



YOUNG SHIRE COUNCIL

# **ASBESTOS POLICY**

DATE ADOPTED: 16 DECEMBER 2015

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## **1 INTRODUCTION**

The extensive use of Asbestos from the early 1900's onwards has left Australia with a legacy that now has to be appropriately managed. Council acknowledges this legacy and understands that it has a role to play in relation to its employees and the community in how it manages Asbestos within the Young Shire Council Local Government Area (LGA), within the scope of its regulatory functions.

This policy demonstrates that Council is committed to the responsible management of Asbestos.

## **2 PURPOSE**

The purpose of this policy is to provide a framework for how Council manages Asbestos in relation to:

- the workplace
- asset management
- emergency response
- waste management
- land management
- Community education and awareness

## **3 SCOPE**

This policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the LGA of Young Shire Council.

## **4 POLICY**

### **4.1 Roles and Responsibilities of Council**

#### **4.1.2 Regulatory Responsibilities**

Council has regulatory responsibilities, under various legislation, in situations where it is the appropriate regulatory or planning authority.

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

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

In meeting its regulatory obligations Council will endeavour to maintain the following documents:

**Asbestos Register:**

- Council will develop and maintain an Asbestos register to record the presence of asbestos in any Council owned assets.
- The register will record the type, location and condition of the asbestos.
- The development of the register will be done on a risk basis, taking into consideration financing and resourcing constraints.

**Asbestos Management Plan:**

- Council will develop and maintain an Asbestos Management Plan which outlines Council's role and responsibilities in the responsible management of asbestos.
- The plan will take into consideration how Council manages:
  - Asbestos in the workplace
  - Assets containing asbestos
  - Any naturally occurring asbestos
  - Land management issues involving asbestos
  - Asbestos waste, inclusive of how complaints and investigation of illegal dumping will be dealt with, and
  - Any potential incidents or emergencies involving asbestos.
- Council will develop an action plan inclusive of timeframe for completing elements of the plan to demonstrate progress.
- The plan will form the basis for developing any specific procedures if required.

**4.1.3 Work Health and Safety:**

- Council is responsible to its workers under the NSW Work Health and Safety Act 2011 and NSW Work Health and Safety Regulation 2011, and is committed to fulfilling its responsibilities in maintaining a safe work environment.
- Council will endeavour to exercise its duty of care as best possible, to prevent the exposure of workers and the public to any asbestos that is known or discovered in any Council owned assets.
- Council will develop any procedures required for identifying and managing asbestos containing material in a Council workplace or premises.
- Council will undertake relevant workplace education and training in relation to asbestos.

**4.1.4 Land Management**

Council is responsible for managing public land. This includes land use planning which may involve land with naturally occurring asbestos and land contaminated with asbestos.

#### **4.1.5 Naturally occurring asbestos**

The LGA of Young Shire Council contains an amount of naturally occurring asbestos. This only poses a health risk when elevated levels of fibres are released into the air. Naturally occurring asbestos is dealt with as part of Council's land management and also in relation to any work processes that have the potential to release natural occurring asbestos fibres into the air.

#### **4.1.6 Waste Management**

Where Council is the appropriate regulator authority, and where council has been made aware of an issue, it is responsible for:

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

#### **4.2 Community Education and Awareness:**

Council will engage with the community through information and links posted on its website provided to promote education and awareness. Information and advice will be provided on the:

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

Further reference material is available in Council's Asbestos – Community Guide.

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

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

#### **4.4 Risk Management:**

Council will apply a risk management approach to the management of Asbestos taking into consideration any financial and resourcing constraints.

#### **4.4 Complaints and investigations:**

Complaints and inquiries may be directed to Council in relation to incidents in public places and private properties.

Complaints and inquiries regarding a workplace should be directed to WorkCover NSW.

Complaints and inquiries regarding licensed premises under the Protection of the Environment Operations Act 1997 should be directed to the NSW Environment Protection Authority (EPA).

Council will respond to complaints and inquiries regarding:

- Council's requirements in relation to development, land management and waste management.
- Derelict properties
- Illegal dumping
- Unsafe work at a residential property conducted by a homeowner or tenant.

### **5 RESPONSIBILITY**

Each directorate within Council is responsible for contributing to the development and implementation of Council's Asbestos Management Plan.

This policy is enforced within the scope of the management responsibilities of each Directorate. To this extent, each Director has the responsibility for ensuring that where required, their Departmental policies, procedures and forms take into consideration the management of asbestos.

### **6 GOVERNANCE**

The General Manager has overall responsibility for this policy.

### **7 REVIEW**

This policy will be reviewed every four (4) years or sooner should the need arise.

### **8 LEGISLATION**

Asbestos-related legislation, policies and standards:

- Australian Standard AS 2601 – 2001: The demolition of structures
- Contaminated Land Management Act 1997
- Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by WorkCover NSW

- Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by WorkCover NSW
- Code of practice for demolition work published by Safe Work Australia, 2012
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2005
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- NSW Work Health and Safety Act 2011
- NSW Work Health and Safety Regulation 2011
- Workers' Compensation (Dust Diseases) Act 1942.