

# ASBESTOS POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 – D22/42303		
RESPONSIBLE POSITION	Chief Assets and Projects Officer		
APPROVED BY	Council		
REVIEW DATE	30 September 2026	REVISION NUMBER	2
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
28 October 2015	Adoption	45102	
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## 1. INTRODUCTION

Asbestos is a known carcinogen and inhalation of fibres is known to cause lung cancer, mesothelioma and asbestosis. Asbestos was widely used in the construction industry prior to the mid-1980s and many buildings in the Broken Hill Local Government Area built prior to 1990 are likely to contain asbestos. The supply and installation of asbestos containing materials has been prohibited since December 2003. Asbestos, when disturbed, is hazardous. Disturbance is generally caused by building works such as demolition or alterations.

It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public within the Local Government Area (LGA)
- workers (employees and other persons) in council workplaces.

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

- as a responsible employer

- contaminated land management
- council 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)
- waste management and regulation.

## **2. POLICY OBJECTIVE**

This policy aims to outline:

- the role of council and other organisations in managing asbestos
- council's relevant regulatory powers
- council's approach to dealing with naturally occurring asbestos, 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 in the LGA
- council's approach to managing asbestos containing materials in council workplaces
- sources of further information.

## **3. POLICY SCOPE**

- a) This policy applies to all of the Broken Hill City Council LGA within Council's jurisdiction
- b) This policy provides information for council workers, the local community contractors, and wider public
- c) The policy applies to friable and non-friable (bonded) and naturally occurring asbestos.

## **4. POLICY STATEMENT**

This policy aims to outline the roles and responsibilities of Broken Hill City Council in relation to asbestos management which will include:

- a) Where Council is the appropriate authority manage complaints and inspect illegal dumping or storage of asbestos on private and/or public land (This responsibility is shared with NSW EPA or SafeWork NSW or a combination of the three)

- b) Where Council is the appropriate authority control and regulate safe asbestos removal and disposal
- c) Provide accurate information to the local community, especially in relation to demolition and building, removal and transporting of asbestos waste
- d) Council's approach to dealing with sites that contain asbestos containing materials in an emergency
- e) Council's approach to managing asbestos containing materials in Council's workplaces.

#### **4.1. Regulatory Responsibilities**

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

- 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 2014;
- State Environmental Planning Policy (exempt and complying development codes) 2008);
- State Environmental Planning Policy - No55 Remediation of Land.

#### **4.2. Council Asset Management and Staff**

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
- procedures for identifying and managing asbestos containing materials in council premises.

These responsibilities are outlined in part 2.

#### **4.3. Development Controls**

Council has specific conditions for inclusion in approvals or consents for developments, where it is likely or reasonably suspected to contain asbestos. The aim of these conditions of consent

is to minimise asbestos exposure in the environment by requiring asbestos safe work practices and controls and disposal procedures during development activities, including demolitions.

#### **4.4. Managing Waste**

Where Council is the appropriate regulatory authority, Council is responsible for:

- Issuing clean up notices to address illegal storage or disposal of asbestos waste or after an accident or emergency (under the *Protection of the Environment Operations Act 1997*).;
- Issuing clean up notices where asbestos has been handled (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 10.7 certificates) where on-site disposal is permitted;
- Managing the Broken Hill Waste Management Facility in accordance with environmental legislation and licence conditions.

#### **4.5. Educating Residents**

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

- Prohibition of the use and reuse 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 small quantities (under 10m<sup>2</sup>) of asbestos containing materials.

Educational information and website links for educational materials can be found at [www.asbestos.nsw.gov.au](http://www.asbestos.nsw.gov.au)

#### **4.6. Complaints and Investigations**

Council investigates complaints related to asbestos dumps on private land and public land. Complaints should be reported to Council's Customer Service Centre by phone on 8080 3300 from 9am to 5pm five days a week or by email [council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au), in writing or in person (during business hours).

#### **4.7. Further information**

Council provides accurate and up to date information on safe asbestos practices on its website at [www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au).

## 5. IMPLEMENTATION

### 5.1. Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

- **Planning, Development and Compliance Unit** – Inspections of illegal dumping and/or storage of asbestos, issuing clean up notices, penalty infringement notices, planning controls, education
- **Waste Coordinator** – managing Broken Hill Waste Management Facility
- **Waste and Sustainability Manager** - managing Broken Hill Waste Management Facility, education, reporting and policy implementation
- **Trades Coordinator** – managing asbestos containing materials in Council's workplaces and infrastructure
- **Strategic Asset Management Coordinator** – managing asbestos containing materials in Council's workplaces and infrastructure
- **Work Health and Safety Advisor** – ensuring any asbestos in Council's facilities is managed in a way that does not compromise the safety of workers

### 5.2. Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

### 5.3. Associated Documents

The following documentation is to be read in conjunction with this policy.

- [Code of Practice: How to Manage and Control Asbestos in the Workplace.](#)
- Code of Practice: How to Safely Remove Asbestos. ;
- Broken Hill City Council Asbestos Management Procedures.
- Broken Hill City Council Asbestos Register(s).
- Broken Hill City Council Asbestos Management Plan(s).

## 6. REVIEW

The [Model Asbestos Policy](#) for NSW councils Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be every two years from the effective date. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Chief Assets and Projects Officer is responsible for the review of this policy.

## 7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- Protection of the Environment Operations Act (POEO) 1997;
- Protection of the Environment Operations (Waste) Regulation 2014 (NSW);
- Environmental Protection & Assessment Act (EP&A) 1979;
- Environment Protection & Planning Assessment Regulation 2000;
- State Environmental Planning Policy (Exempt & Complying Development Codes) 2008;
- Local Government Act 1993.

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Asbestos Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

## 8. DEFINITIONS

**“Council”** shall mean Broken Hill City Council.

**“Demolition”** shall mean the complete or partial dismantling of a structure.

**“Development”** shall mean the meaning and term in the Environmental Planning and Assessment Act 1979.

**“PPE”** shall mean Personal Protective Equipment and includes all items of protective clothing or other protective equipment that comply with all laws and requirements relating to the safe handling of asbestos.