

## Asbestos Management Policy

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### 1. Scope

- 1.1 This Policy applies to the management of Friable Asbestos, Non-Friable Asbestos, and naturally occurring asbestos (where applicable) within the City of Parramatta Local Government Area (LGA).

### 2. Purpose

- 2.1 This Policy provides a framework for managing asbestos in the LGA. This Policy outlines City of Parramatta Council's (**Council's**) commitments and responsibilities for safely managing asbestos.

### 3. Policy

- 3.1 Council is committed to the following principles to support the safe management of asbestos in the LGA:

3.1.1 Council recognises the serious health hazards posed by exposure to asbestos;

3.1.2 Council recognises the need to exercise caution 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;

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- 3.1.3 Council will provide appropriate information to the public to support the minimisation of risks from asbestos in the LGA;
- 3.1.4 Council will fulfil its responsibilities to its workers under the *Work Health and Safety Act 2011* (NSW) and *Work Health and Safety Regulation 2017* (NSW) to maintain a safe work environment in relation to asbestos; and
- 3.1.5 Council encourages property owners and agents to inform any tenants or occupiers of the presence of asbestos and to address any potential asbestos hazards, where appropriate.
- 3.2 Where Council is the appropriate regulatory or planning authority, Council's responsibilities for the safe management of asbestos are as follows:
- 3.2.1 To support management of contaminated land, Council will:
- provide information about known land contamination on planning certificates issued under section 10.7 of the *Environmental Planning and Assessment Act 1979* (NSW) (**EPA Act 1979**);
  - notify stakeholders of land use planning policy requirements relating to contamination;
  - provide oversight in the management of asbestos contaminated land that is not declared 'significantly contaminated' under the *Contaminated Land Management Act 1997* (NSW), excluding oversight of removal or remediation work which is the role of SafeWork NSW; and
  - during site redevelopment, consider contamination with Asbestos Containing Materials in the same way as other forms of contamination, as stipulated by the EPA Act 1979.
- 3.2.2 When assessing development applications for approval under the EPA Act 1979, Council will:
- set conditions of consent for renovations, alterations, additions, demolitions, or other developments requiring consent, and which may involve disturbance of Asbestos Containing Materials;
  - apply conditions of consent relating to development involving Friable and Non-Friable Asbestos material, under the relevant legislation and planning codes;

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- (c) consider imposing conditions of development consent requiring a waste disposal plan, to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present; and
- (d) not be responsible for ensuring compliance with asbestos related conditions of consent, where a Private Certifier is appointed as the Principal Certifier. However, Council will maintain a regulatory role and may respond to complaints, where Private Certifiers do not adequately meet their inspection and compliance obligations, including responding by submitting a complaint to NSW Fair Trading.

3.2.3 Council may audit asbestos-related demolition works, which Council has approved, by giving notice under section 192 of the *Protection of the Environment Operations Act 1997 (NSW)*, to require developers to provide information and records regarding disposal of their asbestos waste.

3.2.4 In the event of an emergency or incident, Council will:

- (a) support the emergency services and the NSW Environment Protection Authority (EPA) by ensuring that Asbestos Containing Materials are cleaned up after an emergency or incident;
- (b) implement the Parramatta Local Emergency Management Plan, prepared by the Parramatta Local Emergency Management Committee, in compliance with the *State Emergency and Rescue Management Act 1989 (NSW)*, as required; and
- (c) implement the NSW Emergency Waste Sub Plan for asbestos waste management, as required.

3.2.5 In the event that naturally occurring asbestos is discovered in the LGA, and where Council is identified as the lead regulator, Council will:

- (a) verify compliance with applicable legislation for development applications that could disturb naturally occurring asbestos;
- (b) prepare an Asbestos Management Plan for Council Workplaces or road works which occur on land containing naturally occurring asbestos; and
- (c) develop risk controls, an Asbestos Management Plan in relation to the naturally occurring asbestos, and provide guidance materials.

3.2.6 Where there is asbestos in residential premises in the LGA, Council will:

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- (a) respond to any public health risks relating to the removal of Asbestos Containing Materials or asbestos work at residential properties, that do not involve a business or undertaking;
- (b) respond to complaints about unsafe work at a residential property that is undertaken by a resident; and
- (c) respond to public health risks posed by derelict properties or asbestos materials in residential settings.

3.2.7 To support the safe management of asbestos waste, Council will:

- (a) respond to illegal storage, illegal dumping, and orphan waste; and
- (b) consider issuing penalty infringement notices for improper transport of asbestos, in accordance with the *Protection of the Environment Operations Act 1997* (NSW).

#### 4. Delegation

4.1 There are Administrative and/or Legislative Delegations applicable to this Policy, which are provided for in Council's Delegations Manual.

#### 5. Procedure

5.1 This Policy must be read in conjunction with Council's Asbestos Management Guidelines, which provide specific procedures regarding Workplace health and safety obligations and protections for Employees in relation to asbestos, as well as specific procedures for the handling of asbestos in the LGA.

5.2 Council will record known and assumed asbestos site contamination in an Asbestos Register and Asbestos Management Plan. The person with management or control of a Workplace must ensure an Asbestos Register is prepared and kept at the Workplace.

5.3 Any reasonable costs incurred by Council in monitoring or enforcing clean-up and prevention notices may be recovered through a compliance cost notice, under Part 4.5 of the *Protection of the Environment Operations Act 1997* (NSW). Council will keep records of tasks undertaken, hours Employees have spent undertaking those tasks, and expenses incurred.

5.4 Council will maintain and provide access to the Asbestos Management Plans for:

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- (a) Council-built assets;
- (b) public lands owned or under the care and control of Council, outlining the management practices and remedial actions required in relation to asbestos contaminated soils and illegally dumped Asbestos Containing Materials; and
- (c) naturally occurring asbestos discovered in the LGA.

5.5 Where Council becomes aware of illegal and unlicensed work involving asbestos or Asbestos Containing Materials, Council will:

- (a) if the site is a Workplace, notify SafeWork NSW; or
- (b) if the site is not a Workplace, notify other agencies as appropriate.

5.6 Where Council becomes aware of illegally dumped asbestos material outside of Council's jurisdiction, Council will notify the EPA.

5.7 If an Employee suspects there is asbestos in a Council Workplace, they should inform their manager or supervisor. A competent worker should check the Asbestos Register and may need to arrange for an inspection and sampling of the material.

5.8 Council requires tenants and occupants of Council properties to:

- (a) adhere to Council's Hazardous Building Materials Plan (**HBMP**);
- (b) consult with and obtain approval from Council, prior to undertaking any building works;
- (c) advise Council of any hazards relating to asbestos;
- (d) co-operate with Council in facilitating any risk management work arranged by Council, including facilitating access to the property for the purpose of remediation works; and
- (e) act on advice from Council to minimise risks from asbestos.

5.9 The disposal of asbestos on-site is discouraged. For on-site burial of asbestos waste, Council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls and whether or not consent is required. Council may note the on-site disposal on the planning certificate, in accordance with section 10.7 of the EPA Act 1979.

5.10 Before any demolition or refurbishment of a Council structure or plant constructed or installed before 31 December 2003 is undertaken, Council will ensure that the Asbestos

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Register is reviewed and a copy provided to the business undertaking the demolition or refurbishment. Council will ensure that any asbestos that is likely to be disturbed is identified and, so far as is reasonably practicable, be removed.

- 5.11 Employees, contractors of Council, and tenants of Council properties or Council Workplaces must not remove any materials which potentially contain asbestos. All asbestos removal work is to be conducted by an appropriately licensed and qualified asbestos assessor (occupational hygienist) and asbestos removal contractor, as per the Asbestos Management Plan. An exception is made for specific Employees who hold appropriate qualifications for the removal of Non-Friable Asbestos.
- 5.12 Where contractors are engaged by Council to arrange, undertake, regulate, inspect, or supervise a potentially hazardous activity in relation to asbestos, contractors must be provided with Council's Asbestos Management Guidelines and access to relevant information in the Asbestos Register, HBMP, and Asbestos Management Plans, prior to commencing any work.
- 5.13 Where asbestos is accidentally disturbed by Council works and has, or could, become airborne, Council will act to minimise exposure to workers and the wider public, to airborne asbestos.

## 6. Definitions

Asbestos Containing Materials	Any material or thing that, as part of its design, contains asbestos.
Asbestos Management Plan	A guide used when managing asbestos in a building, structure, or in contaminated waste or soil.
Asbestos Register	A document that lists all identified or assumed asbestos in a Workplace.
Employee	A person who is directly employed by Council on a full time, part time, temporary, or casual basis.
Friable Asbestos	Asbestos in a powder form or that can be crumbled, pulverised, or reduced to a powder by hand pressure when dry.
Non-Friable Asbestos	Material containing asbestos fibres reinforced with a bonding compound, also known as bonded asbestos. Non-Friable Asbestos can be found in products such as asbestos

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	cement sheeting, commonly used in building materials between the 1940s to the late 1980s.
Principal Certifier	<p>A Principal Certifier is appointed after development consent has been granted and before the commencement of works.</p> <p>A Principal Certifier does the following:</p> <ul style="list-style-type: none"> <li>• completes mandatory checks before construction;</li> <li>• completes critical-stage inspections during construction; and</li> <li>• issues certain certificates once construction is complete.</li> </ul>
Private Certifier	<p>Private Certifiers assess and determine applications for development certificates for building and subdivision work. They are regulated by NSW Fair Trading.</p> <p>Private Certifiers are public officials and independent regulators of development.</p>
Workplace	Any place where work is carried out for a business or undertaking, and includes any place where a worker goes, or is likely to be, while at work. This may include offices, factories, shops, construction sites, roads, parks, vehicles, or other mobile structures.

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<b>REFERENCES</b>	<i>Contaminated Land Management Act 1997 (NSW)</i> <i>Environmental Planning and Assessment Act 1979 (NSW)</i> <i>Protection of the Environment Operations Act 1997 (NSW)</i> <i>State Emergency and Rescue Management Act 1989 (NSW)</i> <i>Work Health and Safety Act 2011 (NSW)</i> <i>Work Health and Safety Regulation 2017 (NSW)</i>
<b>ASSOCIATED POLICIES AND PROCEDURES</b>	Complaints Handling Policy Contaminated Land Policy Contractor Management Procedure Work Health and Safety Policy
<b>ATTACHMENTS</b>	Asbestos Management Guidelines

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