

# LOCAL GOVERNMENT LAW JOURNAL

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## ARTICLES

### **Asbestos management in NSW: Policy challenges, legislative regimes and the role of local government – Alicia Kuczera**

The widespread use of asbestos in Australia during the second half of the 20th century left an enormous legacy. The past three years have seen a renewed focus on the management of asbestos, with the release of significant reports by the NSW Ombudsman in November 2010 and the Australian Government in June 2012. Current policy challenges include the “third wave” of asbestos related disease, implications of asbestos ageing and deteriorating, and potential expansion of the current “risk management” approach to a “prioritised removal” approach. Local government plays an integral role in the management of asbestos in the non-occupational environment. It does this through the exercise of its planning powers and through the implementation, and enforcement, of legislation regulating the safe removal and disposal of asbestos. This article analyses the current legislative regimes in New South Wales, focusing on areas relevant to local government. .... 177

### **The question of locality: Case study – development application for a bulk discount liquor outlet at East Nowra, NSW – Alison Ziller**

This article discusses the effect of treating “locality” as necessarily spatially small, rather than as a relative concept whose area is determined on the issues. In the case study, the applicant estimated a primary trade area of some 35,000 residents for a proposed packaged liquor outlet. At the same time the applicant defined the primary locality as an area within a 400 m radius of the site with 1,708 residents. A secondary locality was defined as within an 800m radius with 3,584 residents. The primary locality, as defined, excluded 95% of residents in the primary trade area, and the secondary locality excluded 90%. The judgement extended the locality somewhat, but excluded some 77% of residents in the primary trade area. Defining locality as spatially small excluded the majority of likely patrons, and substantially reduced the number of the liquor licences apparently in the locality and the extent of likely alcohol-related harms. .... 196

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