

Asbestos Management Policy

Environment

4.1 Wingecarribee's distinct and diverse natural environment is protected and enhanced

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Table of Contents

1. Objectives.....	3
2. Policy Statement	3
2.1 Council’s roles and responsibilities	3
3. Scope.....	7
4. Responsibilities	7
4.1 Councillors.....	7
4.2 Executive	7
4.3 Manager Environment and Sustainability.....	8
4.4 Manager Organisational Development.....	8
4.5 Group Manager Planning, Development and Regulatory Services.....	8
4.6 Manager Assets.....	8
4.7 Group Managers and Managers	8
4.8 Council staff.....	8
5. Performance Measures.....	8
6. Definitions	8
7. Related Material.....	9
7.1 Related legislation.....	9
7.2 Related documents	9
8. Non-compliance with this Policy.....	10
9. Document Control.....	10
9.1 Version control.....	10
9.2 Superseded documents	10
10. Attachments.....	10

1. Objectives

The objectives of this Policy are to:

- outline the role of Wingecarribee Shire Council (Council) and other organisations in managing and regulating asbestos; and
- provide a framework for managing asbestos within Council’s operations.

2. Policy Statement

Council acknowledges the serious health hazard presented by exposure to asbestos.

2.1 Council’s roles and responsibilities

Regulatory Responsibilities

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

- *Contaminated Land Management Act 1997*;
- *Demolition Work Code of Practice 2016*;
- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2000*;
- *Local Government Act 1993*;
- *Protection of the Environment Operations (General) Regulation 2009*;
- *Protection of the Environment Operations (Waste) Regulation 2014*;
- *Protection of the Environment Operations Act 1997*;
- *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 Asbestos Guide.

The circumstances in which Council has a regulatory role in the safe management of asbestos are listed in Table 1, below.

Table 1: Circumstances in which Council has a regulatory role in managing asbestos

Circumstance	Council’s role
Recording asbestos sites and contaminated land	<ul style="list-style-type: none">○ Record on planning certificates issued under section 10.7(2) of the <i>Environmental Planning and Assessment Act 1979</i> contaminated land information prescribed under the <i>Contaminated Land Management Act 1997</i>, <i>Environment Planning and Assessment Act 1979</i> and applicable regulations.○ Record known asbestos contamination at Council workplaces in Council’s Asbestos Register and related systems.○ Notify stakeholders of land use planning policy requirements relating to contamination.○ Regulate contaminated land that is not declared ‘significantly contaminated’ under the <i>Contaminated Land Management Act 1997</i>

	(excluding oversight of removal or remediation work which is the role of SafeWork NSW).
Development assessment	<ul style="list-style-type: none"> ○ Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. ○ Regularly update and review suitable conditions of consent for renovations, alterations, additions, demolitions or other development requiring consent which may involve the disturbance of asbestos or asbestos-containing materials. ○ Ensure compliance with development consent conditions. ○ Impose suitable conditions as part of certain consents relating to development involving friable and non-friable asbestos material under relevant legislation and planning codes.
Demolition	<ul style="list-style-type: none"> ○ Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>. ○ Approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.
Emergencies and incidents	Regulate the clean-up of asbestos waste following emergencies where sites are handed over to Council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean-up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i> .
Naturally occurring asbestos	<ul style="list-style-type: none"> ○ Council is not aware of any naturally occurring asbestos in the local government area. Mapping of naturally occurring asbestos in NSW can be found at SafeWork NSW. This information is indicative only. ○ Where naturally occurring asbestos is found, verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos. ○ Prepare an asbestos management plan for Council workplaces or road works which occur on land containing naturally occurring asbestos.

Responsibilities to staff

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

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

Council's internal procedure, WSC009-00 Asbestos Management and Removal, outlines Council's responsibilities to workers and provides further information on asbestos management procedures.



Identifying and recording asbestos hazards in the Council workplace

Council sites that are known to have asbestos are recorded on Council's Asbestos Register and related systems.

The Asbestos Register is within Council's Asset Management Systems kept at the workplace. The Asbestos Register is maintained to ensure information in the Register is up to date. The Asbestos Register is accessible, reviewed, revised and otherwise managed in accordance with clauses 425-428 of the *Work Health and Safety Regulation 2017*.

Council has an Asbestos Management Plan for buildings, roads and water and sewer assets. Council also maintains geographic information system mapping for the management of roads and water and sewer assets that relate to asbestos.

Council will ensure that any worker carrying out or intending to carry out work at a Council workplace that involves a risk of exposure to airborne asbestos is provided a copy of the Asbestos Register or the relevant asbestos building report for the asset, containing details of the asbestos at the site.

If naturally occurring asbestos is discovered in the Wingecarribee Shire local government area, Council will develop risk controls, an asbestos management plan in relation to the naturally occurring asbestos in the Council workplace and provide guidance materials where necessary.

Educating residents

Council assists residents to access appropriate information relating to asbestos management. The [Asbestos Guide](#) has information and hyperlinks relating to:

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

Managing land

Public land


Council is responsible for managing public land. This may include land contaminated with asbestos as outlined in the Asbestos Guide.

Planning certificates - Section 10.7 (2)

Council provides information prescribed under the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and the *Contaminated Land Management Act 1997* in planning certificates issued under section 10.7(2) of the *Environmental Planning and Assessment Act 1979*. That is, information on land that is significantly contaminated, under a management or maintenance order, where a site audit statement applies, presence of loose fill asbestos, or where a Council policy restricts the land use due to of contamination risk.

Planning certificates - Section 10.7 (2)

When Council receives a request for a planning certificate under section 10.7(5) of the *Environmental Planning and Assessment Act 1979*, Council provides information on whether there are any development consents from the past two years.



Additional information relating to a property may be available under the *Government Information (Public Access) Act 2009*. Further information is available at [Access to Information Held by Council](#).

Managing asbestos waste

Information on waste facilities that are licensed to accept asbestos waste can be found on the NSW Environment Protection Authority's (EPA) [website](#). More information is provided in the Asbestos Guide.

Council has standard work procedures for receiving identified asbestos from customers at the Resource Recovery Centre and for green waste contamination. More information on transporting waste to the Resource Recovery Centre is found in the Asbestos Guide.

Where Council is the appropriate regulatory authority, Council is responsible for meeting 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, stored, transported or disposed of in an unsatisfactory manner, under the *Protection of the Environment Operations Act 1997*; and
- issuing penalty infringement notices for improper transport of asbestos, under the *Protection of the Environment Operations Act 1997*.

Council may also issue an Order 21 in accordance with Council's Local Orders Policy (Order 21) under the *Local Government Act 1993*.

Other stakeholders involved in managing asbestos

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

The Asbestos Guide includes details of other agencies involved in managing asbestos.

Complaints and investigations

Complaints and enquiries regarding a workplace should be directed to [SafeWork NSW](#).

Complaints and enquiries regarding licensed premises under the *Protection of the Environment Operations Act 1997* should be directed to the [EPA](#).

Complaints about Council operations in relation to asbestos may be directed to the [EPA](#). Complaints about Council conduct may also be directed to the [NSW Ombudsman](#).

Complaints and enquiries about incidents in public places and private properties may be directed to [Council](#). Council will respond to complaints and enquiries regarding:

- Council's requirements in relation to development, land management and waste management;
- Derelict buildings and land not in a safe or healthy condition;
- General asbestos safety issues (which will be referred to the appropriate government authority);
- 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.



3. Scope

This Policy applies to the management of friable, non-friable (bonded) and naturally occurring asbestos in the Wingecarribee Shire within Council's jurisdiction.

This Policy outlines Council's commitment and responsibilities in managing asbestos. The Asbestos Guide provides information for the community on:

- Council's approach to sites contaminated by asbestos, emergencies or incidents and naturally occurring asbestos
- general advice for residents on renovating homes that may contain asbestos and conditions of consent
- Council's development approval process for developments that may involve asbestos
- waste management and regulation procedures for asbestos waste in the local government area
- sources of further information.

For specific advice, individuals are encouraged to contact Council or the appropriate organisation.

Council's internal procedure Asbestos Management and Removal WSC009-90, along with other internal procedures, provides information for Council employees, contractors and volunteers in relation to workplace health and safety.

This Policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos materials can be found in:

- *How to manage and control asbestos in the workplace* available at [SafeWork NSW](#);
- *How to safely remove asbestos.* available at [SafeWork NSW](#); and
- the guidance material listed in the Asbestos Guide.

This Policy and the related Asbestos Guide are based on the model *Asbestos Policy for NSW Councils* developed by the Heads of Asbestos Coordination Authorities to promote a consistent local government approach to asbestos management across NSW.

This Policy does not constitute legal advice. Legal advice should be sought in relation to circumstances and liability will not be accepted for losses incurred as a result of reliance on this Policy or the WSC Asbestos Guide.

4. Responsibilities

Responsibilities for the implementation of this Policy are shared as follows.

4.1 Councillors

Councillors shall provide leadership and guidance to the community in complying with and understanding legislative requirements, this Policy and the Asbestos Guide.

4.2 Executive

The Executive shall:

- implement this Policy;
- provide leadership and guidance to Council staff in complying with and understanding legislative requirements, this Policy and the Asbestos Guide; and
- integrate systems to safely manage asbestos within Councils' responsibilities.



4.3 Manager Environment and Sustainability

The Manager Environment and Sustainability shall:

- provide guidance to Councillors, Executive and other Council staff as to the content of this Policy; and
- ensure the timely review of this Policy.

4.4 Manager Organisational Development

The Manager Organisational Development shall:

- develop procedures and systems that meet the requirements of the *Work Health and Safety Act 2011* and safe management of asbestos; and
- conduct investigations into internal Council-related alleged non-compliance with this Policy and relevant work health and safety policies, general manager practice notes, procedures or other systems.

4.5 Group Manager Planning, Development and Regulatory Services

The Group Manager Planning, Development and Regulatory Services shall implement systems in accordance with this Policy and relevant legislation to meet the requirements of the *Environmental Planning and Assessment Act 1979*, *Contaminated Land Management Act 1997* and applicable State Environmental Planning Policies.

4.6 Manager Assets

The Manager Assets shall maintain and update Council's Asbestos Register and Asbestos Management Plan.

4.7 Group Managers and Managers

Group Manager and Managers shall:

- provide guidance to Council staff within their respective branches as to the content and implementation of this Policy, seeking guidance from the policy owner as required; and
- report any breaches of this Policy that are considered an environmental incident in accordance with Council's Incident Notification and Reporting Procedure.

4.8 Council staff

Council staff shall implement this Policy and related procedures, systems and the Asbestos Management Plan to safely manage asbestos within Council operations.

5. Performance Measures

The success of this Policy will be measured by compliance with Council's Asbestos Management and Removal Procedure and associated documents within Council operations.

6. Definitions

In this Policy, the following definitions apply:

asbestos	the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following: <ul style="list-style-type: none">(a) actinolite asbestos;(b) grunerite (or amosite) asbestos (brown);(c) anthophyllite asbestos;
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- (d) chrysotile asbestos (white);
- (e) crocidolite asbestos (blue);
- (f) tremolite asbestos; and
- (g) a mixture that contains one or more of the minerals referred to above.

asbestos containing material term any material or thing that, as part of its design, contains asbestos.

friable asbestos material that:

- (a) is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry; and
- (b) contains asbestos.

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

non-friable asbestos material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

7. Related Material

7.1 Related legislation

The following legislative materials are related to this Policy:

- *Contaminated Land Management Act 1997*;
- *Demolition Work Code of Practice 2016*;
- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2000*;
- *Government Information (Public Access) Act 2009*;
- *Government Information (Public Access) Regulation 2018*;
- *Local Government Act 1993*;
- *Protection of the Environment Operations (General) Regulation 2009*;
- *Protection of the Environment Operations (Waste) Regulation 2014*;
- *Protection of the Environment Operations Act 1997*;
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* ;
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *Work Health and Safety Act 2011*; and
- *Work Health and Safety Regulation 2017*.

7.2 Related documents

The following documents are related to this Policy:

- Asbestos Management and Removal Procedure;
- Local Orders Policy;
- Asbestos Guide.

8. Non-compliance with this Policy

Non-compliance by Council with this Policy should be reported to Manager Organisational Development who will investigate and determine the appropriate course of action.

Non-compliance with this Policy that is considered an environmental incident under Council's Incident Notification and Reporting Procedure are reported in accordance with that procedure.

9. Document Control

9.1 Version control

Version	Adoption Date	Notes
1.0	10 July 2013	Nil
2.0	23 May 2018	Nil
2.1 (this version)	21 April 2021	Update of template, minor amendments to the Responsibilities and Related Legislation sections and minor amendments to wording throughout document

9.2 Superseded documents

The following documents are superseded by this Policy:

Document Title	Adoption Date	Notes
Asbestos Management Policy, version 2.0	23 May 2018 (MN198/19)	
Asbestos Guide – Information for the community, version 1.0	23 May 2018 (MN198/19)	

10. Attachments

There are no attachments to this Policy.

Approved by:

WINGECARRIBEE SHIRE COUNCIL

21 April 2021