

Adoption - Managing Asbestos Policy

File No: S111706

Summary

The purpose of the Managing Asbestos Policy is to communicate the role and powers the City and other organisations have in managing asbestos and the City's approach to dealing with sites contaminated by asbestos.

The policy applies to all land within the City's Local Government Area and applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable).

The policy outlines the City's commitment and responsibilities in relation to safely managing asbestos. The policy is reviewed every 4 years and is now due and includes revisions to ensure that it reflects current legislation, codes of practice, public advice and regulatory best practice.

Minor revisions have been made to the policy wording to improve readability and remove unnecessary definitions.

Recommendation

It is resolved that:

- (A) Council adopt the updated Managing Asbestos Policy, as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Managing Asbestos Policy to correct any minor drafting errors and finalise design, artwork and accessible formats for publication..

Attachments

Attachment A. Managing Asbestos Policy (showing changes)

Background

1. The Managing Asbestos Policy outlines the City's commitment and responsibilities in relation to safely managing asbestos. The policy is reviewed every 4 years and is now due and draft includes revisions to ensure that it reflects current legislation, codes of practice, public advice and regulatory best practice.
2. The City has had a policy with regards to managing asbestos since 2006.
3. In 2013, Local Government NSW released the Model Asbestos Policy for use by NSW Councils. The model policy was developed by NSW Asbestos Coordination Committee (NACC) (formally Heads of Asbestos Coordination Authorities) to promote a consistent approach to asbestos management across NSW.
4. Council subsequently adopted a Managing Asbestos Policy soon after. The Managing Asbestos Policy replaced the City's 2006 Asbestos Policy.
5. The Director General of the Division of Local Government has issued a direction that requires local Councils to have a policy that outlines how they will manage the risks associated with asbestos and have regard to the Model Policy when drafting their own policy.
6. Section 23A of the Local Government Act 1993 makes it a requirement for Councils to comply with relevant guidelines and policies enacted by the Director General.
7. The policy is reviewed every 4 years and is now due and includes revisions to ensure that it reflects current legislation, codes of practice, public advice and regulatory best practice.
8. In drafting the revised policy, the Health and Building Unit consulted with Local Government NSW (LGNSW) and Safework NSW.
9. The City has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for residents, workers and visitors to the Local Government Area (LGA); and the City's workplaces.
10. The City's legislative functions for minimising the risks from asbestos apply in various scenarios including:
 - (a) contaminated land management
 - (b) land, building and asset management
 - (c) emergency response
 - (d) land use planning (including development approvals and demolition)
 - (e) regulation of activities (non-work sites) and
 - (f) waste management and regulation.
11. The City is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues.

12. Complaints and enquiries may be directed to the City about incidents in public places and private properties. Complaints and enquiries regarding a workplace should be directed to SafeWork NSW. Complaints and enquiries regarding licensed and government premises under the Protection of the Environment Operations Act 1997 should be directed to the NSW Environment Protection Authority (EPA).

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

13. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - the policy provides effective direction and response to asbestos management to protect the health and well-being of our communities and the environment.
 - (b) Direction 2 - A leading environmental performer - the policy provides access to education and support initiatives to assist residents, and businesses in reducing environmental impacts.

Organisational Impact

14. The revised policy continues the City's previously adopted policy position and has negligible impact on service levels, staffing, facilities or processes.

Risks

15. The policy has been revised to reflect current best practices and legislation.
16. This policy aligns with the City's risk appetite, which states:
 - We are dedicated to actively identifying and addressing environmental risks associated with our activities and services. We prioritise prevention and proactive measures to minimise our ecological footprint, conserve resources and protect ecosystems.
 - We have no appetite for decisions, activities and practices that result in long term or irrevocable environmental damage.
 - We have minimal appetite for non-compliance with environmental laws, regulations and industry standards. In many cases we strive to exceed base level legal requirements and engage in sustainable practices that align with the best interests of the environment.

Social / Cultural / Community

17. The revised policy provides advice to the community on safe handling and disposal practices for asbestos in residential and commercial settings and clarifies the regulatory role of Council and the penalties for improper handling or disposal.

Environmental

18. It is anticipated that the revised policy will continue to have a positive environmental impact within the Local Government Area. The intention of the policy is to educate the community on the safe handling and disposal of asbestos and minimise the mishandling of asbestos containing materials.

Relevant Legislation

19. The Director General of the Division of Local Government require councils to have a policy outlining how they will manage the risks associated with asbestos in their local government area and must have regard to the Model Policy when drafting their own policy.
20. Section 23A of the Local Government Act 1993 makes it a requirement for Councils to comply with relevant guidelines and policies enacted by the Director General.

Critical Dates / Time Frames

21. The policy is reviewed every 4 years and is now due.

Options

22. The Director General of the Division of Local Government requires councils to have a policy outlining how they will manage the risks associated with asbestos and must have regard to the Model Policy when drafting their own policy.
23. Section 23A of the Local Government Act 1993 makes it a requirement for Councils to comply with relevant guidelines and policies enacted by the Director General.

Public Consultation

24. Local Government NSW (LGNSW) and SafeWork NSW have been consulted in the review of this document.
25. As the document represents legislative and existing best practice requirements and is based on model policy developed by State Government, further public consultation has not been conducted.
26. Once adopted by Council the revised policy will be made available for public viewing on the City of Sydney website.

GRAHAM JAHN AM

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