

FILE NO: PSC2013-00406-0069

TITLE: ASBESTOS MANAGEMENT POLICY

OWNER: DEVELOPMENT & COMPLIANCE SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to outline Council's commitment to maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for local residents, the wider public and workers (employees, volunteers and contractors) in Council workplaces.
- 1.2 This Policy aligns with the following initiatives outlined within the current Operational Plan:
 - a) Our Place: Thriving and safe place to live: Our community supports a healthy, happy and safe place. P3.2 Enhance public safety, health and liveability through the use of Council's regulatory controls and services.
 - b) Our Council: Our Council's leadership is based on trust and values Respect, Integrity, Teamwork, Excellence and Safety (RITES). L1.5 – Reduce risk across Council.
- 1.3 The long term objective is for all buildings on Council owned land to be free of asbestos containing material (ACM). The presence of asbestos in premises on Council owned or managed land will be identified, the risk to health evaluated and mitigation measures implemented until the long term objective of removal is completed.
- 1.4 Council also aims to heighten awareness within the community on the identification and safe removal of ACM to minimise the risk of exposure across the local government area.

2. CONTEXT/BACKGROUND:

- 2.1 Asbestos was used widely in Australian buildings and structures between the 1940's and 1980's because of its durability, fire resistance and excellent insulating properties. Heightened public awareness of asbestos related diseases has increased public concern over the handling and ongoing management of asbestos containing material. However, it was not until 2003 that asbestos was banned in Australia.
- 2.2 Council has no insurance coverage under its Public Liability Policy relating to asbestos matters. The policy excludes any actual or alleged liability arising directly or indirectly out of, resulting from or in consequence of, or in any way

- involving asbestos, or any materials containing asbestos in whatever form or quantity.
- 2.3 For sites that are significantly contaminated, the Environment Protection Authority (EPA) and SafeWork NSW are the lead regulatory authorities. The EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including ACM waste.
- 2.4 SafeWork NSW has a major role in ensuring that removal of ACM is carried out in accordance with legislative requirements and, where necessary, by registered contractors. Legislation, however, only applies to:
- a) a workplace, or
 - b) where the type or quantity of asbestos being removed, repaired or disturbed requires the work to be carried out by an asbestos licensed contractor.
- 2.5 Note: A workplace includes a residential property if any person is being employed there, but not if the works are carried out solely by an owner builder who does not employ anyone.
- 2.6 For matters outside of the EPA and SafeWork NSW responsibilities, Council is the appropriate regulatory authority, which typically include demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities. Although at times there can be a crossover of responsibilities with Council and other governing bodies.
- 2.7 Council owns and maintains a range of built assets and facilities across the local government area with related obligations to minimise risk of harm to users of these assets and facilities.
- 2.8 The policy is underpinned by the following principles:
- a) The policy is consistent with and supports the requirements of the Model Asbestos Policy for NSW Councils developed by the Local Government NSW.
 - b) Council will take all reasonably practicable steps to protect the health and safety of workers, contractors and the community from the risks associated with asbestos containing material (ACM) within Council controlled and managed buildings.
 - c) A risk management approach will be adopted for the management and control of ACM.
 - d) Council should not permit the use of Council owned or controlled buildings and/or other structures, including open spaces, where it is known they contain ACM's unless all reasonable risks have been considered which may include an asbestos management plan developed to address the assessed risk.

2.9 Council aims to manage the risks from ACM and provide a record of actions undertaken with the ultimate aim being to:

- a) increase awareness
- b) prevent airborne asbestos fibre exposure
- c) prevent the spread of asbestos fibres
- d) increase its competency and experience
- e) control works likely to disturb ACM in Council owned or managed buildings.

3. SCOPE:

3.1 Council is committed to complying with the Model Asbestos Policy and Guide (links to document under "RELATED DOCUMENTS" section below) developed by Local Government NSW in partnership with the NSW Government and input from industry reference groups.

3.2 Council's responsibilities for asbestos management apply in various scenarios including:

3.3 As a responsible employer

3.4 Council has responsibilities to workers under the Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulations (NSW) in maintaining a safe work environment through Council's:

- a) general responsibilities
- b) education, training and information for workers
- c) health monitoring for workers
- d) procedures for identifying and managing asbestos containing materials in Council premises.

3.5 As part of the Enterprise Risk Management System, an Asbestos Procedure is in place to ensure that workers are involved in the development of safe systems of work and a safe environment to manage any asbestos related risks.

3.6 Educating residents

3.7 Providing education for the community on the identification and safe removal of ACM is the joint responsibility of Councils and State Government agencies. Council, however, is often the first point of contact for residents who believe they have identified asbestos in their homes or have a concern or complaint regarding a public health hazard. Council also has a role in proactively offering useful information to the community to minimise avoidable incidents that present asbestos health hazards. This could include providing information to residents on lawful/licenced disposal facilities that are located within the Local Government Area (LGA).

3.8 Contaminated land management

3.9 Council has a responsibility to provide information about land contamination on planning certificates issued under Section 10.7 of the EP&A Act. For sites that are significantly contaminated and require a major remediation program independent of any rezoning or development applications, the EPA and SafeWork NSW are the lead regulatory authorities.

3.10 Responsibility for cleaning up contaminated land lies with the person responsible for the contamination or the relevant landowner.

3.11 Council land, building and asset management

3.12 Council has a responsibility to ensure that risk assessments are carried out on any Council owned buildings or assets that may contain asbestos containing materials. Like many Councils across Australia, a number of our buildings, structures and assets were built or refurbished at a time when asbestos containing materials may have been used during construction. Control measures are in place to manage these assets.

3.13 Emergency response

3.14 Council may play a role in ensuring that ACM's are cleaned up after an emergency or incident. If the incident occurs at a workplace, SafeWork NSW is the lead agency.

3.15 Council may issue a cleanup, prevention, cost compliance or penalty infringement notice. Alternatively, Council may act under the EPA Act. Council will determine an appropriate response depending on the nature of the situation.

3.16 Land use planning (including development approvals and demolition)

3.17 Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously used as a landfill or on-site burial of asbestos waste).

3.18 Council is the consent authority for the majority of development applications in the LGA and may impose conditions of consent and a waste disposal guide in a development consent to ensure the safe removal of asbestos, where ACM has been identified or may be reasonably assumed to be present.

3.19 Waste management and regulation

3.20 It is illegal to dispose of asbestos waste in kerbside garbage bins or via the kerbside bulky waste collections, it is also illegal to recycle, reuse, bury or illegally dump asbestos waste. Asbestos waste (in any form) must only be disposed of at a facility that is licensed to lawfully receive asbestos waste. Within Port Stephens LGA the only licensed waste facility that can accept asbestos waste is the landfill facility on Newline Road Raymond Terrace. The Salamander Bay Waste Transfer Station is not licensed to accept asbestos waste.

4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the policy.

Model Asbestos Policy for NSW Councils	The Model Asbestos Policy provides Councils with the basis for the preparation of a comprehensive and compliant asbestos policy. It outlines important legislative obligations of Councils and provides useful additional information.
Asbestos	Includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.
Asbestos-containing material (ACM)	Means any material containing more than 1% asbestos.

5. STATEMENT:

5.1 Council has an important dual role in maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for both:

- a) residents and the public
- b) workers (employees, volunteers and contractors) in Council workplaces.

5.2 Council is committed to ensuring that asbestos containing material in Council owned buildings is managed and controlled to protect the health and wellbeing of workers, contractors and the community in accordance with the Model Asbestos Policy and Guide developed by Local Government NSW in partnership with the NSW Government and input from industry reference groups.

6. RESPONSIBILITIES:

- 6.1 Executive Team - Responsible for the overall implementation and review of the policy.
- 6.2 Director Community Futures - Responsible for the ongoing communications and engagement of asbestos awareness within the organisation and throughout the community.
- 6.3 Section Managers - Responsible for compliance with the overall objectives and policy statement as outlined within this document as relevant to their section.
- 6.4 Governance Section - Responsible for maintaining safe systems of work and establishing an environment where staff and their supervisors minimise the risks of exposure to ACM in accordance with the Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulations (NSW).
- 6.5 Asset owners (Assets, Property & Community Services) - Responsible for ensuring that risk assessments are carried out on any Council owned buildings or assets that may contain ACM and that appropriate control measures are in place to manage these assets.
- 6.6 Strategic Land Use Planning - Responsible for providing information about land contamination on planning certificates issued under Section 10.7 of the EP&A Act.
- 6.7 Development and Compliance - Responsible for imposing conditions of consent and a waste disposal guide in development consent to ensure the safe removal of asbestos, where ACM has been identified or may be reasonably assumed to be present.
- 6.8 Compliance - Responsible for coordinating Council's response to Asbestos related issues such as land contamination, illegal dumping and pollution.

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Guide to the Management of Asbestos Risks.
- 7.2 Port Stephens Council Asbestos Procedure.
- 7.3 Model Asbestos Policy for NSW Councils (LGNSW).
- 7.4 Guide to the Model Asbestos Policy for NSW Councils (LGNSW).
- 7.5 Code of Practice Demolition Work 2019.
- 7.6 Contaminated Land Management Act 1997 (NSW).
- 7.7 Environmental Planning and Assessment Act 1979 (NSW).
- 7.8 Environmental Planning and Assessment Regulation 2000 (NSW).
- 7.9 Local Government Act 1993 (NSW).

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2013-00406-0069	EDRMS record No.	24/95071
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Process owner	Development & Compliance Section Manager		
Author	Development & Compliance Section Manager		
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VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	26/11/2013	Group Manager Development Services		343
2	23/06/2015	Group Manager Development Services	Transfer to new policy template, greater detail around roles and responsibilities of key service units across Council.	172

3	13/6/2017	Group Manager Development Services	<p>1) All references to "workCover" replaced with "SafeWork NSW"</p> <p>2) Under PURPOSE:</p> <ul style="list-style-type: none"> • Paragraph 2 delete 2015-2019 and replace with 2016-2020. • Second dot point delete 15.1.3 and replace with 5.1.3. • Reword paragraph 3 from "The presence of asbestos in premises on Council owned or managed land will be identified and the risk to health evaluated. " change to "The presence of asbestos in premises on Council owned or managed land will be identified, the risk to health evaluated and mitigating measures implemented until the long term objective of removal is completed." <p>3) Under <u>Educating residents</u> additional sentence added to end of paragraph – "This should include providing information to residents on lawful/licenced disposal facilities that are located within the LGA"</p> <p>4) Under RELATED DOCUMENTS:</p> <ul style="list-style-type: none"> • Updated hyperlinks for documents 3) and 4). • Replace 5) Australian Standard AS2601-2001: The Demolition of Structures with 5) Demolition work code of practice 2015 (catalogue no. WC03841). 	125
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Version	Date	Author	Details	Minute No.
			<ul style="list-style-type: none"> • Amend 12) Protection of the Environment Operations (Waste) Regulation 2005 (NSW) to 12) Protection of the Environment Operations (Waste) Regulation 2014 (NSW). • Add 16) Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulations (NSW). 	

Version	Date	Author	Details	Minute No.
4	14/5/2019	Group Manager Development Services	<p>Updated to new Policy template to include paragraph numbering.</p> <p>1.2 - Updated Operation Plan to current year. 1.2.1 - Updated Operation Plan heading and key directions to current year. 1.2.2 - Updated Operation Plan heading and key directions to current year.</p> <p>2.7 – Inserted new paragraph ‘Council owns and maintains a range of built assets and facilities across the local government area with related obligations to minimise risk or harm to users of these assets and facilities.’</p> <p>3.9 - Updated Section 149 to Section 10.7 in accordance with legislation updates.</p> <p>6.6 – Updated Section 149 to Section 10.7 in accordance with legislation updates.</p> <p>6.7 – Added ‘and Compliance’ to the naming convention of the Section.</p>	089

Version	Date	Author	Details	Minute No.
5	23/03/2021	Group Manager Development Services	<p>1.4, 2.3, 2.4, 3.7, 3.18, 6.4, 6.5, 6.7 - Replaced asbestos with 'asbestos contaminated material (ACM)'</p> <p>2.6 – Added 'Although at times there can be a crossover of responsibilities with Council and other governing bodies.'</p> <p>2.8.2 – Replaced 'necessary' with 'reasonably practicable'</p> <p>3.5 – Replaced 'Integrated Risk Management System' with 'Enterprise Risk'</p> <p>3.18 – Added 'a'.</p> <p>6.4 – Replaced 'Organisation Development' with 'Governance Section '</p>	059
6	23 April 2024	Development & Compliance Section Manager	<p>Transfer to new policy template, update process owner and author. Updated Operational Plan date.</p> <p>Updated Related Documents.</p>	078