm or a situation with a potential to cause damage, and includes a danger.</p> <p>For the avoidance of doubt: from a risk management perspective the terms ‘hazard’ and ‘danger’ are, for practical purposes, synonymous. ‘Danger’ is commonly used to describe a ‘hazard’, particularly a hazard which presents a very serious or catastrophic risk to personal safety. For this reason ‘danger’ is included in ‘hazard’.</p> |
| “hazards found shall be reported immediately” | <p>Means: as soon as reasonably practicable having regard to the mode and method of communication available to report the hazard – “reasonably practicable” has the meaning ascribed to it in this dictionary.</p> |
| “Human Resources” | <p>Means the Human Resources section of the <i>People, Culture and Safety</i> branch of the Corporate Services Division.</p> |
| “incapable person” | <p>Has the same meaning as s.5M of the <i>Civil Liability Act 2000</i>. For the avoidance of doubt, means a person who, because of the person’s young age or a physical or mental disability, lacks the capacity to understand a risk warning.</p> |
| “immediate” or “immediately” or “immediate steps” | <p>Means:</p> <ol style="list-style-type: none"> i) In relation to the elimination of an unsafe defect or the erection of safety measures, as soon as is reasonably practicable having regard to the seriousness and location of the unsafe defect, resource availability, operational limitations or special risk exposure; ii) Despite 1, permanent safety measures must be erected before the end of daylight on the day that temporary safety measures were erected. |
| “immediate vicinity” | <p>Means anywhere within the parcel of land upon which the particular building asset is situated.</p> |
| “inherent” or “inherent risk” | <p>Has the same meaning as s.5I of the <i>Civil Liability Act 2002</i>: “Means a risk of something occurring that cannot be avoided by the exercise of reasonable care.”</p> |
| “inherently unsafe” | <p>Means a risk or unsafe condition inherent to the DAMP policy or to a particular management standard, where the risk or unsafe condition can be avoided only by non-compliance with the policy or management standard.</p> <p>For the avoidance of doubt, a risk or unsafe condition is not “inherent” if effective safety measures can be taken to warn or protect people from the risk or unsafe condition.</p> |
| “inspection” | <p>Means:</p> <ol style="list-style-type: none"> i) The act of inspecting an asset in an especially careful or critical way; and ii) For the avoidance of doubt: <ul style="list-style-type: none"> ▪ An ‘inspection’ includes to discover, <i>inter alia</i>, defects and unsafe defects. ▪ An inspection is done in accordance with the Standard Operating Procedure relevant to the class of inspection required (e.g. routine inspection, customer request inspection, technical inspection, final inspection, tree inspection). |

| Word or Phrase | Meaning |
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| “inoperable or inaccessible” | Means that a piece of playground equipment is ‘made safe’: i) So that it cannot be used or operated (inoperable); or ii) So that it cannot be climbed upon or used in an inappropriate way despite being inoperable (inaccessible). |
| “inspection frequency” | See “frequency”. |
| “known propensity” | Means a tree species which has been determined by a recognised scientific, academic or professional authoritative published source to be a species known to cause damage. For the avoidance of doubt , ‘known propensity’ excludes the everyday natural occurrence of all trees: <ul style="list-style-type: none"> ▪ to shed branches, twigs, flowers, gum, sap, fruit, seeds; or ▪ for a tree to fall due to old age, sickness or environmental stress such as drought, storm and tempest or excessive rain or prolonged inundation; or ▪ to poison or cause, on remote occasion, an allergenic reaction in rare susceptible people but not in the general population. |
| “likelihood” | Has the meaning ascribed in clause 2.19 of AS/NZS ISO 31000:2009. |
| “level of risk” | As described in clause 2.3 of AS/NZS ISO 31000:2009. |
| “lock down devices or mechanisms” | Includes any device, mechanism or thing used to prevent or reduce the chance of a movable component or part of a flood or stormwater system being deliberately or inadvertently removed, displaced, surcharged or tampered with by unauthorised persons. |
| “LOGOV” | Means LOGOV Risk Management Services Pty Limited ABN 91 471 420 207. |
| “long term safety measures” | Means safety measures which are structurally robust (not temporary or short term) and able to withstand all but extremes of storm and tempest, and vandalism; and where activities to eliminate an unsafe defect; construction, maintenance or repair activities; may not be undertaken for periods exceeding one calendar month. For the avoidance of doubt , safety measures of this class must be erected to a high standard so that a once monthly safety measures inspection can be reasonably achieved. |
| “made safe” or “make safe” | Includes the ‘erection’ of appropriate safety measures to ensure that an asset, or any component or part of an asset, is left in a ‘reasonably safe condition’ and, in the case of a tree, includes pruning, lopping or pollarding. |
| “maintenance frequency” | See “frequency”. |
| “maintenance” or “maintain” or “maintained” | Means: <ul style="list-style-type: none"> i) The planned or reactive application of resources to an asset to keep it in good order, condition or functionality to achieve the desired outcome from each particular asset. ii) The process of keeping up or maintaining; repairing; rectifying; keeping in operation, due condition, and repair; cleaning and sweeping of an asset. iii) To apply maintenance to achieve each assets respective economical, practical or duty life cycle. |

| Word or Phrase | Meaning |
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| <p>“Maintenance Intervention Standard”</p> | <p>Means the predetermined standard or level that a defect or condition must reach (deteriorate to) before a person, carrying out any type of inspection provided for in this policy, reports it for maintenance. However, and irrespective of the set maintenance intervention standard or level; if an inspector determines that a defect or condition is unsafe then s.22 must be complied with.</p> <p>A “maintenance intervention standard” may sometimes be referred to as a “maintenance intervention level”, both terms are interchangeable and their meaning is the same.</p> |
| <p>“Maintenance Management Plan (MMP)”</p> | <p>Means the document specified in Attachment B2.</p> |
| <p>“Maintenance and Service Level Specifications”</p> | <p>Means the documents specified in Attachments B1 & B2 respectively. Note: Only Form B1 is the universal form, Form B2 is used only by Infrastructure and Operations and may be phased out in favour of Form B1</p> |
| <p>“manage” or “managed”</p> | <p>Includes supervise or maintain.</p> |
| <p>“management standard(s)”</p> | <p>Includes, without being exhaustive, the scope, content, level, frequency, standard and conditions of performance determined for or associated with:</p> <ol style="list-style-type: none"> i) The functions of management, control, and supervision; and ii) Management systems, procedures and processes; and iii) Activities, actions and tasks for executing functions and management standards including management standards for but not limited to any of the following things: <ul style="list-style-type: none"> ▪ A Council policy or standard or asset classification standard specifically applying to an asset group, asset, work or service ▪ Safe work method statement ▪ Technical specifications or plans ▪ Standard Operating Procedures ▪ Schedule 4 ▪ Inspection ▪ Design ▪ Construction ▪ Work method statement ▪ Safety measures ▪ Fencing ▪ Lighting ▪ Emergency response and rescue ▪ General warning, direction, prohibition and correct behaviour signs ▪ Service charters and customer response times ▪ Maintenance or repair ▪ Resource allocation and distribution ▪ Maintenance or service level specifications ▪ Health and building conditions, ▪ Rule, guideline, or instruction ▪ Model safety measures ▪ Contract conditions and specifications or plans ▪ Staff allocation ▪ Maintenance intervention levels or standards ▪ Customer service standards ▪ Engineering and Survey ▪ Prohibition and regulatory enforcement ▪ Cleaning ▪ Capitalisation and asset management ▪ Environmental and development |

| Word or Phrase | Meaning |
|---------------------------|---|
| | <ul style="list-style-type: none"> ▪ Community service standards ▪ Economic development standards <ul style="list-style-type: none"> consents and compliance ▪ Airport management standards ▪ Dubbo Regional Livestock Market management standards <ul style="list-style-type: none"> conditions, consents and compliance ▪ Aquatic centre and swimming pool management standards |
| “may” | Means a discretionary function. |
| “may only” | Has the same meaning as “shall”. |
| “may not” | Has the same meaning as “shall”. |
| “model safety measure(s)” | <p>Means:</p> <ul style="list-style-type: none"> i) A flexible pictorial and written instruction setting out the minimum standard of safety measures which must be erected at, on, over or about an asset or component or part or work activity; and ii) For the avoidance of doubt: <ul style="list-style-type: none"> ▪ a model safety measure is a ‘Standard Operating Procedure’. See ‘Standard Operating Procedure’. ▪ a model safety measure is flexible to the extent that a responsible person must improve it if a site specific risk assessment indicates that the minimum safety measures are inadequate to make safe an asset or component or part a work activity. |
| “month” | Means a calendar month. |
| “mowing” or “mow” | Includes slashing, hand mowing and whipper-snipping. |
| “must” | Has the same meaning as “shall”. |
| “must be” | Has the same meaning as “shall”. |
| “must be satisfied” | Means a proper person must be reasonably satisfied that a person, not being a proper person, is reasonably competent to carry out the inspection and gather evidence having regard to the nature and character of a particular Customer Service Request. |
| “must not” | Has the same meaning as “shall”. |
| “must ensure” or “ensure” | Means, except where used in any relevant written law containing a duty or obligation that may impose a prescribed or judicially interpreted different definition, to take reasonable steps. |
| “must only” | Has the same meaning as “shall”. |
| “natural drop” | Includes the shedding or dropping or excreting of sap, gum, flowers, fruit, seeds, leaves, twigs or branches due to seasonal, environmental stresses (e.g. drought or excessive wet conditions), adverse weather conditions or disease. |

| Word or Phrase | Meaning |
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| “naturally occurring hazard” | Includes without limitation: i) Any land dwelling animal, reptile, insect or bird; ii) Natural hazards such as steep slopes, uneven or slippery surfaces; trees, shrubs or other flora; and iii) Whether or not the naturally occurring hazard occurs at, along, in, about or around any of Council’s assets or services, natural or artificial watercourse or body of water; public road; footpath; walking trail or track; open space recreational area or reserve; sporting facility; public park, reserve or place. |
| “natural phenomenon” | Means: i) A fact, occurrence, or circumstance whether observable or not and which arises from nature without physical human modification; and ii) For the avoidance of doubt includes all manner of naturally occurring physical geological structures and things, flora and all manner of living creatures (except for human beings). |
| “negligence” | Has the meaning ascribed in s.5 of the Civil Liability Act 2002. |
| “no routine inspection” or “no inspection” | Means unless a responsible person decides otherwise or a CRMS request concerning an unsafe defect or condition , no inspection at all will be carried out of any asset or service group or asset or asset attribute, component or part; or service or third party works to which the statement “no routine inspection” or “no inspection” applies. See ‘routine inspection’. |
| “no routine maintenance” or “no maintenance” | Means unless a responsible person decides otherwise no maintenance at all will be carried out on any asset group or asset or asset attribute, component or part to which the statement “no routine maintenance” or “no maintenance” applies. See ‘routine maintenance’. |
| “non-designated natural swimming location” | Means any place or spot including at any ‘body of water’ or ‘watercourse’ that the public, by common usage, uses as a ‘natural swimming location’ but which Council has not, by express resolution of the Council, designated as a ‘designated natural swimming location’. |
| “non-economic loss” | Has the meaning ascribed in s.3 of the Civil Liability Act 2002. |
| “non-road infrastructure” | Means any work or structure not forming part of a road . For the avoidance of doubt: such things as traffic control devices, communications, pipeline, rail, gas, electricity, drainage, water and sewerage, trees and infrastructure assets, other than roads, owned by Council or by public or private sector organisations which do not form part of a road are non-road infrastructure. |
| “non-safety customer request(s)” | Means that the person making a customer request has not, either directly or indirectly, stated that the matter being reported is not an unsafe asset, condition or service. |
| “a not insignificant risk” | Means a risk determined to be a risk in the context of s. 5B (1)(b) of the Civil Liability Act 2002. |
| “notification” | See “complaint”. |
| “notified immediately” | Means in person, by telephone, e-mail or facsimile before the close of business on the day Council becomes aware that it will not or cannot carry out the restoration. |

| Word or Phrase | Meaning |
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| <p>“obvious” or “obvious risk”</p> | <p>Means:</p> <p>i) An ‘obvious risk’ to a person confronting a risk or hazard (from that person’s perspective) that, in the particular circumstances of the risk or hazard, would be obvious to a reasonable person in the position of that person without the need to take special vigilance; and</p> <p>ii) For the avoidance of doubt, a risk or hazard is not obvious if:</p> <ul style="list-style-type: none"> ▪ it cannot be detected unless special vigilance is taken; or ▪ it cannot be observed in the prevailing natural or artificial light conditions; or ▪ it cannot be observed because it is obscured or hidden from view by shade or by its location, orientation, nature and character; or ▪ it is latent and only discoverable by testing or by a person with special skill and competence; or ▪ a person confronting it cannot recognise and appreciate its significance in terms of his or her safety; and ▪ a person confronting it cannot take reasonable steps to secure his/her own safety. |
| <p>“operational limitation(s)”</p> | <p>Means when labour, plant or material is not available to perform any ‘management standard’ or function in the policy due to any of the following factors occurring in isolation or in combination:</p> <p>i) allowable factors</p> <p>ii) industrial action or dispute</p> <p>iii) an emergency</p> <p>iv) a breakdown</p> <p>v) wet or extreme hot or cold weather</p> <p>vi) non-availability of employees due to:</p> <ul style="list-style-type: none"> ▪ incapacity ▪ rostered days off ▪ sickness or illness or injury ▪ annual holidays, long service or special leave ▪ absenteeism ▪ rest, lunch or toilet breaks ▪ staff training ▪ travel time <p>vii) plant and equipment not available or not available for use</p> <p>viii) material not available or not available for use.</p> |
| <p>“ordinary working hours” and “ordinary hours”</p> | <p>Means as resolved by Council or determined by the general manager. See also “close of business”.</p> |
| <p>“ordinary working week”</p> | <p>Means the period Monday to Friday inclusive.</p> |
| <p>“or”</p> | <p>Means: “A or B” but not “A and B” unless expressly stated to the contrary.</p> |

| Word or Phrase | Meaning |
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| “painted surface safety measures” | Means where high visibility reflective paint is used to warn people about the existence of an unsafe defect instead of or in conjunction with other safety measures in accordance with the relevant Standard Operating Procedure. |
| “parent” | <ol style="list-style-type: none"> 1. Has the same meaning as s.5M of the <i>Civil Liability Act 2000</i>. 2. For the avoidance of doubt, “parent” includes a father or a mother or a protector or guardian or any person having parental responsibility for an incapable person. (see “incapable person”.) |
| “park asset(s)” or “park(s)” | Includes all parks, reserves, walking trails and tracks, ovals, sporting facilities, skate parks, BMX tracks and facilities and urban and rural open space and all components and parts in respect of all of these things under the control of Council. |
| “passive recreation area” | Means an area set aside for passive recreational activity such as but not limited to walking, picnicking, children’s playgrounds, cycling, horse riding, playing games, touch football. |
| “particular Customer Service Request” | <p>Means, for the purpose of subsection B.7.3, the particular Customer Service Request that is required to be inspected.</p> <p>For the avoidance of doubt, it is important that a person, not being a proper person, is competent to carry out the particular inspection he or she is tasked to do. For example, Customer Service Complaints can involve a wide range of incidents, accidents or conditions of varying complexity and a person tasked to inspect must have the competency to do so.</p> |
| “paved footpath” | Means a constructed path, footpath, walking trail or track that is sealed with an impervious membrane of bitumen, asphaltic concrete, concrete, brick pavers or blocks or a combination of any or all of these things. |
| “performance criteria” | <p>Means, in relation to a business plan, stated performance criteria that provides specific direction but does not direct to what standard, by what means or when it must be performed.</p> <p>For the avoidance of doubt, this means, if, for example, a business plan calls for “roads to be inspected annually”, that the general manager, a responsible or authorised person must determine a precise management standard for each performance criteria, and if apt, include the management standard in Schedule 4.</p> |
| “people”, “person” or “persons” | <p>Includes:</p> <ol style="list-style-type: none"> i) All ages and classes of persons and all people within each class; and corporations, and unincorporated bodies; and ii) A citizen and ratepayer; and iii) In relation to an Order or Direction given by Council, the person who is legally responsible for the matter or thing set out in the Order or Direction. |

| Word or Phrase | Meaning |
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| “permanent safety measures” | <p>Means ‘long term’ or ‘short term’ safety measures that are robust and effectively ‘make safe’ an ‘unsafe defect’ to a ‘reasonably safe condition’ in the particular circumstances of each respective safety measure; and</p> <p>For the avoidance of doubt, a responsible person must decide whether to erect, or cause to be erected, short or long term safety measures having regard to the nature, character and location of the risk or hazard, the vulnerability of people likely to be exposed, and to the likely time before the risk or hazard can receive appropriate risk treatment.</p> |
| “personal injury” | <p>Has the meaning ascribed in s.5 of the Civil Liability Act 2002.</p> |
| “personal protective equipment” or “PPE” | <p>Includes the personal protective equipment or apparel necessary to ensure an employee’s personal safety from the particular risk or hazard or condition to which an employee will or may be exposed.</p> |
| “pit cover” | <p>“pit cover” means a cover, lid, grill or grate fitted to any stormwater, drainage, inspection, sewer, irrigation, water, electricity, gas or telecommunications pit or trench which when originally constructed or installed was mounted flush with the surrounding ground level.</p> |
| “playground asset(s)” | <p>Means:</p> <ol style="list-style-type: none"> i) The ‘designated playground area’ within which playground equipment is situated; ii) Impact absorbing (softfall) material; iii) Fencing, delineating structures or barriers and softfall containment structures; iv) ‘Playground equipment’ Includes all manner of play equipment, devices or apparatus installed in a playground by Council; and v) For the avoidance of doubt: <ul style="list-style-type: none"> ▪ ‘designated playground area’ means within the defined playground perimeter, or if the perimeter is not defined the perimeter shall be taken to be: <ul style="list-style-type: none"> ▪ where there is a single piece of play equipment, a polygon with its sides six (6) metres away horizontally from the outer edges/corners of that piece of equipment; or ▪ where there are multiple pieces of play equipment, a polygon with its sides six (6) metres horizontally away from the outer edges/corners from the pieces of equipment. ▪ with respect to a), the shape and dimension of a ‘designated playground area’ will be flexible and may be regular or irregular depending on the layout of play equipment and its dynamic use characteristics. |
| “product” | <p>Includes motor vehicles, plant, equipment, brick or concrete paving blocks, pavement tiles, pit lids and covers, lighting systems, playground equipment, and stormwater drainage systems.</p> |
| “probability” | <p>Has the meaning ascribed in clause 2.19 of AS/NZS ISO 31000:2009.</p> |
| “proper person” | <p>Means the declared manager or supervisor in Section B.7.3.1. responsible for the road the subject of a Customer Service Request.</p> |

| Word or Phrase | Meaning |
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| <p>“protective structure(s)”</p> | <p>Includes:</p> <p>i) Any structure, device or thing designed or made to be erected in or about a flood or stormwater drainage system to prevent or reduce the possibility of:</p> <ul style="list-style-type: none"> ▪ a person; or ▪ rubbish and debris; or ▪ domestic animals <p>entering or becoming entrapped in a flood or stormwater drainage system; and</p> <p>ii) Includes, without limitation, such things as: crossings, pit covers and lids, vortex minimisation devices, grates, grills, mesh, boy racks, fencing and railing, piped system inlet and outlet covers, trash racks, gross pollutant traps, and lock down devices or mechanisms.</p> |
| <p>“public open space”</p> | <p>Means land zoned 6(a) in the Dubbo Local Environmental Plan 1998 Urban Areas.</p> |
| <p>“public utility”</p> | <p>Means:</p> <p>i) an entity (whether publicly or privately owned) which provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunications or other like services under the authority of an Act of New South Wales or the Commonwealth;</p> <p>ii) any person who under the Pipelines Act 1967 is –</p> <ul style="list-style-type: none"> ▪ permitted to own or use a pipeline; or ▪ licensed to construct or operate a pipeline; ▪ a provider of public transport. |
| <p>“reactive maintenance”</p> | <p>Means maintenance is unplanned and is provided only on demand in response to: customer requests; breakdowns; failures; emergencies; flood, storm and tempest damage; or as directed by and at the discretion of a responsible person.</p> |
| <p>“reasonably even in its general level”</p> | <p>Means, in relation to Parks Assets, that a grassed surface is generally even but imperfect and may have irregularities including (without limitation) natural depressions; potholes; rain, drainage, flood, or irrigation caused scouring; reactive soil expansion or contraction cracks; soft spots caused by water pooling; grass and surface damage caused by vehicles, animals and humans.</p> |

| Word or Phrase | Meaning |
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| <p>“reasonably practicable”</p> | <p>Means:</p> <ol style="list-style-type: none"> 1. In relation to a common law duty (non-Workplace Health and Safety): within the limits of “available resources”. 2. In relation to a duty to ensure health and safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including: <ol style="list-style-type: none"> (a) the likelihood of the hazard or the risk concerned occurring, and (b) the degree of harm that might result from the hazard or the risk, and (c) what the person concerned knows, or ought reasonably to know, about: <ol style="list-style-type: none"> i. the hazard or the risk, and ii. ways of eliminating or minimising the risk, and (d) the availability and suitability of ways to eliminate or minimise the risk, and (e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk. |
| <p>“reasonably safe condition” or “reasonable safe condition”</p> | <p>Means that a responsible person in his/her opinion has formed one or more of the following views:</p> <ol style="list-style-type: none"> i) that safety measures were not required; ii) that safety measures taken were adequate and sufficient for a particular circumstance; iii) that safety measures were erected in accordance with any relevant written law requirement; iv) that work and activities carried out were in accordance with the relevant management standard. determined under this policy; or v) that work and activities carried out conformed with the relevant management standard adopted by Council not included in (iv). |
| <p>“reasonable steps”</p> | <p>Means: (1) within the limits of “available resources” or (2) if necessary, obtaining legal advice or relevant professional advice before acting.</p> |
| <p>“received by the Council”</p> | <p>Means a customer request is received by Council only when it is actually received by the responsible person(s) with the authority to decide what action should be taken, if any, and if necessary to expend (commit) funds and resources to satisfy the particular request.</p> |
| <p>“relevant and sound management, engineering or technical practice of the day”</p> | <p>Means:</p> <ol style="list-style-type: none"> 1. reliable, durable, safe management practice; or 2. reliable, durable, safe and proven engineering or scientific or technical practice; and <p>developed and applied consistent with resource availability but excludes “world best practice” or “best practice” or any practice, measure, guideline, standard or recommendation with similar terminology and meaning.</p> |
| <p>“recognised professional or technical standards”</p> | <p>Includes technical standards, guidelines, practices, and procedures approved and published by The Institution of Engineers Australia and other properly recognised professional organisations.</p> |

| Word or Phrase | Meaning |
|--|---|
| “relevant adjustment” or “relevantly adjusted” | Means a responsible person may reduce, vary or suspend the relevant management standard according to resource availability. |
| “repair” | Includes to fix or rectify. |
| “request for service” | See “complaint”. |
| “request” | See “complaint”. |
| “resolved by Council” or “resolved to adopt” | Means resolved by the elected body and not by delegated authority. |
| “resource” or “resources” | Includes all things such as: labour; material; vehicles; plant; equipment; tools; buildings and premises; raw or manufactured materials or minerals necessary for the performance of a management standard, service function or for the conduct of Council’s business. |
| “resource available”, “available resources” or “resource availability” | <p>Means within:</p> <ul style="list-style-type: none"> ▪ the limits of the Council’s adopted budget and in particular the adopted budget for each Division ▪ the limits of management plans and business plans including management plans required to be established in accordance with relevant written law ▪ the limits of financial and operational resources (people and materiel) ▪ the limits of works programmes, travelling time and seasonal commitments as resolved by Council or determined by a responsible person ▪ the effect and impact of environmental conditions such as weather, storm and tempest, flood or inundation (by whatever means) and like things ▪ the limits of work team or individual tasking levels ▪ the limits of contractual obligations ▪ the effect of emergencies (actual or imminent) on works and works programmes; ▪ operational limitations; or ▪ special risk exposure. |

| Word or Phrase | Meaning |
|------------------------------|---|
| “responsible person” | <p>Means any person who is responsible for: determining management standards; the carrying out of, or for directing or coordinating others to carry out, a particular activity, action, task or management standard; or for exercising any decision-making judgment expressly provided for or which is inherent in the exercise of discretion pursuant to this policy or any relevant written law. See also ‘delegate’ and ‘authorised person’.</p> <p>For the avoidance of doubt:</p> <ul style="list-style-type: none"> ▪ a ‘responsible person’ or ‘authorised person’ specified in Schedule 2 is a delegate of the general manager; ▪ any person who acts in the position of a ‘responsible person’ specified in Schedule 2 shall exercise all delegated functions of that position; ▪ a person not mentioned in Schedule 2 is a ‘responsible person’ if he or she carries out or performs any activity, task, action or management standard pursuant to this policy; and ▪ a contractor who performs a contract pursuant to this policy is a responsible person for the purpose of performing the management standards in the respective contract. |
| “restore” or “restoration” | <p>Means to carry out work to reinstate an asset or part thereof to as near as possible to its original (as new) condition in accordance with the relevant ‘management standard’.</p> |
| “restoration order” | <p>Means a written request, or in the case of an emergency a verbal request, to Council by a utility or by any other person to carry out restoration work on a Council owned or controlled asset.</p> |
| “risk assessment” | <p>Has the meaning ascribed in clause 2.14 of AS/NZS ISO 31000:2009.</p> |
| “risk” | <p>Has the meaning ascribed in clause 2.1 of AS/NZS ISO 31000:2009.</p> |
| “risk driver” | <p>The act, decision, error, omission or thing that is first in the chain of sequences which sets in motion the events leading to the creation of a risk or hazard,¹ the materialisation of which can causes injury, damage or loss.</p> <p>For the avoidance of doubt “risk driver” includes management and financial risk drivers where: an asset or resource is used or consumed to produce a product or service, and a change in the state of its use or consumption will alter the cost of producing or delivering a service.²</p> |
| “risk management” | <p>Has the meaning ascribed in clause 2.2 of AS/NZS ISO 31000:2009.</p> |
| “risk treatment” | <p>Has the meaning ascribed in clause 2.25 of AS/NZS ISO 31000:2009.</p> |
| “risk warning” | <p>Means a risk warning pursuant to s.5M of the <i>Civil Liability Act 2002</i>.</p> |
| “risk management outcome(s)” | <p>Means to achieve Council’s desired strategic and operational risk profile and desired risk reduction and treatment outcomes.</p> |

¹ In common language the term ‘danger’ is synonymous with ‘hazard’ and is simply a common descriptive way of describing the magnitude and severity of a hazard in terms of consequence. ‘Danger’ is often used as an emotional descriptor for ‘hazard’.

² Management and financial risk are dynamic risk drivers and typically result in such risks as over or under servicing, degradation of assets and services, high unit costs, poor quality outcomes, poor utilisation or human and other resources, budget overruns, loss of reputation, unnecessary litigation, and customer dissatisfaction.

| Word or Phrase | Meaning |
|------------------------------|---|
| “road asset(s)” | <p>Means, without derogating from the definition of “asset”:</p> <ul style="list-style-type: none"> i) Council controlled and managed public roads and footpaths; and ii) The infrastructure which forms part of a road or footpath including structures, components and parts forming part of a road or footpath materials from which a road or footpath is made; and iii) Road-related infrastructure which is installed by Council or by others for road-related purposes to facilitate the operation and use of a road. |
| “road” or “public road” | <p>Has the same meaning ascribed to it in the s.4 of the <i>Roads Act 1993</i>.</p> |
| “roadside furniture” | <p>Includes guideposts, fencing, guardrails, bollards, signs, rest area furniture such as fireplaces, tables, chairs and garbage bins.</p> |
| “routine inspection” | <p>Means:</p> <ul style="list-style-type: none"> i) The carrying out of a planned (programmed) inspection of an asset or part thereof as an integral part of a formal preventative or routine maintenance program to determine the present and future maintenance needs of an asset against defined management standards; but does not include any other class of inspection; and ii) The inspection must only be carried out by an authorised person. iii) For the avoidance of doubt in i) and ii): <ul style="list-style-type: none"> ▪ An inspection excludes the discovery of any latent defect which could not have been discovered by a reasonable visual examination by the naked eye or in the case of a person wearing spectacles, by a person whilst wearing spectacles; ▪ The words “management”, “supervision”, “regulatory function”, “construction”, “maintain”, “maintained”, “maintenance”, “repair”, “cleaning activities” or any like words or terms with similar meanings shall not include or be deemed to include the act of carrying out an “inspection” of any type whatsoever; ▪ The standard of care to be exercised when carrying out an inspection is limited to the scope and standard set in the relevant Standard Operating Procedure for the particular type of inspection being carried out; and ▪ Any person carrying out or performing management, supervision or regulatory functions; or activities such as construction, maintenance, repair, mowing or cleaning or any like words or terms with similar meanings shall not include or be deemed to include the act of carrying out an “inspection” of any type whatsoever. |
| “routine maintenance” | <p>Includes ‘maintenance’ and the planned, systematic and cyclical application of resources to maintain assets to the required management standard, and to achieve life and duty cycle outcomes.</p> <p>For the avoidance of doubt, ‘routine maintenance’ includes ‘preventative’ or ‘preventive’ maintenance strategy and actions as determined by a responsible person.</p> |
| “safe work method statement” | <p>Means a statement that:</p> <ul style="list-style-type: none"> (a) describes how work is to be carried out, and (b) identifies the work activities assessed as having safety risks, and (c) identifies the safety risks, and |

| Word or Phrase | Meaning |
|-------------------------------------|--|
| | <p>(d) describes the control measures that will be applied to the work activities, and includes a description of the equipment used in the work, the standards or codes to be complied with, the qualifications of the personnel doing the work and the training required to do the work.</p> |
| <p>“safety complaint(s)”</p> | <p>Means a customer request or work request or complaint made to Council by any person alleging that a Council asset, service or works is or may be, in the complainant’s opinion, unsafe or a risk to people and/or property.</p> |
| <p>“safety measures”</p> | <p>Includes:</p> <p>iv) The erection of any or a combination of the following: lights/lighting; lock out devices/tags; danger, hazard, cautionary, instruction or prohibited activity signs; safety meshing; safety barriers or fencing; permanent or temporary traffic control devices or signals; gates, chains and locks; painted lines; lopping, pollarding or pruning of a tree; stormwater drainage systems grates, grills, vortex minimising structures, lock down devices or mechanisms; model safety measures; risk warnings; and any other matter or thing erected for the purpose of warning or protecting the public in the circumstance of each particular unsafe defect as determined appropriate by a responsible person; and</p> <p>v) For the avoidance of doubt:</p> <ul style="list-style-type: none"> ▪ The following are not ‘safety measures’: permanent traffic control devices; regulatory, advisory, speed or information signs which are ordinarily used to control and regulate traffic on any public or private road or footpath. ▪ The term “road safety”, which is a term widely used to generally describe driver and pedestrian behaviour, the general condition of a road or the need to introduce or improve safety measures or traffic control on a road to improve ‘road safety’, is not the same as ‘safety measures’ used to warn and/or protect people or property from an ‘unsafe defect’ ▪ Despite i), any of these things either singularly or in combination may be used as ‘safety measures’ to make safe an ‘unsafe defect’. ▪ The term ‘warn and/or protect’ means that a mere warning (e.g. a erection of a risk warning) may be sufficient to warn a person about the existence of a risk or hazard, but it may not be good enough to provide protection against the risk or hazard (e.g. a physical barrier may need to be erected as well as a sign). A responsible person must use his or her judgment about what safety measures are needed in each particular risk or hazard situation. |
| <p>“safety measures inspection”</p> | <p>Means an inspection specifically undertaken to only inspect erected safety measures or to inspect them if they have been reported as vandalised, damaged, missing or ineffective.</p> <p>For the avoidance of doubt, a ‘safety measures inspection’ excludes the carrying out of any other class of inspection whatsoever</p> |
| <p>“Schedule 4”</p> | <p>Means the Maintenance Service Level Specifications (MSLS) specified in Attachments B1 and B2. The MSLS form is used to specify “levels of service” whether in relation to a physical asset or not.</p> |

| Word or Phrase | Meaning |
|--|---|
| “service” | See “ asset ”. |
| “service charter” or “service agreement” | Means a written agreement between an internal “client” or “asset custodian” or “asset or service manager” and an internal “service provider”. For the avoidance of doubt, an internal “client” or “asset custodian” or “asset or service manager” typically specifies and determines ‘what has to be done’ and an agreement is made with an internal ‘service provider’ to ‘do what has to be done for an agreed price’. |
| “shall” | Means requiring mandatory action unless the Council; the general manager; a delegate; responsible person or an authorised person determines to the contrary. For the avoidance of doubt , in context the word ‘shall’ and words importing the same meaning are used to lock in a firm initial “ as at ” management standard that must be performed unless it is negated or changed by the Council, the general manager, a delegate, a responsible person or an authorised person. |
| “should” | Means non-mandatory, i.e. advisory or recommended. |
| “short term safety measures” | Means safety measures which are sufficiently robust (not temporary or long term) and able to withstand all but high to severe storm and tempest, and vandalism; and where activities to eliminate an unsafe defect; construction, maintenance or repair activities; may not be undertaken for periods longer than one calendar month. For the avoidance of doubt , safety measures of this class must be erected to a good standard so that a once fortnightly safety measures inspection can be reasonably achieved. |
| “shrub” | Means a woody perennial plant smaller than a tree, usually having permanent stems branching from or near the ground, and includes palms. |
| “sign” or “signs” | Includes road, traffic, safety, hazard and information signs. |
| “site hazard inspection” | Has same meaning as “site specific risk assessment”. |
| “site specific risk assessment” | Means a risk assessment: i) which is carried out at a specific work site or activity; ii) by a responsible person; iii) before work is commenced; iv) to discover if any risk or hazard exists; v) so that appropriate risk treatment measures can be determined and erected; vi) for the protection of people or property; and vii) for the avoidance of doubt a site specific risk assessment is carried primarily to comply with the <i>Work Health and Safety Act 2011 No 10</i> and Regulations. |
| “skate park” | Means a purpose build facility where people of all ages can recreate using rollerblades, skateboards, scooters, BMX and other non-motorised cycles. |

| Word or Phrase | Meaning |
|---|---|
| “sound engineering and professional practice” | Means reliable, durable and safe engineering practice consistent with resource availability but excludes “world best” or “best” engineering practice or any standards of engineering practice with similar terminology and meaning. |
| “special risk exposure” | Means if the general manager; or the relevant delegate, responsible person or authorised person decides that a particular section of the policy or a particular management standard is inherently unsafe , then non-compliance with the relevant part of the policy affected or with the particular management standard is permitted. |
| “standard” | Means for the purpose of Schedule 4 , that the “activity” or “action” required to be performed shall: <ul style="list-style-type: none"> ▪ in the case of a “frequency” be carried out once during the stated time period but subject to the definition of “frequency”; and ▪ in accordance with the “Conditions of Performance”; unless otherwise determined by a responsible person. |
| “Standard Operating Procedure” | Means: <ol style="list-style-type: none"> i) A document which codifies any activity, work or service practice to achieve a consistent system, methodology, quality, cost and safety outcome for a particular management standard, activity, action or task which is reasonable (or in the case of the WH&S written law is “reasonably practicable”) and within the constraints of “resource availability”; and ii) For the avoidance of doubt: <ul style="list-style-type: none"> ▪ “Standard Operating Procedure” relevantly includes: a written law code of practice or guideline; code of practice, model safety measures; a work method statement; a safe work method statement; or any like document which embodies the meaning in i). ▪ In respect to WH&S requirements, whether the standard “reasonably practicable” is appropriate must be considered having regard to the particular written law, regulation or instrument under which the particular safety obligation arises. Simply, a written law standard might impose a higher obligation than “reasonably practicable” just as “reasonably practicable” is a higher standard than “reasonable” or the management standards in this policy where they conflict with WH&S written law. |
| “written law emergency service” | Includes: <ul style="list-style-type: none"> ▪ the Police; ▪ metropolitan and rural fire brigades; ▪ the State Emergency Service; ▪ the Ambulance Service. |
| “street furniture” | Includes anything that is placed in an urban streetscape by Council to enhance the visual amenity and community user functionality and includes such things as seats, chairs, tables, garbage bins, tree guards, planter boxes but excludes roadside furniture . |

| Word or Phrase | Meaning |
|----------------------------------|--|
| “substantially modified” | Means a change, or a proposed change, from the manufacturer, supplier or designers (collectively “the manufacturer”) technical specification, but excludes routine or preventative maintenance, minor repairs, and technical upgrades authorised by law or by the manufacturer. |
| “supervise” or “supervision” | Includes regulatory and policy enforcement, childcare, customer, ratepayer, recreational, sporting or aquatic centre activity supervision provided such an activity is one that Council can exercise control over. |
| “symbolic symbol” or “pictogram” | Has the same meaning that is ascribed to “symbol” in Australian Standard AS 2342 – 1992 as amended. |
| “task” | Has the same meaning as “activity”. |
| “technical inspection” | <p>Means an inspection carried out for specific:</p> <ol style="list-style-type: none"> i) Management, financial, engineering, technical, contractual or scientific reason(s); and ii) Such an inspection shall be activity or task specific provided always that the discovery and reporting of maintenance or any other defects shall be strictly limited to the subject of the inspection; and iii) A technical inspection is not a routine inspection or any other class of inspection; and iv) For the avoidance of doubt in i), ii) and iii): <ul style="list-style-type: none"> ▪ An inspection excludes the discovery of any latent defect which could not have been discovered by a reasonable visual examination by the naked eye or in the case of a person wearing spectacles, by a person whilst wearing spectacles; ▪ The words “management”, “supervision”, “regulatory function”, “construction”, “maintain”, “maintained”, “maintenance”, “repair”, “cleaning activities” or any like words or terms with similar meanings shall not include or be deemed to include the act of carrying out an “inspection” of any type whatsoever; ▪ The standard of care to be exercised when carrying out an inspection is limited to the standard set in the relevant written law or Standard Operating Procedure for the particular type of inspection being carried out; and ▪ Any person carrying out or performing management, supervision or regulatory functions; or activities such as construction, maintenance, repair, mowing or cleaning or any like words or terms with similar meanings shall not include or be deemed to include the act of carrying out an “technical inspection” or any other class of inspection whatsoever. |
| “the day after” | Means by the close of business on the next available business day. |
| “telephone” | Includes public address system, mobile telephone, two-way radio or any other means by which the public telephone network can be accessed. |

| Word or Phrase | Meaning |
|---|--|
| <p>“temporary safety measures”</p> | <p>Means standard “off-the-shelf” safety measures:</p> <ul style="list-style-type: none"> i) Which are not structurally robust and are able to only withstand a modest storm and tempest, and vandalism; and ii) Where activities undertaken to eliminate an unsafe defect or construction, maintenance or repair activities may not be undertaken for up to one working day. iii) ‘Safety measures’ which may be of a lesser standard than that demanded at common law. iv) For the avoidance of doubt: <ul style="list-style-type: none"> ▪ When an inspector or a responsible person carries out an inspection, irrespective of class of inspection, he or she will not always have any or sufficient safety measures to erect ‘permanent safety measures’. <li style="padding-left: 20px;">Accordingly, an inspector can only do the best he or she can with any limited safety measures available in the particular circumstances. <li style="padding-left: 20px;">Therefore, a responsible person, using whatever safety measures might be immediately available, must, if possible, try to reduce the particular risk until reasonable and appropriate ‘permanent safety measures’ can be erected by others at the ‘earliest possible opportunity’. See ‘permanent safety measures’, ‘short term’ and ‘long term safety measures’, and ‘safety measures’. ▪ Standard “off-the-shelf” safety measures refer to safety measures readily available commercially. |
| <p>“the affected management standard”</p> | <p>Means the particular management standard, activity or action directly affected by any one of the allowable factors or other factors affecting resource availability.</p> |
| <p>“the public “” or general public”</p> | <p>Means all classes of persons, and all individuals within each class of persons which comprises the public.</p> |
| <p>“third party”</p> | <p>Includes a public or private utility, developer, builder, contractor or private person</p> |
| <p>“tree asset(s)”</p> | <p>Means:</p> <ul style="list-style-type: none"> i) Subject to 2, planted or naturally seeded trees, shrubs or palms, whether alive or dead, within Council’s municipal boundary and over which Council has management or control: <ul style="list-style-type: none"> ▪ within road, street or footpath reservations; ▪ within parks, reserves, community open space, outdoor sporting facilities; ▪ around and about Council owned buildings, facilities, child and aged care centres and playgrounds. ii) But excludes trees on private property or on property owned or under the management and control of a public authority or utility. |
| <p>“tree”</p> | <p>Means a perennial plant including palms, other than a shrub, having a permanent, woody, self-supporting main stem or trunk, usually growing to a considerable height, and usually developing branches at some distance from the ground.</p> <p>For the avoidance of doubt, ‘tree’ includes trees that are alive, and dead.</p> |

| Word or Phrase | Meaning |
|------------------------------|--|
| | iii) |
| “tree inspection” | <p>Means:</p> <p>i) The carrying out of an inspection of a tree by an authorised person in accordance with the relevant Standard Operating Procedure; and</p> <p>ii) For the avoidance of doubt for <i>customer requests only</i>, the relevant Standard Operating Procedure to be used will be the ‘customer request inspection’ Standard Operating Procedure. The authorised person will then determine if a ‘routine inspection’ or a ‘technical inspection’ Standard Operating Procedure should be used.</p> |
| “unformed footpath” | <p>Means:</p> <p>i) That area in a public road reserve which is usually set aside for the construction of a footpath, but upon which Council has not resolved or determined to construct and form or to maintain a footpath. It is usually characterised by a dirt or grassed area off to either side of a public road pavement; and</p> <p>ii) Any general maintenance, cleaning or slashing/mowing of this area is for roadside cleanliness and beautification purposes only; and</p> <p>iii) Excludes a foot trodden path, walking track or trail.</p> |
| “unjustifiable hardship” | Has the same meaning as ascribed in Part 1, section 11 of the <i>Disability Discrimination Act 1992</i> . |
| “unpaved footpath” | Means a path, footpath, walking trail or track which is constructed and formed with gravel or similar material or a natural surface but has not been paved. See also “paved footpaths”, “unformed footpaths” and “footpath”. |
| “unsafe defect” | <p>Means a defect or condition:</p> <p>i) that is, in the opinion of a responsible person, an authorised person, an employee or contractor to Council, a reasonably foreseeable risk or a hazard to people or property; or</p> <p>ii) that any person thinks is an unsafe defect or condition, and its presence is notified to Council by any of the following means: in person, through the CRMS, by letter, fax, email or by telephone.</p> <p>iii) For the avoidance of doubt:</p> <ul style="list-style-type: none"> ▪ Performing ‘activities’, ‘actions’ and ‘work’ can, and often does, produce a risk to the public and to employees. The term ‘unsafe defect or condition’ includes any situation which produces a risk or hazard. See ‘obvious risk’ and ‘defect’. ▪ In relation to ii), an inspector carrying out a customer request inspection will determine if the defect or condition alleged to be unsafe is, in his or her opinion, unsafe. And if so, then appropriate action must be relevantly taken to render the unsafe defect or condition reasonable safe. |
| “unsafe management standard” | Means, unless authorised by written law, a management standard that is inherently unsafe and by its implementation it is reasonably foreseeable that harm to people or property may occur if reasonable safety measures are not taken to warn or protect (or both warn and protect) people or property from harm. |

| Word or Phrase | Meaning |
|---|---|
| “unsupervised” | Means that the public will not be physically supervised or controlled (and this includes the provision of swimming pool or beach lifesaving and rescue services or regulatory enforcement services) by any Council employee, agent, volunteer or contractor whilst any member of the public is at or using any of the assets or services provided by Council. The following exceptions shall apply: <ul style="list-style-type: none"> ▪ if Schedule 4 of this policy provides otherwise; or ▪ if a written law mandates ‘supervision’. |
| “visual inspection” | Means that the relevant class of inspection must be done “visually”; and For the avoidance of doubt ‘relevant class of inspection’ includes a ‘routine inspection’ or ‘customer request inspection’ or ‘technical inspection’, or ‘tree inspection’ or ‘final inspection’ as may be determined by a responsible person or which is specified in Schedule 4 . See ‘visual’. |
| “visual” or visually” or “visually obvious” | Means an inspection or observation: <ul style="list-style-type: none"> ▪ is done only by the naked eye to discover visually obvious defects; ▪ without resort to destructive or non-destructive testing or examination; ▪ For the avoidance of doubt, ‘naked eye’ includes a person wearing spectacles or contact lenses. |
| “walking parallel inspection lines” | Means walking parallel inspection lines subject to a responsible person or the person carrying out the inspection deciding to modify his or her walking pattern: <ul style="list-style-type: none"> ▪ to suit the particular park asset terrain and obstacles; and ▪ for his or her personal safety. |
| “walking trail or track” | See ‘footpath’. |
| “warn” or “warning” | Means when applied in the context of a safety sign that a situation is likely to be hazardous. |
| “watercourse” | Includes any natural river, creek, lagoon or tidal or inter-tidal estuary. |
| “water body” | Has the same meaning as “body of water”. |
| “water feature” | Means a water feature specified in Schedule 17. |
| “will” or “will be” | In context has the same meaning as “shall”. |
| “within five (5) working hours” | Means that the required response must be completed before five working hours, or such other time provided for in the policy, has expired subject to a responsible person determining otherwise. |
| “Workplace Safety Advisor” | Means an employee of Dubbo Regional Council appointed to the position of Workplace Safety Advisor. |
| “WH&SA” | Means <i>Work Health and Safety Act 2011 No 10</i> and Regulations |
| “WH&SR” | Means regulations made under the <i>Work Health and Safety Act 2011 No 10</i> . |
| “work method statement” | Has the same meaning as ‘Standard Operating Procedure’. |

| Word or Phrase | Meaning |
|-----------------------------------|---|
| “work request(s)” | Includes a request by a Council internal customer which may require the carrying out of work or the provision of a service involving an expenditure of resources. A work request can originate through the CRMS or by an internal direction or work order. |
| “work” or “works” | Means the physical effort and resources required to perform a management standard. |
| “working day” | Means Monday to Friday inclusive. |
| “work site” | Means any specific place or places where construction, maintenance or other work is carried out by Council or by a contractor engaged by Council. |
| “written law” | <p>Means relevant competent Australian law enacted by the Parliament of the State of New South Wales or by the Parliament of the Commonwealth of Australia and includes acts, written law instruments, notifiable instruments, rules, regulations, guidelines and environmental planning instruments (EPIs) that are authorised by a written law.</p> <p>Explanation: Written law is an obligation imposed by written law, and it may, depending on the rules of written law construction (interpretation) and legislative intent, include a written law duty or a written law power: the former is usually, but not always, a mandatory directive, whereas the latter is usually, but not always, a discretion.</p> |
| “year” | Means a calendar year. |
| “young child” or “young children” | Means a child less than six years of age. |

– end this page –

E. Schedules

Schedule 1—Asset & Service Groups attaching to the policy.

Airports

Swimming Centres'

Dubbo Regional Livestock Markets

Flood & Stormwater Drainage Systems

Natural Swimming Locations

Public Buildings, Facilities and Critical Infrastructure Assets

Public Car Parks (free standing)

Public Footpaths, Walking Trails and Tracks

Public Parks, Reserves and Sporting and Recreational Facilities

Public Roads, Bridges and Cycleways

Waste Management Facilities

Water & Sewerage Treatment Facilities and Reticulation
Networks

Community and Recreation

Corporate Services

Economic Development and Business

Infrastructure and Operations

Planning and Development

For the avoidance of doubt, Schedule 1A sets out the five corporate departments (Service Groups) that are responsible either individually or jointly, as the case may be, to manage and control the Asset & Service Groups set out in Schedule 1.

Schedule 1A—Corporate Departments responsible for Schedule 1 Asset Groups.

**Schedule 1A—Corporate Departments responsible
for Schedule 1 Asset Groups.**

Community and Recreation

Corporate Services

Economic Development and Business

Infrastructure and Operations

Planning and Development

For the avoidance of doubt: the functions and sub-functions attaching to each of the Departments mentioned in Schedule 1A and the respective activities attaching to each Asset Group as a Schedule 4 Specification, in so far as it is relevant to do so, are to be included for treatment in this DAMP policy as performance-based management standards.

Schedule 2—General Manager’s Delegation to delegates and responsible persons

**DELEGATION BY THE GENERAL MANAGER
AND
DETERMINATION OF DELEGATES AND RESPONSIBLE PERSONS**

I, **Mark Riley**, general manager of the Dubbo Regional Council, pursuant to Section 378 of the Local Government Act 1993, hereby delegate:

- 1) To the:
 - Director Corporate Services; and
 - DAMP Coordinator
- 2) authority to exercise and perform all functions contained in this policy **EXCEPT** the power and authority to repeal, revoke or rescind the policy or to determine any matter that the Council or the general manager has reserved to itself of himself for determination, and subsection [A.4.1.2.](#)
- 3) To the:
 - Director Infrastructure and Operations; and
 - Director Community and Recreation; and
 - Director Planning and Development; and
 - Director Economic Development and Business;

authority to exercise and perform all functions contained in this policy in relation only to assets under the management of each respective Director **EXCEPT** the power and authority to repeal, revoke or rescind the policy or to determine any matter that the Council or the general manager has reserved to itself of himself has reserved to itself for determination, and subsection [A.4.1.2.](#)
- 4) To each:
 - functional manager; and
 - responsible person; and
 - authorised person;
- 5) identified in the Dubbo Regional Council Organisational Structure, responsible person or authorised person who is required to act in accordance with this policy the authority to exercise and perform all necessary functions with respect to the particular section of the policy that he or she is responsible to perform **EXCEPT** the power to repeal, revoke or rescind this policy, or to determine subsection [A.4.1.2.](#)
- 6) The delegation in 1), 2), 3), 4) and 5) excludes the power to delegate.

Dated this 28th day of August 2017.

Signed.....

Mark Riley
General Manager

Schedule 3—Asset Classification Standards (ACS)

To be further developed.

**Schedule 4—Maintenance Service Level
Specifications (MSLS)**

To be further developed.

Schedule 5—Asset Management Strategy

To be further developed.

Schedule 6—Asset Management Plan

To be further developed.

**Schedule 7—Register of Standard Operating
Procedures**

To be further developed—existing Standard Operating Procedures for all affected Directorate(s) and Functional areas of responsibility tabled at Council meeting.

Schedule 8—Register of Model Safety Measures

To be further developed.

**Schedule 9—Register of Safe Work Method
Statements**

To be further developed.

Schedule 10—Register of Waste Management Facilities

REGISTER OF DUBBO WASTE MANAGEMENT FACILITIES

| ITEM No. | FACILITY | LOCATION |
|----------|---|--|
| 1 | Whylandra Waste & Recycling Centre Wellington Resource Recovery Centre and Waste Transfer Station | Cooba Road, Dubbo Nanima Village Road |
| 2 | Rural Recyclable Drop-off Points <ul style="list-style-type: none"> • Ballimore Village • Wongarbon Village • Eumungerie Village • Whylandra Waste & Recycling Centre | Drop-off points at: Federation Street Derribong Street Wheaton Street Cooba Road |
| 3 | Rural Waste Transfer Stations Eumungerie Rural Transfer Station Ballimore Rural Transfer Station Toongi Rural Transfer Station | Transfer stations at: Kingsley Road Lot 124 DP 754322 Res.86300 Toongi Road |
| 4 | Rural Waste and Recycling Centres Geurie W&RC Mumbil W&RC Stuart Town W&RC Euchareena W&RC Elong Elong W&RC | Comobella Road Fashions Mount Road Mookerawa Road Euchareena Tip Road Elong Elong Road |

Schedule 11—After-Hours Response Manual

To be further developed.

**Schedule 12—Standard Terms & Conditions for
Restoration Work**

To be further developed.

**Schedule 13—Dubbo Regional Council Guidelines
for Engineering Works**

To be further developed.

Schedule 14—Register of Customer Request Management System management standards (“CRMS standard”)

Schedule 14—Register of Customer Request Management System management standards (“CRMS standard”)

To be further developed but the list of current CRMS standard management standards are tabled at this Council meeting.

Schedule 15—Register of Competent and Authorised Persons

**Schedule 15—Register of Competent and
Authorised Persons**

To be further developed but a record people currently occupying positions requiring specific competence or 'authorised person' positions is held by Human Resources or the relevant directorate.

Schedule 16—Register of Risk Warning Signs

Schedule 16—Register of Risk Warning Signs

To be further developed. The register will be completed once all necessary risk warning signs have been developed and the specific location for each sign is determined.

| SIGN No. | RISK WARNING SIGN | RESPONSIBLE DIRECTORATE | SIGN LOCATION |
|-----------------|--|--------------------------------|---|
| RWSAC2 | Dubbo Aquatic Leisure Centre | DCS | As designated by appointed risk manager. |
| RWSAF1 | Dubbo Airfield Bird Strike | DCD | |
| RWSBLDG2 | Buildings, Council Administration Building | DOS | |
| RWSCE1 | Bridges | DTS | |
| RWSCE2 | Macquarie River Weir | DTS & DP&LCS | On north and south river bank above weir as designated by appointed risk manager. |
| RWSCE4 | Siltation Dams & Pondages | DTS | As designated by appointed risk manager. |
| RWSCE5 | Sewerage Treatment Plant | DTS | |
| RWSCE6 | Water Treatment Plant | DTS | |
| RWSCE7 | Jetties | DP&LCS | |
| RWSCE8 | Boat Ramps | DP&LCS | |
| RWSCPK1 | Dubbo Caravan Park | | |
| RWSEP1 | Elizabeth Biodiversity Park | DP&LCS | |
| RWSMX1 | BMX Track | DP&LCS | |
| RWSMS1A | Troy Reserve (DCC & RLPB) | DP&LCS | |
| RWSRS1 | Foreshore Risk | DP&LCS | |
| RWSRS2A | Skate Park Code of Conduct | DP&LCS | |
| RWSRS2B | Skate Park Risk | DP&LCS | |
| RWSRS3 | Riverbank Walking Trails & Tracks | DP&LCS | |
| RWSSG1 | Dubbo Showground | | |
| RWSSJG1 | Shoyoen Gardens | DP&LCS | |

—end this page—

Schedule 17—Register of Assets with Water Features

Schedule 17—Register of Assets with Water Features

 —This is **Schedule 17** to the Defined Asset Management Policy—

| ITEM No. | ASSET | WATER FEATURE TYPE | PERMANENT WATER? |
|----------|---------------------------------------|---|------------------|
| 1. | Beni Creek Park | Beni Creek | Non-perennial |
| 2. | Bennets Park | Flood, drainage and siltation control pondages. | No |
| 3. | Biddybunge Park | Macquarie River | Yes |
| 4. | Bril Bral Falls Reserve | Macquarie River | Yes |
| 5. | Burmmagen Reserve | Burmmagen Creek | No |
| 6. | Butlers Falls | Macquarie River | Yes |
| 7. | Cameron Park | Bell River and Fountain | Yes |
| 8. | Caroline Reserve | Macquarie River | Yes |
| 9. | Coolbaggie Creek Park | Coolbaggie Creek | No |
| 10. | Cumbogal Creek Reserve | Cumbogal Creek | No |
| 11. | Devils Elbow Reserve | Macquarie River | Yes |
| 12. | Dickigundie Reserve | Macquarie River | Yes |
| 13. | Dundullimaal Reserve | Macquarie River | Yes |
| 14. | Egret Park | Siltation control pondage | Yes |
| 15. | Elston Park | Water Park | Yes |
| 16. | Eumungerie Watering Park | Stock Tank and Creek | No |
| 17. | Golf Links Creek Reserve | Golf Links Creek | No |
| 18. | Jones Creek Reserve | Jones Creek | Yes |
| 19. | Lions Park West | Macquarie River | Yes |
| 20. | Macquarie River Weir (water supply) | Macquarie River | Yes |
| 21. | Nita McGrath Foreshore | Macquarie River | Yes |
| 22. | North Burrabadine Reserve | Macquarie River | Yes |
| 23. | Numingerie Reserve | Little River | Yes |
| 24. | Osawano Japanese Gardens - Wellington | Decorative ponds | Yes |

Schedule 17—Register of Assets with Water Features

| ITEM No. | ASSET | WATER FEATURE TYPE | PERMANENT WATER? |
|---------------------|---|--|-------------------------|
| 25. | Pilchers Reserve | Macquarie River | Yes |
| 26. | Police Paddock | Macquarie River | Yes |
| 27. | Red Bank Reserve | Macquarie River | Yes |
| 28. | Regand Park | Macquarie River | Yes |
| 29. | River Bank Park | Macquarie River | Yes |
| 30. | Sir Roden Cutler Park | Macquarie River | Yes |
| 31. | Skate Park Wellington | Bell River | Yes |
| 32. | Sunderlands Park | Macquarie River | Yes |
| 33. | Terrimumgmine Reserve | Macquarie River | Yes |
| 34. | Troy Bridge Park | Macquarie River | Yes |
| 35. | Troy Creek Park | Troy Creek | No |
| 36. | Troy Gully Reserve | Troy Creek | No |
| 37. | Un-named reserve | Little River | Yes |
| 38. | Victoria Park | Decorative ponds | Yes |
| 39. | Wiradjuri Park | Macquarie River | Yes |
| 40. | Wongarbon Tank Reserve | Stock water tank | Yes |
| 41. | Elizabeth Park including: Biodiversity Garden, Shoyoen-Japanese garden, Sensory Garden, Oasis Valley Garden | Decorative pond | Yes |
| SUBDIVISIONS | | | |
| 39 | Delroy North | Flood, drainage and siltation control pondages. | Yes |
| 40 | Delroy South | Flood, drainage and siltation control pondages and creek | Yes |
| 41 | Keswick Estate | Flood, drainage and siltation control pondage. | Yes |
| 42 | South Lakes (remains under the ownership and control of | Flood, drainage and siltation control pondages | Yes |

Schedule 17—Register of Assets with Water Features

| ITEM No. | ASSET | WATER FEATURE TYPE | PERMANENT WATER? |
|-------------------------|--|--------------------|------------------|
| | developer. maintenance agreement in place) | | |
| SOUTH DUBBO WEIR | | | |
| 43 | South Dubbo Weir: City water storage and supply, rockfill ramp to aid upstream migration of fish | Macquarie River | Yes |

Definitions:

The following words are defined in the dictionary: "[body of water](#)"; "[decorative pondage](#)"; "[water feature](#)"; "[watercourse](#)".

—end this page—

Schedule 18—Register of Designated Natural Swimming Locations

**Schedule 18—Register of Designated Natural
Swimming Locations**

| ITEM | NAME OF DESIGNATED NATURAL SWIMMING LOCATION | LOCATION |
|--|---|----------|
| There are no Designated Natural Swimming Locations | | |
| | | |
| | | |
| | | |

F. Attachments

Attachment A—Matters which must be taken into account when developing each MSLS

The following matters must be taken into account when developing any Maintenance Service Level Specification (MSLS).

1. Maintenance Service Level Specifications

- (a) All MSLS must be constructed based on ‘activities’ and ‘actions’.
- (b) For physical assets, each MSLS shall be developed taking into account:
 - i. Best Value consideration;
 - ii. the ACS and its particular characteristics;
 - iii. an assets life cycle;
 - iv. an assets duty cycle;
 - v. an assets usage factors and availability requirements;
 - vi. an assets depreciation and obsolescence factors and any recapitalisation requirements;
 - vii. routine inspection requirements;
 - viii. routine maintenance requirements;
 - ix. preventative maintenance requirements;
 - x. the limit of [available resources](#); and
 - xi. any other matter which, in the opinion of a responsible person, is relevant to developing a particular MSLS.
- (b) For service assets, each MSLS shall be developed taking into account:
 - i. Items (b) i., ii., vii., x. and xi.;
 - ii. the nature and character of the service and its sustainability;
 - iii. if a service involves the control, care and supervision of the elderly, children or [incapable persons](#); [written law](#), security and workplace safety requirements;
 - iv. for aerodrome categories specified under Civil Aviation Safety Regulations (CASR part 139) and for which Council is responsible: [written law](#), security, workplace safety requirements and [risk management outcomes](#) as well as commercial outcomes.
- (c) Each MSLS ‘activity’, ‘action’ and ‘[conditions of performance](#)’ and ‘standard’ must be expressed as the minimum [resources](#) necessary to achieve a particular ACS outcome without compromising asset economics, life or duty cycle, or [risk management outcomes](#);
- (d) The ‘conditions of performance’ by which the qualitative and quantitative performance standard for each ‘activity’ and ‘action’ is to be achieved shall be stated.
- (e) Each MSLS must be assigned to **Schedule 4**.

Attachment B1—Format for MSLS (Schedule 4)



ASSET GROUP:

ACTIVITY:

| Action | Conditions | Outcome | Performance Standards | Frequency |
|--------|------------|---------|-----------------------|-----------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
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| | | | |
|--|-----------------|------------------------------|----------------------|
| Page XXX of XXX | File Reference: | Date Adopted: | Version: |
| ASSET GROUP: | | Responsible Council Section: | Asset Register CODE: |
| MAINTENANCE SERVICE LEVEL SPECIFICATION (DAMP) | | | SCHEDULE 4 |

Attachment B2—Format for Maintenance Management Plans (MMP)



MMP Maintenance Management Plan

| ACTIVITY SPECIFICATION | | PSW |
|---|--|-----|
| ACTIVITY DEFINITION <i>(What work is included?)</i> | | |
| | | |
| PERFORMANCE DISTRESS & DEFECTS <i>(What do we look for?)</i> | | |
| | | |
| PERFORMANCE CRITERIA <i>(Why do we do it?)</i> | | |
| | | |
| PERFORMANCE STANDARDS <i>(What is required?)</i> | | |
| | | |
| ACTIVITY MANAGEMENT SYSTEM | | |
| | | |
| WORK METHOD REQUIREMENTS <i>(Contractors undertaking to provide quality)</i> | | |
| | | |
| SPECIAL REQUIREMENTS | | |
| | | |
| NOMINATED HOLD POINTS | | |
| | | |
| WORK METHOD REQUIREMENTS <i>(Contractors undertaking to provide quality)</i> | | |
| | | |

MMPs must be designated as Schedule 4.

Attachment C—Minimum information required in a Standard Operating Procedure (SOP)

Standard Operating Procedures

The following matters must be taken into account when developing any Standard Operating Procedure (SOP).

1. Each [Standard Operating Procedure](#) must contain the following minimum information:
 - (i). title, document control, and version/revision number;
 - (ii). description of the code;
 - (iii). context in which the code will be applied;
 - (iv). practice trigger describing when the code will be used;
 - (v). core competencies required to competently perform the code;
 - (vi). standard resources for the efficient performance of the code;
 - (vii). standard cost and standard time of performing the code;
 - (viii). documentation to be used when the code is performed;
 - (ix). procedure and methodology to be used with the code;
 - (x). managing risk when performing the code (includes WHS and environmental risk);
 - (xi). related documents to be considered when performing the code;
 - (xii). technical information or data necessary to perform the code;
 - (xiii). appendices relevant to the performance of the code.
2. Despite 1 (vii), 'standard cost' and 'standard time' referred to in (vii). for each Standard Operating Procedure will be incrementally developed as resource availability permits.
3. Unless the general manager decides otherwise, 'standard time' and 'standard cost' will appear in a Standard Operating Procedure
4. Despite 3, 'standard times' and 'standard costs' will be developed and used by cost estimators to establish performance standards for all activities and actions.
5. For the avoidance of doubt, in 1(iv) "standard resources" must include relevant 'personal protective equipment and clothing'.

Attachment E—Unsafe Defect Test



DAMP “UNSAFE DEFECT” TEST

The test to decide if a defect should be classified unsafe is:

- **Is the defect obvious to a person in ordinary daylight conditions?**

Consider who uses the asset, the elderly, disabled and children, and consider whether the defect is close to any other risk or hazard.

- **Is the defect obvious to a person in inclement weather or at night?**

Consider if the defect can be seen at night by checking if any nearby street or other lighting is likely to be satisfactory. Check if the defect is hidden or obscured by shadow, trees and shrubs, by buildings, structures or vehicles. Check the likely effect of fog, ice, snow or overcast conditions.

- **Can a person recognise and appreciate the significance of the defect to his or her safety?**

Consider whether a person who might make contact with the defect will know that he or she could be injured or killed. And don't just look at the defect; take an overall view of the defect against its immediate surrounding area.

- **Can a person take reasonable steps to avoid the defect?**

Consider if a person can take reasonable steps to go around or step over the defect. Consider if a person attempting to go around or step over the defect will expose him or herself to another defect, risk or hazard.

If you answered “no” to any of the questions, the defect is unsafe. However, if you think that the defect should be declared unsafe for any other reason, do so.

Response: Eliminate the unsafe defect. If this is not possible, erect or arrange for safety measures to be erected to warn and/or protect the public.
Response: Report the defect through the Council's CRMS System

Attachment F—Maintenance Intervention Standards for Pit Covers and Sprinkler Head Tolerances

1. Where Pit Cover or Sprinkler Head not Council Responsibility

If Council receives a customer request about a pit cover or manual or automatic sprinkler head located on any land controlled by Council may be unsafe, and on inspection the cover or sprinkler head is found to be:

- unsafe; and
- owned or controlled by any other person, public authority or corporation (collectively “other authority”);

then the response procedure set out in 2 must be followed.

2. Response Procedure

- (a) **Table 6** tolerances do not apply to any other authority.
- (b) Temporary safety measures must be erected to warn or protect people from the unsafe condition (the choice type of safety measure will depend on the seriousness of the unsafe condition);
- (c) At the [earliest possible opportunity](#) notify the other authority:
 - by telephone or email **and** confirm by letter or facsimile transmission about the defective and unsafe condition of its pit cover or manual or automatic sprinkler head
 - its location
 - that it be urgently repaired or made safe
 - that Council has erected temporary safety measures
 - to return Council’s temporary safety measures to a particular designated location or depot after the unsafe defect is made safe; and
 - that will not carry out any further inspection of the particular unsafe pit cover or sprinkler head or the temporary safety measures erected, but will rely on the other authority to do so once it has been notified.

3. Where Council is Responsible for Pit or Sprinkler Head

- (a) If, on inspection, a pit cover or sprinkler head is found to be within the tolerance specified in the [maintenance intervention standards](#) set in Table 6 then:
 - it does not constitute an unsafe defect by reason only that it is within the specified tolerance; and
 - the erection of safety measures are not required unless such action is deemed appropriate by a Responsible Person.

- b) Where, on inspection, a Responsible Person finds that a **pit cover**, which is part of Council’s stormwater drainage system, exceeds the relevant tolerance specified in Table 6 and is deemed unsafe, then he or she must comply with [B.10 ARisk management](#) before any fencing or permanent safety measures is erected.
- c) If a particular tolerance specified in Table 6 is exceeded, and this is caused by a design, construction fault or by an improper maintenance procedure, then despite the defect not being unsafe, it must be repaired and reinstated to its proper design standard or safety measures must be erected to warn and/or protect the public.
- d) For the purpose of c), the following definitions apply:
- “**design fault**” means the defect was present in plans, specifications, drawings or instructions for the manufacture, construction, installation or erection of the pit cover or manual or automatic sprinkler.
 - “**construction fault**” means that the defect was created by the act of not constructing in accordance with proper plans, specifications, drawings or instructions.
 - “**improper maintenance procedure**” means that the defect was caused by a failure to follow the established maintenance protocol or Standard Operating Procedure.

Table 6—Maintenance Intervention Standards for Pit Covers and Sprinkler Heads

| LOCATION | MAINTENANCE INTERVENTION STANDARD | | | |
|---|-----------------------------------|-----------|-----------------|-----------|
| | PIT COVERS | | SPRINKLER HEADS | |
| | ABOVE SGL | BELOW SGL | ABOVE SGL | BELOW SGL |
| Parks & Reserves (passive, non-sporting use) | >20mm | >50mm | >20mm | >40mm |
| Urban Open Space and Flood Retention or Detention Basins (passive non-sporting) | >20mm | >50mm | >20mm | >40mm |
| Sporting Ovals, Fields and Courts | Level | >15mm | Level | >20mm |
| Public Roads | >50mm | >75mm | Not Applicable | |
| Public Footpaths | >30mm | >40mm | Not Applicable | |
| Recreation and Aquatic Centres | Level | Level | Not Applicable | |

- j) In this section the following definitions apply:
- “[maintenance intervention standard](#)” means:
- the relevant dimension set out in **Table 6**; and
 - that no corrective action will be taken or risk warning given unless the maintenance intervention standard is exceeded;
 - despite dot point 2, a responsible person, on inspection, may determine to take corrective action or erect a risk warning if, but only if, he or she

determines that an unsafe defect or condition exists on a case by case basis.

- g) **“surrounding ground level”** (SGL) means in each respective location in Table 6, that measurement is taken from the visually observable original natural or artificial level of the surface in which the particular pit cover or manual or automatic sprinkler head is installed into.
- h) **For the avoidance of doubt in ii),** the measurement to be made by an inspector is an approximation of the SGL based on his or her visual perception of the SGL and not the surveyed or original design or ‘as constructed’ level.

—end this page—

Attachment G—Maintenance Intervention Standards for Roads, Footpaths and Parks

1. Application of Attachment G

Attachment G relevantly applies to roads and footpath assets (**PART 1**), and to Parks and Landcare Services assets (**PART 2**).

PART 1

2. Road and Footpath Assets

(a) Inspection and Maintenance of Rural Road Reserves

- (i). [No routine inspection](#); and
- (ii). [No routine maintenance](#);
shall be carried out on, in or about any rural road reserve.
- (iii). For the purpose of 2(a) “rural road reserve” excludes the road formation (i.e. the constructed road pavement, bridges, culverts, floodway’s and table drain.

(b) Asphalt and Concrete Footpath Surfaces

No repair or maintenance shall be carried out where the vertical and/or horizontal displacement (“defect”) of a paved pedestrian surface is:

- for an asphalt surface—less than fifty (50) millimetres when measured from a one (1) metre straight edge placed in or across the deformed surface; and
- for a concrete surface discontinuity—thirty (30) millimetres when measured vertically and twenty five (25) millimetres measured horizontally.

(b) Pavers and Brick Paved Footpaths

No repair or maintenance shall be carried out where the vertical and/or horizontal displacement or depression (“defect”):

- of an individual paver or brick is less than fifteen (15) millimetres when measured at any point of the deformation; or
- where a general depression (comprising the collective and even depression of many pavers or bricks) of an affected area is less than 50mm when measured at any point from a one (1) metre straight edge placed in or across the deformed area.

(c) Footpath Edge Drop-off's

- (iv). Subject to (iii), no maintenance, repair or rectification shall be carried out to any edge drop-off's on any paved footpath where the vertical edge drop-off from the top of a footpath (pedestrian surface) to the ground surface level is less than one hundred (100) millimetres over 75% of a ten (10) metre run of footpath.
- (v). For the purpose of a), if at least four (4) of five (5) equally spaced measures over the ten (10) metre run exceeds 100mm reinstatement of the drop-off shall be carried out in accordance with the relevant Standard Operating Procedure.
- (vi). If, on inspection, an edge drop-off is determined to be caused by poor or inadequate:
 - design;
 - construction; or
 - maintenance, repair or rectification;

then the edge drop-off shall be reinstated in accordance with the relevant Standard Operating Procedure.

3. Planted Trees—Damage to Footpaths

- (i). If, on routine inspection or on inspection of a complaint or work request, a footpath is discovered to be damaged by a planted tree:
 - such damage shall be repaired; or
 - safety measures must be taken to warn and/or protect the public from the damage.
- (ii). Despite (i), no footpath shall be repaired where the damage is superficial cracking or the vertical and/or horizontal displacement is less than thirty (30) millimetres and twenty-five (25) millimetres respectively.

PART 2

4. Maintenance Intervention Standards for Grassed Areas in and Public Open Space and Community Land

- (i). Imperfections, irregularities and conditions (“defects”) in grassed surfaces in public open space, passive recreational areas, active sports grounds or ovals shall not be eliminated, repaired or maintained unless a defect exceeds the relevant [maintenance intervention standard](#) in **Table 7**.
- (ii). Despite (i), a responsible person may determine to vary any maintenance intervention standard in **Table 7** but any variation must be included in **Schedule 4**
- (iii). For the purpose of Items 1, 3 and 5 of **Table 7**, the undulation, sinking, scouring or general imperfections shall be measured from the ground

surface level (not from the surface level of the grass or turf) at the deepest part of the defect.

Table 7—Maintenance Intervention Standards for Grassed Surfaces

| Item | Defect Description | Intervention Standard | | |
|------|---|---|--|----------------------------------|
| | | Public Open Space and Community Land | Parks & Reserves: Passive Recreation Areas | Active Sports Grounds & Ovals |
| 1 | General imperfections or isolated surface undulations caused by wear and tear | No action to be taken | >70mm deep and <0.6 sq.m in area | >40mm deep and <0.2 sq.m in area |
| 2 | Grass or turf being slippery when wet | No action shall be taken to warn or protect people from this defect. | | |
| 3 | Isolated sinking of soil, turf or grass | No action to be taken | >70mm deep and <0.6 sq.m in area | >40mm deep and <0.2 sq.m in area |
| 4 | Reactive soil movement including cracking, expansion and contraction | No action must be taken unless crack is >30mm wide and 1.0m in length and 100mm deep. | | |
| 5 | Scouring by watering, erosion, storm or flood | No action to be taken | >70mm deep | >40mm deep |

5. Unsafe Defects or Conditions

Despite the management standards set in sections 1, 2, 3, 4 and in **Table 7**, if the Responsible Person deems a defect or condition to be an unsafe defect or condition, then it shall be eliminated at the earliest possible opportunity. But, in the meantime, safety measures must be taken to warn and/or protect the public against the unsafe defect or condition.

6. Table 7 words and Phrases defined

“active sports ground or oval”; **“grassed surface”**, **“passive recreation area”**

“community land” has the same meaning as s.3 of the *Local Government Act 1993* (LGA), and for Item 1, Column 3, in Table 7 and **“No action be taken”** applies specifically to land classified under sections 26B, 36C, 36D, 36DA, 36E, 36H, 36I, 36J, 36K, 36L, 36M, 36N and 37 of the LGA.

A. Product modifications

If a responsible person decides to carry out any product modification where a product is:

- (a) designed or manufactured or constructed or installed by a contractor, or by Council; or
- (b) supplied and installed by a manufacturer or supplier; or

- (c) wholly or in part designed, manufactured or installed or constructed by Council; or
- (d) modified from its original specification by the manufacturer or supplier, or by Council or by any other person
- (e) then the following information must be kept:
- (f) Tenders and specifications, contracts, and joint venture arrangements, and advertisements for these things;
- (g) Details of any written or verbal approval for any such modification from the manufacturer or supplier;
- (h) All correspondence including letters, faxes, diary and file notes etc. from Council to the manufacturer or supplier and vice versa concerning any modification;
- (i) Plans, drawings, specifications, calculations, results of commissioning or other tests, hand books, instruction, installation, maintenance & operating manuals;
- (j) Warranties, guarantees, assurances, undertakings and any certification; and
- (k) Relevant Council and executive reports, designs, specifications, drawings, calculations, surveys, funding arrangements, commissioning & testing, risk assessments, written law approvals or consents.

B. Work as executed plans for contracted Civil Works

- (a) “Work as executed” plans or certificates shall be prepared by the principal contractor for all civil works and contracts for road, bridge, culvert, water, sewer, flood and stormwater drainage, building and structures, and electrical design and installation in connection with any of these classes of civil works.
- (b) Despite (a) ‘works as executed’ plans must not be prepared for civil works contracts of a maintenance nature or where a [delegate determines](#) that a particular contract has no need for ‘works as executed’ plans or certificates or where the cost of preparing such plans and drawings is grossly disproportionate to the expected benefit (in terms of contract cost or risk exposure or both).
- (c) Before a delegate determines that ‘work as executed’ plans or certificates are not required for a particular contract, he or she must consult with the [DAMP Coordinator](#).
- (d) The decision of a delegate must be recorded on the form set out in the form: [Exercise of Delegated Authority Form](#). The electronic version can be found at <http://councilpedia.dubbo.nsw.gov.au/Pages/DelegatedAuthority.aspx>.

– End this Page and Attachment I –