



## 1. INTENT OF POLICY

This policy aims to:

- Outline the role of the Council and other organisations in managing asbestos
- Council's relevant regulatory powers

Please refer to the Council's Asbestos Management Procedure for information on:

- Council's approach to dealing with sites contaminated by asbestos and emergencies or incidents;
- General advice for residents on renovating homes that may contain asbestos;
- Council's development approval process for developments that may involve asbestos and conditions of consent;
- Waste management and regulation procedures for asbestos waste; and sources of further information.

## 2. SCOPE OF POLICY

This Policy forms the basis for managing asbestos in Council's local government area.

The policy along with the Council's Asbestos Management Procedure provides information for the local community and wider public.

The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within Council's local government area.

The policy outlines the Council's commitment and responsibilities in relation to safely managing asbestos and general advice is contained within Council's Asbestos Management Procedure. For specific advice, individuals are encouraged to contact the Council or the appropriate organisation.

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

- Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW;
- Code of practice on how to safely remove asbestos published by SafeWork NSW (catalogue no. WC03561) published by SafeWork NSW; and
- Additional guidance material listed in the Council's *Asbestos Management Procedure*.

This policy should be read in conjunction with relevant legislation, Procedure and codes of practice. In the case of any discrepancies, the most recent legislation should prevail.

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

### **3. POLICY OBJECTIVE**

This Policy outlines Council's commitment and responsibilities for safely managing asbestos.

#### **Roles and responsibilities of Council**

##### **Educating residents**

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

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

Educational information and website links for educational materials can be found in Council's Asbestos Management Procedure.

##### **Managing Land**

The Council is responsible for managing public land. This may include land with naturally occurring asbestos and land contaminated with asbestos as outlined in Council's Asbestos Management Procedure.

##### **Managing Waste**

Where the Council is the appropriate regulatory or planning authority, the Council is responsible for meeting certain obligations under relevant legislation by:

- issuing clean up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the Protection of the Environment Operations Act 1997);
- issuing prevention or clean up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the Protection of the Environment Operations Act 1997);
- issuing penalty infringement notices for improper transport of asbestos (under the Protection of the Environment Operations Act 1997); and
- applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 10.7 certificates) where on-site disposal is permitted.
- Contracting a private business that operates a licensed landfill facility/ facilities that accepts asbestos waste.

Waste facilities that are licensed to accept asbestos waste are listed in Appendix F in Council's Asbestos Management Procedure.

### **Regulatory Responsibilities**

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

- Australian Standard AS 2601 – 2001: The demolition of structures;
- Contaminated Land Management Act 1997;
- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Local Government Act 1993;
- Protection of the Environment Operations Act 1997;
- Protection of the Environment Operations (General) Regulation 2009;
- Protection of the Environment Operations (Waste) Regulation 2005;
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; and
- State Environmental Planning Policy No. 55 – Remediation of Land.

Additional legislation, policies and standards relating to the safe management of asbestos are listed in the Council's Asbestos management Procedure.

The situations in which the Council has a regulatory role in the safe management of asbestos are listed in the Council's Asbestos Management Procedure.

### **Responsibilities to Workers**

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

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

These responsibilities are outlined in Council's Workplace Health & Safety Policies. (Available on the Council's website)

### **Other stakeholders involved in managing asbestos**

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

Please refer to the Council's Asbestos Management Procedure for details of the agencies involved in managing asbestos. Various asbestos scenarios requiring stakeholders to work together are also outlined in the Procedures.

### **Complaints and Investigations**

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

The Council will respond to complaints and inquiries in accordance with the Council's Asbestos Management Procedure and internal procedures regarding:

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

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

### **Implementing Council's Managing Asbestos Policy**

#### **Supporting Documents**

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

- *Asbestos Management Procedure;*
- *Asbestos Management Plan – Public Lands*
- *Contaminated Land Policy*
- *Contaminated Land Procedure*
- *Council's Asbestos Register*
- *Complaints Handling Procedures*
- *Council's existing risk assessment matrices and a risk controls checklist for asbestos*
- *Incident report form*
- *Risk register*
- *Safe work method statements/ procedures for asbestos handling and removal for council employees*
- *Training records*

### **Communicating the policy**

This is a publicly available policy available via the Council website: [www.oberon.nsw.gov.au](http://www.oberon.nsw.gov.au)

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

In the case of any substantive revisions to the policy, the revisions will be approved by the Council's General Manager (GM) and the GM will notify all persons who may have cause to undertake, arrange or supervise any potentially hazardous activities listed in the Council's Asbestos Management Procedure on behalf of, or for, the Council

### **Variations to this policy**

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

## ATTACHMENT 1

### References

#### Laws and Standards

- Australian Standard AS 2601 – 2001: The demolition of structures
- Contaminated Land Management Act 1997
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2005
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy No. 55 – Remediation of Land

#### Policies and Procedures

- Standard Conditions of Development Consent
- Council's Asbestos Register
- Contaminated Land Policy
- Contaminated Land Procedure

#### Related Documentation

- Risk Management Policy

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