

Asbestos Guide

Information for the Community

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Disclaimer

This Asbestos Guide (Guide) is based on the model *Asbestos Policy for NSW Councils* developed by the Heads of Asbestos Coordinator Authorities to promote a consistent local government approach to asbestos management across New South Wales.

This Guide does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.



1. Introduction

Wingecarribee Shire Council (Council) has prepared this Guide to provide information for the public on:

- Council's approach to sites contaminated by asbestos, emergencies or incidents and naturally occurring asbestos
- general advice for residents on renovating homes that may contain asbestos
- Council's development approval process for developments that may involve asbestos
- waste management and regulation procedures for asbestos waste in the local government area
- where further information can be found.

This Guide should be read in conjunction with Council's Asbestos Management Policy.

This Guide does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:

- *Code of practice on how to manage and control asbestos in the workplace* (ISBN 978-0-642-33316-2) available from [SafeWork NSW](#).
- *Code of practice on how to safely remove asbestos* (ISBN 978-0-642-33318-6) available from [SafeWork NSW](#).

Additional guidance material is listed in Appendix B. For specific advice, individuals are encouraged to contact Council or the appropriate organisation.

1.1 Asbestos generally

In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contain asbestos.

Where material containing asbestos is in a non-friable form (that is, cannot be crushed by hand into a powder), undisturbed and painted or otherwise sealed, it may remain safely in place. However, where asbestos containing material is broken, damaged, disturbed or mishandled, fibres can become loose and airborne, posing a risk to health. Breathing in dust containing asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

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.

1.2 Council's role in asbestos management

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 Wingecarribee local government area (LGA); and
- workers (including employees and other persons such as contractors) in Council workplaces.

Council's legislative functions for minimising the risks posed by asbestos apply in various circumstances 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); and
 - waste management and regulation.

1.3 Providing advice for home owners, renovators and developers

Council is committed to providing information to minimise the risks from asbestos in the Wingecarribee LGA. Information is provided in this document and in Appendix A to this document. Appendix B provides additional sources of information on how to deal safely with the risks of asbestos. Appendix J lists asbestos containing products that may commonly be found around the home.

The key points are below:

- Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified.
- Where a material cannot be identified or it is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions.
- If asbestos containing materials can be maintained in good condition, it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment. If asbestos materials cannot be safely contained, they should be removed as outlined in Chapter 6.
- For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.

Anyone who is undertaking renovations without a contractor is encouraged to refer to Appendices A and B for more information and contact Council where they require further advice or clarification. Anyone engaging an asbestos removal contractor may contact SafeWork NSW, as SafeWork NSW regulates asbestos removal by workers (refer to Chapter 6). Contact details for SafeWork NSW are provided in Appendix E.

2. Definitions

Key definitions are provided in Appendix C.

3. Naturally occurring asbestos

There is potential for asbestos to be found as a naturally occurring mineral. Naturally occurring asbestos only poses a health risk when elevated levels of fibres are released into the air, either by human activities or by natural weathering, and these fibres are breathed in by people.

Council is not aware of any naturally occurring asbestos in the Wingecarribee LGA. Mapping of naturally occurring asbestos in NSW can be found on the SafeWork NSW website at [Naturally Occurring Asbestos](#) . This



information is indicative only.

Council will aim to prevent the exposure of workers and the public to any naturally occurring asbestos that is discovered in the Council workplace. If naturally occurring asbestos is discovered in the Wingecarribee LGA, Council will develop risk controls, an asbestos management plan in relation to the naturally occurring asbestos in the Council workplace and provide guidance materials where necessary.

The SafeWork NSW [website](#) provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

4. Responding to emergencies and incidents

Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. This may include working with State agencies in accordance with the NSW Asbestos Emergency Plan and the Disaster Assistance Guidelines. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos.

4.1 Responsibilities in the clean-up after an emergency or incident

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. Council may support other lead agencies including Fire and Rescue NSW, the NSW Environment Protection Authority (EPA) and NSW Health. If the emergency or incident occurs at a workplace, SafeWork is the lead agency. Council will determine an appropriate response depending on the nature of the situation, or as requested by emergency services.

Council may issue a clean-up, prevention, cost compliance or penalty infringement notice (refer to Chapter 5). Alternatively, Council may act under the *Environmental Planning and Assessment Act 1979*.

Actions Council may take in response to an emergency or incident where asbestos containing materials may be involved include the following:

- Seeking advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaising with or consulting the appropriate agencies.
- Informing emergency personnel of any hazards known to Council as soon as practicable.
- Following the *Code of practice on how to safely remove asbestos*.
- Ensuring that any Council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Excluding the public from the site.
- Informing the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimising the risks posed by any remaining structures.
- Addressing the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (for a Council workplace) or issuing a clean-up or prevention notice to ensure asbestos containing materials are removed for disposal.

- Ensuring that the site is kept damp at all times or sprayed with polyvinyl acetate (PVA) glue (particularly where friable asbestos is present).

Note: In some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water.

- Ensuring that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.
- Making an application to the NSW Department Planning, Industry and Environment via the Emergency Pollution and Orphan Waste Clean-Up Program to assist with the cost of measures to remove, disperse or mitigate serious pollution when those measures need to be taken immediately.

4.2 Advice to the public regarding clean-up after an emergency or incident

During a clean-up after an emergency or incident, the possibility of neighbours being exposed to asbestos fibres may be very low if precautions are taken to minimise the release and inhalation of asbestos dust and fibres.

As a precautionary measure, where Council is involved in a clean-up, Council may consider advising those in neighbouring properties to:

- avoid unnecessary outdoor activity and refrain from putting any laundry outside during the clean-up;
- close all external doors and windows and stay indoors during the clean-up;
- consider avoiding using air conditioners that introduce air from outside into the home during the clean-up;
- dispose of any laundry that may have been contaminated with asbestos as asbestos waste after the clean-up;
- use a low-pressure hose on a spray configuration to remove visible dust from pathways after the clean-up;
- wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean-up; and
- any other measures recommended by an occupational hygienist following assessment of the situation.

5. Contamination of land with asbestos

Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A. The nature of asbestos contamination of land can vary significantly and there can be a number of different mechanisms available to address this contamination depending upon its source and extent.

5.1 Responsibilities for contaminated land

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

Council may issue a clean-up notice under Part 4.2 of the *Protection of the Environment Operations Act 1997*, to the occupier of premises at or from which Council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed under part 4.2 of the *Protection of the Environment Operations Act 1997*.



The issue of clean-up notices is subject to the provisions of Part 4.2 of the *Protection of the Environment Operations Act 1997*.

Council may also issue prevention notices to ensure good environmental practice under Part 4.3 of the *Protection of the Environment Operations Act 1997*. If a person does not comply with a prevention notice, Council employees, agents or contractors may take action to cause compliance with the notice.

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*. Council keeps records of tasks undertaken, the time Council employees have spent undertaking those tasks and expenses incurred.

During site redevelopment, Council will consider contamination with asbestos containing materials in the same way as other forms of contamination as required by the *Environmental Planning and Assessment Act 1979*. That is, Council will apply the general requirements of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land* and the *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*.

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.

5.2 Finding out if land is contaminated

Planning certificates - section 10.7(2)

Council provides information on planning certificates issued under section 10.7(2) of the *Environmental Planning and Assessment Act 1979*. The information included in such a certificate is prescribed by the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and the *Contaminated Land Management Act 1997*. This information includes information about land that is:

- significantly contaminated;
- under a management or maintenance order;
- where a site audit statement;
- loose fill asbestos is present; or
- where a Council policy restricts land use due to contamination risk.

Planning certificates - section 10.7(5)

When Council receives a request for a planning certificate containing additional information under section 10.7(5) of the *Environmental Planning and Assessment Act 1979*, Council reviews the relevant property records for the past two years and provides information on development consents issued within that time.

Council has adopted this approach for the following reasons:

- Council records may not disclose land uses that may have resulted in land contamination that were established illegally or have existing use rights.
- Council records regarding contamination issues are dynamic and will change over time as land is investigated, remediated and validated.



Members of the public may also wish to request access to information relating to particular properties under the *Government Information (Public Access) Act 2009*. Additional information is available on Council's website at [Access to Information Held by Council](#).

Council may issue notices to land owners or occupiers requiring information about land it has reason to believe may be contaminated by asbestos under sections 192 and 193 of the *Protection of the Environment Operations Act 1997*.

5.3 Duty to report contaminated land

A person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination (see section 60 of the *Contaminated Land Management Act 1997*). Circumstances where this is required are explained in the [Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997](#).

The EPA will inform Council of contaminated land matters relating to the Wingecarribee LGA as required under section 59 of the *Contaminated Land Management Act 1997*.

5.4 Derelict buildings and unsafe or unhealthy premises or lands

Concerns regarding potential health risks from derelict properties may be directed to Council. Derelict properties include abandoned buildings, fire-damaged buildings and otherwise dilapidated buildings.

Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, this poses a potential risk to public health.

Council may respond to derelict properties that pose a demonstrable public health risk using a range of regulatory tools according to the particular circumstances. For example, Council may do the following:

- Issue a clean-up notice or prevention notice and compliance cost notice under the *Protection of the Environment Operations Act 1997*.
- Issue an order under section 124 of the *Local Government Act 1993* (Local Order) in accordance with that Act and Council's Local Orders Policy (Order Number 21).
- Order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood, under section Division 9.3 and Schedule 5 of the *Environmental Planning and Assessment Act 1979*. An order may require immediate compliance with its terms in circumstances which the person who gives the order believes constitute a serious risk to health or safety or an emergency (under Division 9.3 of and Schedule 5 to the *Environmental Planning and Assessment Act 1979*). If a person fails to comply with the terms of an order, Council may act to give effect to the terms of the order, including the carrying out of any work required by the order.

If the derelict building is on a site that is a workplace, SafeWork is the lead agency responsible for ensuring that asbestos is removed by appropriately licensed removalists.

6. Identifying and removing asbestos, refurbishments and demolitions

Information on common places where asbestos is likely to be found in residential, commercial and industrial premises on the premises is provided in Appendix A.



A general guide to the likelihood of asbestos presence based on building age is provided in Appendix A.

The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist. “Competent person” is defined by the *Work Health and Safety Regulation 2017*. This is highly advisable before undertaking major renovations to buildings constructed, or containing materials from, prior to 2004.

Property owners and agents are encouraged to inform any tenants or occupiers of the presence of asbestos and to address any potential asbestos hazards where appropriate.

Property owners who let their properties out are required to identify any asbestos within those properties before any work is carried out (this includes residential properties).

The *Work Health and Safety Regulation 2017* states that the person conducting a business or undertaking in any building constructed before 31 December 2003 must identify if there is any asbestos in the building.

All commercial properties that contain asbestos must have and maintain a current asbestos register and asbestos management plan.

6.1 Removing asbestos at domestic premises

If development is undertaken by contractors, as is the case with many home renovations, the work is considered to be at a workplace and is regulated by SafeWork under the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2017*. This requires that a person conducting a business or undertaking who is to carry out refurbishment or demolition of residential premises must ensure that all asbestos that is likely to be disturbed by the refurbishment or demolition is identified and, so far as reasonably practicable, is removed before the refurbishment or demolition is commenced.

Depending on the nature and quantity of asbestos to be removed, a licence may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix K. SafeWork Australia is responsible for issuing asbestos licences.

Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence, except in the case of the removal of:

- asbestos containing dust associated with the removal of non-friable asbestos; or
- asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (which is when the asbestos contamination is incidental and can be cleaned up in less than one hour).

The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist.

The removal of asbestos containing dust associated with the removal of more than 10 square metres of non-friable asbestos or asbestos containing material requires a non-friable (Class B) asbestos removal licence or a friable (Class A) asbestos removal licence.

Removal of 10 square metres or less of non-friable asbestos may be undertaken without a licence. However, given the risks involved, Council encourages residents to consider engaging a licensed asbestos removal



contractor.

All asbestos removal should be undertaken in accordance with the *Code of practice on how to safely remove asbestos*.

If residential premises are also a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- the person who commissioned the work;
- a person conducting a business or undertaking at the workplace;
- the owner and occupier of the residential premises; and
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the *Work Health and Safety Regulation 2017*).

In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace. All licensed asbestos removal must be:

- supervised by a supervisor whose details are provided to SafeWork NSW;
- notified to SafeWork NSW at least five days prior to the work commencing.

Requirements for the transport and disposal of asbestos waste are covered in Chapter 7.

6.2 Removing asbestos at workplaces

The *Work Health and Safety Regulation 2017* specifies requirements for demolition and refurbishment at a workplace with structures or plants constructed or installed before 31 December 2003. SafeWork Australia is the lead agency for regulating the safe management of asbestos at workplaces.

6.3 Obtaining approval for demolition

Demolition work is classified as high-risk construction work by the *Work Health and Safety Regulation 2017* and demolition licenses are required for some demolition work. The NSW [Demolition Work Code of Practice 2015](#) provides practical guidance on how to manage the risks associated with the demolition of buildings and structures.

Demolition can require development consent, be complying development or be exempt development. Applicants need to enquire to Council as to whether and what type of approval is required. In most circumstances demolition of a structure requires development consent or a complying development certificate.

Where a development application is required, Council's standard conditions may be applied to ensure that asbestos is safely managed.

A wide range of development, including residential, industrial and commercial development, can be approved for demolition as complying development under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The *Environmental Planning and Assessment Regulation 2000* also provides mandatory conditions for complying development certificate applications which may apply.

Demolition of development that would be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is also exempt development and does not require consent.



This includes minor structures such as carports, fences, sheds and the like.

7. Managing asbestos as a waste

It is illegal to dispose of asbestos waste in domestic waste bins or to recycle, reuse, bury or illegally dump asbestos waste.

Asbestos must not be placed in general waste skip bins. There have been instances where asbestos has been illegally placed in skip bins by third parties. Members of the public need to be aware of this hazard and may need to secure their skip bins to prevent illegal disposal of asbestos in the skip bin.

Asbestos waste (in any form) must only be disposed of at a landfill site that may lawfully receive asbestos waste.

7.1 Responsibilities for asbestos waste management

The handling and, where appropriate, temporary storage of asbestos waste at worksites is regulated by SafeWork NSW.

The EPA regulates premises that have or require an environment protection licence in accordance with the *Protection of the Environment Operations Act 1997*. A licence is required where more than five tonnes of asbestos waste, brought from off-site, are stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

7.2 Handling asbestos waste for disposal

The SafeWork NSW *Code of practice on how to safely remove asbestos* provides details on waste containment and disposal and controls applicable to all types of asbestos removal.

7.3 Transporting asbestos waste

The following requirements apply to the transport of asbestos waste, as set out by clause 78 of the *Protection of the Environment Operations (Waste) Regulation 2014*:

- (a) Any part of any vehicle in which a person transports asbestos waste must be covered and leak-proof during the transportation.
- (b) If the material is bonded asbestos material, the material must be securely packaged during transportation.
- (c) If the waste consists of friable asbestos material, the material must be in a sealed container during transportation.
- (d) if the waste consists of asbestos-contaminated soils, it is wetted down.

The transport of asbestos waste in New South Wales exceeding 100 kilograms in weight or 10 square metres of asbestos sheeting must be recorded from the place of generation to its final destination. A waste tracking system is administered by the EPA for this purpose. Operators that use the EPA's WasteLocate system will be in compliance with these requirements. Information about EPA's WasteLocate system can be found at [Tracking asbestos waste using WasteLocate](#).

An environment protection licence issued by the EPA is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.



Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*.

It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (see section 143 of the *Protection of the Environment Operations Act 1997*). Penalty notices may be issued for up to \$7,500 (to individuals) and \$15,000 (to corporations). The maximum penalty applicable to the unlawful transporting and depositing of asbestos waste under section 143 of the *Protection of the Environment Operations Act 1997* is a fine of up to \$500,000 (for individuals) and \$2,000,000 (for corporations).

7.4 Disposing of asbestos waste at waste facilities

Individuals are advised to contact waste disposal facilities beforehand to find out whether asbestos is accepted and any requirements for delivering asbestos to the waste facility or landfill.

Waste facilities which accept asbestos waste are listed on the EPA website at [Facilities that accept household asbestos](#).

Persons delivering waste to a landfill site must comply with the following requirements:

- A person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste; and
- When unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust.

Failure to comply with the above matters may constitute an offence, with maximum penalties of up to a \$44,000 fine for corporations and up to \$22,000 for individuals.

7.5 Council's Resource Recovery Centre and asbestos waste

Council's Resource Recovery Centre (RRC) accepts asbestos waste in certain circumstances. Information relating to the RRC and asbestos waste, disposal, rejection, clean-up fees, contact details are available on Council's website [Resource Recovery Centre](#).

Contact the RRC prior to transporting any asbestos waste to ensure the load will be accepted. Any product suspected of being asbestos will be treated as asbestos unless the customer can provide proof that it is not asbestos. This includes fibreboard or fibrous cement.

Asbestos brought to the RRC must be declared and packaged in the following way:

- Where there is under 20 kilograms of asbestos waste, the asbestos can be double-bagged in approved asbestos bags. These bags are available for purchase from the RRC.
- Where there is more than 20 kilograms of asbestos waste, it must be placed in a Hazi-bag. Hazi-bags are available for purchase from the RRC.

Further information regarding the disposal of asbestos at the RRC is provided at [RRC Conditions - Asbestos](#).

When asbestos is brought to the RRC, the name of the person, contact details and where the asbestos was from is recorded. Even if the asbestos is being transported to the RRC, if the amount of waste exceeds 100 kilograms in weight or an area of more than 10 square metres, the WasteLocate system must be used as set out above at



Chapter 7.3.

7.6 Situations in which asbestos waste may be rejected from waste facilities

Asbestos waste may be rejected from a waste facility (including the RRC) if the waste is:

- not correctly packaged for delivery and disposal;
- not disclosed by the transporter as being asbestos or asbestos containing materials; and
- taken to a waste facility that does not accept asbestos waste.

In these situations, Council may record relevant details such as the:

- contact details of the transporter;
- origin of the asbestos or asbestos containing material;
- amount and type of asbestos or asbestos containing material;
- reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste; and
- development consent details (if applicable).

Where asbestos waste is not correctly packaged for delivery and disposal, or is not disclosed by the transporter as being asbestos or asbestos containing materials, Council may:

- reject the asbestos waste from the facility;
- suggest the transporter re-package the load correctly at the facility;
- provide a bay for wetting and/or wrapping the asbestos and protective equipment for the transporter, for example, the option to purchase an asbestos waste handling kit (for non-commercial operators with less than 10 square metres of non-friable asbestos);
- provide the transporter with educational material such as SafeWork fact sheets on correct methods for packaging, delivery and disposal of asbestos;
- question the transporter about the source of asbestos waste;
- issue a clean-up notice or prevention notice under the *Protection of the Environment Operations Act 1997*;
- issue a compliance cost notice under the *Protection of the Environment Operations Act 1997*; or
- issue a penalty infringement notice for improper transport of asbestos under the *Protection of the Environment Operations Act 1997*.

Where waste is rejected, the waste facility must inform the transporter of the waste of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*).

Individuals may be fined \$7,500 and corporations may be fined \$15,000 under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Waste) Regulation 2014* for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste. The maximum penalty applicable to the unlawful transporting and depositing of asbestos waste under section 143 of the *Protection of the Environment Operations Act 1997* is a fine of up to \$500,000 (for individuals) and \$2,000,000 (for corporations).

If Council suspects that there is a risk of illegal dumping of rejected waste, the RRC will inform Council's Rangers.



Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and at a later date the transporter will need to demonstrate to Council that the waste has been appropriately disposed of.

7.7 Illegal dumping of asbestos waste

Illegal dumping is the unlawful deposit of waste onto land, i.e. waste materials dumped, tipped or otherwise deposited onto private or public land where no licence or approval exists to accept such waste. Illegal landfilling, which is waste used as fill material, with or without the consent of the owner or occupier of the land and without the necessary council or EPA approvals, is also considered to be illegal dumping and pollution of land.

Illegal dumping of asbestos waste in public places such as parks, streets or nature strips can attract [regulatory action](#) including:

- on the spot fines of up to \$7500 for individuals or \$15000 for corporations;
- prosecution for pollution of land involving fines of up to:
 - \$2 million and \$120,000 for each day the offence continues (for a corporation); or
 - \$500,000 and \$60,000 for each day the offence continues (for an individual)(see section 142A of the *Protection of the Environment Operations Act 1997*); or
- prosecution for a tier 1 offence under Part 5.2 of the *Protection of the Environment Operations Act 1997* involving penalties of up to:
 - a maximum fine of \$5 million where the offence is committed wilfully or \$2 million where the offence is committed negligently (for a corporation); or
 - a maximum fine of \$1 million and/or seven years' imprisonment where the offence is committed wilfully or \$500,000 and/or four years' imprisonment where the offence is committed negligently (for an individual).

The responsibility for cleaning up illegally dumped waste lies with the person or body that deposited the waste. If they cannot be identified, the relevant occupier or landowner becomes the responsible party.

Local councils are the appropriate regulatory authority for illegal dumping unless:

- the activity was part of the carrying on of an activity listed in Schedule 1 to the *Protection of the Environment Operations Act 1997*;
- the activity was carried out by a public authority or the State; or
- the site is regulated by a different authority such as the Minister for Planning.

Council has an illegal dumping strategy available online at [Illegal Dumping](#) which outlines Council's approach illegal dumping.

A handbook to assist Aboriginal communities to prevent and arrange the clean-up of illegal dumping (published by the EPA) is noted in Appendix B.

8. Development Assessment

8.1 Council's process for changing land use

Council recognises the need to exercise care when land use zones are proposed to be change, when 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 been used as a landfill or for on-site burial of asbestos waste).

State Environmental Planning Policy No. 55 – Remediation of Land states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Managing sites contaminated with asbestos material is addressed in Chapter 5.

8.2 Council’s process for assessing development

This section applies to development applications assessed under the *Environmental Planning and Assessment Act 1979* and complying development applications assessed under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. This includes alterations and additions to residential development, which may include internal work and extensions to the existing main structure, or changes to outbuildings, sheds or garages. This section also covers renovations that do not require development consent or a complying development certificate (exempt development).

Development consent may not be required to maintain an existing structure in certain circumstances. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but is categorised as exempt development under the *Environmental Planning and Assessment Act 1979* and does not require development consent. In these instances, Council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

Responsibilities for approving development

Council is the consent authority for the majority of development applications in the local government area. The Joint Regional Planning Panel (JRPP) is also the consent authority for certain local or regional developments. Council may have representation on the JRPP.

Council or the JRPP may impose conditions of development consent and a waste disposal policy to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Either Council or a private certifier may assess a complying development certificate. Where a private certifier is engaged to assess a complying development certificate, the private certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe removal and disposal of asbestos. This also applies to the demolition of buildings. Certifiers are able to issue a complying development certificate under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Further information on demolition is provided in Chapter 6.

When a private certifier issues a complying development certificate and is appointed as the principal certifying authority for the development, it is the certifier’s responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2000*.

Exempt development

Exempt development does not require any planning or construction approval if it meets the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.



This means that there is no ability for Council or a private certifier to impose safeguards for the handling of asbestos through conditions of consent. However, Council advises that all asbestos removal work should be carried out in accordance with the *Code of practice on how to safely remove asbestos* (SafeWork NSW).

Complying development

Clause 136E of the *Environmental Planning and Assessment Regulation 2000* outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

Applications for complying development certificates must include a detailed description of the development, and appropriate building work plans and specifications, such as details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be disturbed, repaired or removed in carrying out the development (under Schedule 1 part 2 of the *Environmental Planning and Assessment Regulation 2000*).

Where more than 10 square metres of non-friable asbestos is to be removed, a contract evidencing the engagement of a licensed asbestos removal contractor is to be provided to the principal certifying authority. The contract must specify the landfill site lawfully able to accept asbestos to which the removed asbestos will be delivered.

If the contract indicates that asbestos will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (SafeWork NSW). In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then SafeWork would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to Council as outlined in Chapter 9.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* outlines the requirements for the applicant to notify their neighbours that works may include asbestos removal.

Further requirements to inform other persons of licensed asbestos removal are described in clause 467 of the *Work Health and Safety Regulation 2017* as noted in Chapter 6 of this Guide.

Development applications

If a proposed building does not meet the requirements of exempt or complying development then the alternative planning approval pathway is a development application (DA). A DA can only be approved by a local council, the JRPP or, for very large, State-significant development proposals, the State Government. A development application needs to be prepared and it will be assessed in accordance with the requirements of relevant environmental planning instruments and the development standards established by Council. Council may also undertake a site inspection as part of the DA assessment.

Pre-development application advice regarding asbestos



Council's pre-DA service enables prospective applicants to discuss asbestos-related issues with Council prior to lodging a DA, if the issue is raised. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos, including those with building materials from prior to 2004.

8.3 Development compliance and enforcement

Responsibilities for compliance and enforcement

Development controls rely on information being provided and checked by the principal certifying authority which may be either the Council or a private certifier. A private certifier has powers under the *Environmental Planning and Assessment Act 1979* to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections. Council will not always be the principal certifying authority.

When Council is not nominated as the principal certifying authority for a complying development certificate or construction certificate, Council may not have any knowledge of any asbestos matters. Accordingly, coordination of compliance and enforcement actions between Council and the private certifier will be required.

Council may take action on any development for which Council has issued the development consent, even when not appointed as the principal certifying authority to ensure enforcement. Where Council receives a complaint about a development for which Council is not the principal certifying authority, Council should consider whether Council is the appropriate authority to resolve the matter. Complaints that warrant action by Council because of their greater enforcement powers include:

- urgent matters, for example, a danger to the public or a significant breach of the development consent or legislation; and
- matters that are not preconditions to the issue of an occupation or subdivision certificate.

Compliance strategies

Illegal works include:

- works that are undertaken without a required development consent or complying development certificate; and
- works that are undertaken that do not comply with the conditions of the development consent or complying development certificate.

Where Council becomes aware of illegal work involving asbestos or asbestos containing materials, Council will notify SafeWork NSW if the site is a workplace.

The *Environmental Planning and Assessment Act 1979* empowers Council to issue orders to direct specific work be undertaken to comply with a development consent.

Council may need to issue an order under section 124 of the *Local Government Act 1993* to direct a person to 'do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition'.

Council may also issue a clean-up notice or prevention notice under the *Protection of the Environment*



Operations Act 1997.

Council may audit asbestos-related demolition works which Council has recently approved by using a legal notice under section 192 of the *Protection of the Environment Operations Act 1997* to require developers to provide information and records regarding disposal of their asbestos waste.

9. Complaints and investigations

Complaints and inquiries may be directed to Council about incidents in public places and private properties. Complaints and inquiries regarding a workplace should be directed to SafeWork NSW. Complaints and inquiries regarding licensed premises under the *Protection of the Environment Operations Act 1997* should be directed to the EPA.

Council will respond to complaints and inquiries regarding:

- Council's requirements in relation to development, land management and waste management;
- derelict buildings and premise of land not in a safe of healthy condition;
- general asbestos safety issues (which will be referred to the appropriate government authority);
- illegal dumping;
- safe removal and disposal of minor quantities of asbestos materials; and
- unsafe work at a residential property conducted by a homeowner or tenant

Complaints about Council in relation to asbestos may be directed to the NSW Ombudsman.

10. Advice to tenants and prospective buyers of Council owned property

Council may provide advisory notes to tenants and prospective buyers of Council owned property that is likely to contain asbestos.

Council may request that tenants in Council property:

- advise Council of any hazards relating to asbestos;
- minimise damage to asbestos containing material;
- co-operate with Council in facilitating any risk management work arranged by Council; and
- act on advice from Council to minimise risks from asbestos.

Appendix A – General information and guidance

1. What is asbestos?

Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials. If asbestos is disturbed it can release dangerous fine particles of dust containing asbestos fibres. Breathing in dust containing elevated levels of asbestos fibres can cause asbestosis, lung cancer and mesothelioma. There are two major groups of asbestos

- the serpentine group contains chrysotile, commonly known as white asbestos
- the amphibole group contains amosite (brown asbestos) and crocidolite (blue asbestos) as well as some other less common types (such as tremolite, actinolite and anthophyllite).

Further information about the different types of asbestos can be found in Environmental Health Standing Committee (enHealth), Asbestos: A guide for householders and the general public, Australian Health Protection Principal Committee, Canberra, 2013 (available on [the Australian Government Department of Health website at Asbestos: A guide for householders and the general public](#)).

In Australia, in the past asbestos was mined and widely used in the manufacture of a variety of materials. Asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited in Australia since 31 December 2003.

Asbestos legacy materials still exist in many homes, buildings and other assets. It is estimated that 1 in 3 Australian homes contains building materials with asbestos. Where the material containing asbestos is in a non-friable form (or bonded), undisturbed, and painted or otherwise sealed, it may remain safely in place. However, where the asbestos containing material is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos unsafely can create a health hazard.

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with SafeWork NSW (phone 131050) to confirm the contractor has the appropriate class of licence for the asbestos removal job.

2. Where is asbestos found?

Asbestos can be found where it occurs naturally and in a variety of materials (from prior to 2004) in residential, commercial and industrial premises and on public and private land.

Naturally occurring asbestos

Naturally occurring asbestos refers to the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. Council is not aware of any naturally occurring asbestos in Wingecarribee Shire Council local government area. Mapping of naturally occurring asbestos in NSW can be found at [SafeWork NSW website](#).

Work processes that have the potential to inadvertently release naturally occurring asbestos into the air include:

- agriculture;
- forestry;
- landscaping;
- mining;

- 
- other excavation or construction activities;
 - pipe works and telecommunications works; and
 - road construction and road works.

The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

Residential premises

As a general rule, a house built:

- before the mid-1980s – is highly likely to contain asbestos containing products;
- between the mid-1980s and 1990 – is likely to contain asbestos containing products; and
- after 1990 – is unlikely to contain asbestos containing products. However, some houses built in the 1990s and early 2000s may have still used asbestos cement materials until the total ban on any activity involving asbestos products became effective from December 2003.

Pipelines installed prior to 1992, particularly black surface coated and grey surface pipes, may contain asbestos.

It is important to note, the most accurate way to find out whether a material contains asbestos is by engaging a licensed asbestos removalist or occupational hygienist to inspect and arrange testing where necessary.

Fibre cement sheeting, commonly known as 'fibro', 'asbestos sheeting' or 'AC sheeting' (asbestos containing sheeting) is the most commonly found legacy asbestos material in residential premises. Other asbestos containing materials were used in 'fibro' houses but also found in brick and timber housing stock from that period. Asbestos materials were sold under a range of commercial names. Some asbestos containing materials found in New South Wales domestic settings are listed in Appendix J.

Common places where asbestos is likely to be found in and around homes include:

- backyard garden sheds, carports, garages and dog kennels;
- electrical meter boards;
- imitation brick cladding;
- lining under eaves;
- exterior wall and roof materials (flat, patterned or corrugated asbestos sheeting);
- insulation materials in heaters and stoves;
- interior walls and sheeting;
- sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors); and
- vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splashback.

Asbestos can also be found in:

- angle mouldings (internal and external);
- board around windows and fireplaces;
- brake pads and clutch pads to vehicles;
- buried and dumped waste materials;

- carpet underlay;
- ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity and may have moved to wall cavities, cornices and sub-floor areas);
- cement flooring;
- external toilets;
- fencing;
- guttering, downpipes and vent pipes;
- inside appliances e.g. irons, whitegoods;
- gable ends;
- outbuildings;
- ridge capping;
- swimming pools – reinforcing marble swimming pools; and
- ventilators – internal and external.

Other places asbestos can be found are listed in Appendix J.

Commercial and industrial premises

In commercial and industrial premises, asbestos may be found in the abovementioned places and also:

- asbestos rope or fabric in expansion joints (for example exhaust flues) and insulation;
- bituminous waterproof membrane on flat roofs;
- brake disc pads and brake linings;
- cloth, tapes, ropes and gaskets for packing;
- electrical switchboards and duct heater units;
- fillers and filters;
- fire doors;
- lagging on pipes such as heater flues;
- lift motor rooms;
- pipes, casing for water and electrical/ telecommunication services;
- rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications;
- structural beams of buildings; and
- yarns and textiles e.g. fire blankets.

Other places asbestos can be found are listed in Appendix J.

Sites contaminated with asbestos

Contamination of soils from asbestos or asbestos containing materials can present a risk in urban and rural environments if the asbestos can give rise to elevated levels of airborne fibres that people can breathe. Whilst buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air. Activities such as those listed in section 3 of this Appendix have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.



Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- industrial land, e.g. asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots;
- waste disposal or dumping sites, including sites of illegal dumping e.g. building waste;
- sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes;
- buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004);
- land with fill or foundation material of unknown composition;
- sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, e.g. asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite;
- sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004); and
- disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within one metre of the surface).

Significantly contaminated land

For sites that are significantly contaminated, the EPA and SafeWork NSW are the lead regulatory authorities. The *Contaminated Land Management Act 1997* applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measureable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The EPA has details of sites that have been nominated as significantly contaminated on its public register at: [List of notified sites](#).

If land is contaminated but not determined to be significant enough to warrant regulation, the *Contaminated Land Management Act 1997* does not apply. In such cases the provisions within relevant planning legislation and/or the *Protection of the Environment Operations Act 1997* may be the appropriate mechanism for management of such contamination.

Guidance on assessing land can be found in the Guidelines on the duty to report contamination under the *Contaminated Land Management Act 1997*.

3. Potentially hazardous activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk.

Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

Members of the public could inadvertently disturb asbestos through activities including:

- renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials;
- sealing, painting, brushing and cleaning asbestos cement products;
- checking, removing or replacing ceiling insulation which contains asbestos;
- demolitions of homes or other structures (dismantling or destruction);
- relocating a house, building or structure;
- using compressed air on asbestos containing materials;
- water blasting asbestos containing materials;
- cleaning gutters on asbestos cement roofs;
- handling asbestos cement conduits or boxes;
- maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards;
- maintenance or servicing of materials from vehicles, plant or equipment; and
- checking, removing or replacing ceiling insulation which contains asbestos.

Council could inadvertently disturb asbestos through activities such as:

- above mentioned activities;
- asset and building maintenance;
- certifying;
- inspections of sites and premises;
- transport and disposal of illegally dumped materials; and
- collection, transport and disposal of incorrectly disposed of materials.

Naturally occurring asbestos and contaminated sites could be inadvertently disturbed during:

- road building;
- site and construction work;
- other excavation activities; and
- vehicle movements.

Natural processes can create a risk of exposure to asbestos including:

- extensive fire or storm damage to asbestos cement roofs or building materials; and
- extensive weathering and etching of unsealed asbestos cement roofs.

In addition, work that intentionally disturbs asbestos, such as sampling or removal, should be conducted by a competent person and in accordance with the relevant codes of practice and legislation.

4. Health hazards

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body. The World Health Organisation has stated that concentrations of asbestos in drinking water from asbestos cement pipes do not present a hazard to human health.

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is



greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

Asbestosis is the irreversible scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some case, death.

Lung cancer can be caused by asbestos. Lung cancer is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure, and most cases occur over 30 years after first exposure. Accordingly, the rates of malignant mesothelioma (an incurable cancer) are expected to rise from the year 2012 to 2020 and are expected to peak in this time.

If asbestos fibres are in a stable material, for example bonded in asbestos-cement sheeting (such as fibro), and these materials are in good condition they pose little health risk. However, where fibro or other non-friable asbestos sheeting is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos containing materials unsafely can create a hazard.

The occupational standard for asbestos is 0.1fibre/ml of air and the environmental standard is 0.01fibre/ml in air.

When someone has potentially been exposed to asbestos, or receives or expects they may receive a diagnosis of an asbestos-related disease, they may experience psychological distress, including anxiety and may be in need of support. Their family and those around them may also be vulnerable to psychological distress.

Appendix B – Further information

Aboriginal communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA) www.epa.nsw.gov.au/publications/illegaldumping/080425-aboriginal-communities.

Asbestos contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or contact the Asbestos Removal Contractors Association NSW (ARCA) at www.arcansw.asn.au.

An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW Certification Unit on **13 10 50**.

Asbestos waste

Advice about safely disposing of household asbestos waste can be found at: [Dealing with household asbestos](#).

An asbestos waste disposal facility search function is available on the [Asbestos Safety and Eradication Agency website](#).

Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 (EPA) www.epa.nsw.gov.au/publications/illegaldumping/080045-illegal-dumping

[Illegally Dumped Asbestos Clean-up Program \(IDACUP\)](#): Council may become involved in clean-up activities of illegally dumped asbestos waste. Where the responsible party is unknown, unavailable, unwilling (despite a legal obligation to do so) or unable to pay for the clean-up within the timeframe required to avoid or at least minimise harm to the environment or public health, Council may apply for funding under the IDACUP.

Regional Illegal Dumping (RID) Squads are regionally based teams that specialise in dealing with illegal dumping. The Squads are funded by the EPA and member local councils who opt to work together and pool resources to tackle illegal dumping.

[RIDonline](#) is a state-wide illegal dumping database and reporting tool to assist councils and the EPA develop a comprehensive picture of the extent of illegal dumping in NSW. Members of the community can assist by reporting illegal dumping online through the RIDonline App, available for the public to download.

For more information on illegal dumping and safely disposing of asbestos waste visit the [EPA website](#).

[Management of asbestos in recycled construction and demolition waste](#), 2010 (SafeWork NSW)

Contaminated land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2015 (EPA). www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf

Managing land contamination: Planning Guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning and Environment and EPA). www.epa.nsw.gov.au/your-environment/contaminated-land



Emergency management

[NSW Asbestos Emergency Plan: Hazardous Materials sub plan](#). The NSW Asbestos Emergency sub-plan details the specific arrangements for the coordinated funding and management of asbestos debris during and following a larger scale emergency, being an event that requires a significant and coordinated response, where the presence of asbestos containing material in the community poses a significant risk to public health and safety.

Environmental risk assessment

[Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards](#), 2002 (Commonwealth of Australia).

Health

[Asbestos and health risks fact sheet](#), 2007 (NSW Health). Further advice concerning the health risks of asbestos can be obtained from your local public health unit.

Renovation and development

[Asbestos: A guide for householders and the general public](#), Environmental Health Standing Committee (enHealth), Australian Health Protection Principal Committee, Canberra, 2013

Asbestos Awareness website (Asbestos Education Committee)

www.asbestosawareness.com.au

Practical guidance

[Code of practice on how to manage and control asbestos in the workplace](#) published by SafeWork NSW

[Code of practice on how to safely remove asbestos](#) published by SafeWork NSW

Tenants

[Tenants rights Fact sheet 26 Asbestos and lead](#), 2010 (Tenants NSW)



Appendix C – Definitions

The terms used in the Policy and this Guide are defined as below, consistent with the definitions in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW;
- *Code of practice on how to safely remove asbestos* (published by SafeWork NSW);
- *Contaminated Land Management Act 1997*;
- *Environmental Planning and Assessment Act 1979*;
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*;
- *Protection of the Environment Operations Act 1997*;
- *Waste classification guidelines part 1 classifying waste 2008*;
- *Work Health and Safety Act 2011*; and
- *Work Health and Safety Regulation 2017*.

accredited certifier in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* in relation to those matters.

airborne asbestos means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

- (a) actinolite asbestos;
- (b) grunerite (or amosite) asbestos (brown);
- (c) anthophyllite asbestos;
- (d) chrysotile asbestos (white);
- (e) crocidolite asbestos (blue);
- (f) tremolite asbestos; and
- (g) a mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f).

asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos.

asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

asbestos-related work means work involving asbestos that is permitted under the *Work Health and Safety Regulation 2017*, other than asbestos removal work.

asbestos removal licence means a Class A asbestos removal licence or a Class B asbestos removal licence.

asbestos removal work means:

- (a) work involving the removal of asbestos or asbestos containing material, or
- (b) Class A asbestos removal work or Class B asbestos removal work.

asbestos removalist means a person conducting a business or undertaking who carries out asbestos removal



work.

asbestos waste means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.

certifying authority means a person who is authorised by or under section 85A of the *Environmental Planning and Assessment Act 1979* to issue complying development certificates, or is authorised by or under section 109D of the *Environmental Planning and Assessment Act 1979* to issue part 4A certificates.

Class A asbestos removal licence means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.

Class A asbestos removal work means the removal of friable asbestos which must be licensed under clause 485 of the *Work Health and Safety Regulation 2017*. This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

Class B asbestos removal licence means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.

Class B asbestos removal work means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487, but does not include Class A asbestos removal work.

competent person means: a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

- (a) a certification in relation to the specified VET course for asbestos assessor work, or
- (b) A tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

complying development is a fast track, ten day approval process where a building meets all of the predetermined standards established in either a state or local Council planning document. A complying development certificate can be issued by either a local Council or an accredited certifier.

contaminant means any substance that may be harmful to health or safety.

contamination of land means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment

control measure, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

demolition work means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include:

- (a) the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work, or

- (b) the removal of power, light or telecommunication poles.

development means:

- (a) the use of land
- (b) the subdivision of land
- (c) the erection of a building
- (d) the carrying out of a work
- (e) the demolition of a building or work
- (f) any other act, matter or thing referred to in section 26 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument.

development application, or otherwise known as a land use application, means an application for consent under Part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development but does not include an application for a complying development certificate.

emergency service organisation includes any of the following:

- (a) the Ambulance Service of NSW
- (b) Fire and Rescue NSW
- (c) the NSW Rural Fire Service
- (d) the NSW Police Force
- (e) the State Emergency Service
- (f) the NSW Volunteer Rescue Association Inc
- (g) the NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

exempt development means minor development that does not require any planning or construction approval because it is exempt from planning approval.

exposure standard for asbestos is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.

friable asbestos means material that:

- (a) is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- (b) contains asbestos.

health means physical and psychological health.

health monitoring, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

independent, in relation to clearance inspections and air monitoring means:

- (a) not involved in the removal of the asbestos

- 
- (b) not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.

in situ asbestos means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

licence holder means: in the case of an asbestos assessor licence – the person who is licensed:

- (a) to carry out air monitoring during Class A asbestos removal work
- (b) to carry out clearance inspections of Class A asbestos removal work
- (c) to issue clearance certificates in relation to Class A asbestos removal work, or
 - (i) in the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or
 - (ii) in the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.

licensed asbestos assessor means a person who holds an asbestos assessor licence.

licensed asbestos removalist means a person conducting a business or undertaking who is licensed under the *Work Health and Safety Regulation 2017* to carry out Class A asbestos removal work or Class B asbestos removal work.

licensed asbestos removal work means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.

NATA means the National Association of Testing Authorities, Australia.

NATA-accredited laboratory means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.

naturally occurring asbestos means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

Note. Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

occupational hygienist means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).

occupier includes a tenant or other lawful occupant of premises, not being the owner.

officer means an officer as defined in the *Work Health and Safety Act 2011*.

orphan waste means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.

person conducting a business or undertaking a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.



personal protective equipment means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.

respirable asbestos fibre means an asbestos fibre that:

- (a) is less than three micrometres wide
- (b) more than five micrometres long
- (c) has a length to width ratio of more than 3:1.

specified VET course means:

- (a) in relation to Class A asbestos removal work – the following VET courses:
 - (i) remove non-friable asbestos
 - (ii) remove friable asbestos, or
- (b) in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- (c) in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
- (d) in relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

structure means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- (a) buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- (b) any component of a structure
- (c) part of a structure
- (d) volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

waste includes:

- any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- any discarded, rejected, unwanted, surplus or abandoned substance, or
- any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- any substance prescribed by the regulations made under the *Protection of the Environment Operations Act 1997* to be waste.

waste facility means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).

worker a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- 
- (a) an employee, or
 - (b) a contractor or subcontractor, or
 - (c) an employee of a contractor or subcontractor, or
 - (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
 - (e) an outworker, or
 - (f) an apprentice or trainee, or
 - (g) a student gaining work experience, or
 - (h) a volunteer, or a person of a prescribed class.

workplace a workplace is a 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. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.



Appendix D – Acronyms

ACD	Asbestos Containing Dust
ACM	Asbestos Containing Material
ARA	Appropriate Regulatory Authority
DA	Development Application
EPA	Environment Protection Authority
JRPP	Joint Regional Planning Panel
LGA	Local Government Area
NATA	National Association of Testing Authorities
NSW	New South Wales
RRC	Council’s Resource Recovery Centre
SEPP	State Environmental Planning Policy
VET	Vocational Education and Training



Appendix E – Relevant contacts

For enquiries relating to development applications or similar processes or asbestos information [contact Council](#).

Asbestos-related disease organisations (non-exhaustive)

Asbestos Diseases Foundation Australia Inc

Phone: 02 9637 8759
Helpline: 1800 006 196
Website: www.adfa.org.au

Asbestos Diseases Research Institute

Phone: 02 9767 9800
Email: info@adri.org.au
Website: www.adri.org.au

Australian Institute of Occupational Hygienists Inc.

Phone: 03 9338 1635
Email: admin@aioh.org.au
Website: www.aioh.org.au

Workers' Compensation (Dust Diseases) Authority (iCare)

Phone: 02 8223 6600
Toll Free: 1800 550 027
Email: DDAenquiries@icare.nsw.gov.au
Website: www.icare.nsw.gov.au

NSW Environment Protection Authority (EPA)

Phone: 02 9995 5000
Environment line: 13 15 55
Email: info@epa.nsw.gov.au
Website: www.epa.nsw.gov.au

Licensed Asbestos Contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website: www.yellowpages.com.au or contact the Asbestos Removal Contractors Association NSW:

Email: email@arcansw.asn.au
Website: www.arcansw.asn.au

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit Phone: **13 10 50**



Civil Contractors Federation (CCF)

Phone: 02 9009 4000

Email: ccfnsw@ccfnsw.com

Website: www.ccfnsw.com/

Local Government NSW

Phone: 02 9242 4000

Email: lgnsw@lgnsw.org.au

Website: www.lgnsw.org.au

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Website: www.ombo.nsw.gov.au

Training providers (non-exhaustive)

TAFE NSW

Phone: 131 601

Website: www.tafensw.edu.au

Housing Industry Association (HIA)

Phone: 02 9978 3333

Website: www.hia.com.au/

Local Government Training Institute

Phone: 02 4922 2333

Website: www.lgti.com.au

Master Builders Association (MBA)

Phone: 02 8586 3521

Website: www.masterbuilders.com.au

SafeWork NSW

SafeWork NSW Information Centre Phone: 13 10 50

SafeWork NSW – Asbestos/Demolition Hotline Phone: 02 8260 5885

Website: www.safework.nsw.gov.au



Appendix F – Waste management facilities that accept asbestos wastes

Waste management facilities that can accept asbestos waste may be operated by Council, the State Government or private enterprise. The fees charged by the facility operators for waste received are determined by the facility.

Not all waste management centres accept asbestos waste from the public. Management of asbestos waste requires special precautions such as a separate disposal location away from other general waste and controls to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

Council's Resource Recovery Centre (RRC) accepts asbestos waste under certain circumstances. Information relating to the RRC and asbestos waste, disposal, rejection and clean-up fees, and contact details are available on Council's [website](#). Please contact the RRC prior to transporting any asbestos waste to ensure the load will be accepted.

Waste management facilities in other areas that accept asbestos wastes

A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at: Facilities that accept household asbestos.

Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

Always contact the landfill before taking asbestos waste to a landfill to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill. EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.



Appendix G – Asbestos-related legislation, policies and standards

- *Demolition work code of practice 2015* (catalogue no. WC03841)
- *Contaminated Land Management Act 1997*
- *Code of practice on how to manage and control asbestos in the workplace*, available from SafeWork NSW
- *Code of practice on how to safely remove asbestos*, available from SafeWork NSW
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2017*
- *Workers' Compensation (Dust Diseases) Act 1942*

Other information

- *Asbestos in soil and aggregate Position Paper* (SafeWork NSW).
- *Naturally occurring Asbestos Fact Sheet* (SafeWork NSW)
- *Management of asbestos, recycled construction and demolition works* (SafeWork NSW)



Appendix H – Agencies roles and responsibilities

NSW organisations

New South Wales Department of Planning, Industry and Environment (DPIE)

The DIPE's primary role in the management of asbestos relates to administration of State Environmental Planning Policies and the *Environmental Planning and Assessment Act 1979* (and associated regulations).

Whilst the DPIE does not have an operational role in the management of asbestos, it has a regulatory function and provides policy support relating to asbestos and development. In assessing proposals for development under the *Environmental Planning and Assessment Act 1979*, consent authorities are required to consider the suitability of the subject land for the proposed development. This includes consideration of the presence of asbestos and its environmental impact.

Where asbestos represents contamination of the land (i.e. it is present in excess of naturally occurring levels), *State Environmental Planning Policy No. 55 – Remediation of Land* imposes obligations on developers and consent authorities in relation to remediation of the land and the assessment and monitoring of its effectiveness.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* enables exempt and complying development across the State. While this includes demolition and the removal of asbestos, the *Environmental Planning and Assessment Regulation 2000* specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The Geological Survey of NSW teams of field geologists, geophysicists, mineral geoscientists and palaeontologists and geospatial specialists produce a range of maps. Geological mapping records the distribution of rock types and location of structures at or near the Earth's surface. The maps have applications to land use assessment, engineering construction, environmental management and natural hazard risk assessment.

The Geological Survey of NSW prepared the state-wide mapping of naturally occurring asbestos (NOA) in NSW for the Heads of Asbestos Coordination Authorities.

Workers' Compensation (Dust Diseases) Authority also known as iCare dust disease care

The Dust Diseases Authority provides a system of no fault compensation to people who have developed a dust disease from occupational exposure to dust as a worker in New South Wales and to their dependants. The DDA's statutory function is to administer the *Workers' Compensation (Dust Diseases) Act 1942*. Services include:

- payment of compensation benefits to eligible workers and dependants
- co-ordination and payment of medical and related health care expenses of affected
- medical examination of workers exposed to dust in the workplace
- information and education.



NSW Environment Protection Authority (EPA)

The EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. Clauses 77 to 81 of the *Protection of the Environment Operations (Waste) Regulation 2014* set out the special requirements relating to the transportation and disposal of asbestos waste.

The EPA is the appropriate regulatory authority for activities that require an environment protection licence or are carried out by public authorities such as local councils, the Roads and Maritime Services and Sydney Water. Local councils are the appropriate regulatory authority for activities that are not regulated by the EPA, which typically include building demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

The EPA is responsible for assisting councils in fulfilling their regulatory responsibilities. EPA has developed resources to assist Local Government to regulate asbestos waste incidents and prevent illegal dumping. Website links to these resources are provided in Appendix B.

The EPA maintains the regulatory framework for the remediation of contaminated land (the *Contaminated Land Management Act 1997*) and actively regulates land that is declared to be 'significantly contaminated' under the *Contaminated Land Management Act 1997*.

Heads of Asbestos Coordination Authorities (HACA)

The HACA is chaired by SafeWork NSW with senior officials from:

- Department of Planning, Industry and Environment
- Dust Diseases Authority iCare
- NSW Environment Protection Authority
- Local Government NSW
- Ministry of Health
- Resilience NSW
- Office of Local Government.

The HACA group will improve the management, monitoring and response to asbestos issues in NSW by developing coordinated prevention programs. These programs include a comprehensive public awareness campaign to promote the safe handling of asbestos and help prevent the risk of exposure to asbestos-related diseases in the NSW community. Further information about the HACA can be found on the SafeWork NSW website: www.safework.nsw.gov.au.

Local Government NSW (LGNSW)

LGNSW is the peak body for local councils in NSW. LGNSW represents all NSW general-purpose councils, special-purpose county councils and the NSW Aboriginal Land Council.

LGNSW is a credible, professional organisation facilitating the development of an effective community-based system of local government in NSW. LGNSW represents the views of councils to the State and Federal Governments, provides industrial relations and specialist services to councils and promotes NSW councils to the



community.

In 2012, LGNSW commenced a project funded by SafeWork NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: www.lgnsw.org.au.

NSW Ministry of Health

The NSW Ministry of Health does not have express statutory responsibilities for managing asbestos-related risks and incidents in NSW. The Ministry provides an expert advisory service to other governmental agencies on public health issues. This service may include technical information or assistance to prepare public health information bulletins.

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

NSW Fair Trading and the Building Professionals Board (BPB)

NSW Fair Trading safeguards the rights of all consumers and advises business and traders on fair and ethical practice. NSW Fair Trading provides services directly to individuals and businesses to create a fair, safe and equitable marketplace.

NSW Fair Trading is establishing a Loose-Fill Asbestos Implementation Taskforce responsible for overseeing and implementing the NSW Government Voluntary Purchase and Demolition Program for properties containing loose-fill asbestos insulation. The Loose-Fill Asbestos Implementation Taskforce will be in place until work is completed on the purchase and demolition of all properties that choose to participate in the Program.

NSW Fair Trading providing practical advice and educational programs to assist certifying authorities (private and council) in carrying out their role and certifies and audits both private and council certifiers.

Office of Local Government

The Office of Local Government is responsible for local government across NSW. The Office's organisational purpose is to 'Strengthen Local Government' and its organisational outcome is 'Fit for the future councils leading strong communities'.

The Office has a policy, legislative, investigative and program focus in matters ranging from local government finance, infrastructure, governance, performance, collaboration and community engagement. The Office strives to work collaboratively with the local government sector and is the key adviser to the State Government on local government matters.

SafeWork NSW

SafeWork NSW is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. SafeWork NSW works with the employers, workers and community of NSW to achieve safer and more productive workplaces, and effective recovery, return to work and security for injured workers.

SafeWork NSW administers work health and safety, injury management, return to work and workers



compensation laws, and manage the workers compensation system. SafeWork NSW's activities include: health and safety, injuries and claims, licensing for some types of plant operators, registration of some types of plant and factories, training and assessment, medical and healthcare, law and policy.

The [SafeWork NSW website](#) provides a wide range of asbestos resources, support networks and links at:

National organisations

Asbestos Safety and Eradication Agency

The Asbestos Safety and Eradication Agency was established in 2013 to provide a national focus on asbestos issues which go beyond workplace safety to encompass environmental and public health issues. The Agency's objective is to eliminate asbestos-related disease in Australia.

The Agency has broad functions under its legislation, including:

- reporting on the implementation of the National Strategic Plan on Asbestos Awareness and Management (NSP); reviewing and amending the NSP as required and promoting the NSP
- providing advice to the Minister about asbestos safety
- liaising with all levels of government, agencies or bodies about the implementation of the NSP; as well as asbestos safety in general; and
- commissioning, monitoring and promoting research about asbestos safety.

The Agency administers the National Asbestos Exposure Register which was created to record the details of members of the community who may have been exposed to asbestos. Registration forms are online at www.asbestossafety.gov.au/national-asbestos-exposure-register.

The Agency also maintains a national database for asbestos disposal facilities, which members of the public can search to identify their nearest facility that accepts asbestos waste, available online at www.asbestossafety.gov.au/search-disposal-facilities

Councils interested in finding out more about the agency, updating information listed on the disposal database, or receiving information, flyers or brochures for distribution within the LGA should contact the agency at enquiries@asbestossafety.gov.au.

National Association of Testing Authorities (NATA)

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT

Phone: 02 9736 8222

National Toll Free: 1800 621 666

Website: www.nata.asn.au

Environmental Health Committee (enHealth)

The Environmental Health Committee (enHealth) is a subcommittee of the Australian Health Protection Committee (AHPC). enHealth provides health policy advice, implementation of the National Environmental Health Strategy 2007-2012, consultation with key players, and the development and coordination of research, information and practical resources on environmental health matters at a national level.



Website: www.health.gov.au/internet/main/publishing.nsf/content/ohp-environ-enhealth-committee.htm

SafeWork Australia

SafeWork Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of improving work health and safety and workers' compensation arrangements across Australia.

Phone: 02 6121 5317

Email: info@swa.gov.au

Website: www.safeworkaustralia.gov.au

Appendix I – Scenarios illustrating which agencies lead a response in NSW

The tables show which agencies are responsible for regulating the following scenarios in NSW:

- Emergency management
- Naturally occurring asbestos
- Residential settings
- Site contamination
- Waste
- Workplaces.

Emergency management

Scenario	Lead organisation	Other regulators
Emergency response	Emergency services	Fire and Rescue (Hazmat) SafeWork NSW
Handover to local council, owner of property or NSW Police Force – crime scene following a minor incident	Local council NSW Police Force	N/A
Handover to State Emergency Recovery Controller	State Emergency Recovery Controller	Recovery Committee Local council EPA SafeWork NSW
Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local council EPA SafeWork NSW
Remediation not requiring a licensed removalist	Local council	Principal Certifying Authority SafeWork NSW (workers)
Remediation requiring licensed removal work	SafeWork NSW	Local council Principal Certifying Authority
Clearance Certificate issued by an Asbestos Assessor	SafeWork NSW	Principal Certifying Authority

Naturally occurring asbestos

Scenario	Lead organisation	Other regulators
Naturally occurring but will be disturbed due to a work process including remediation work	SafeWork NSW	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> , Scheduled Activities Public Authorities)
Naturally occurring asbestos part of a mineral extraction process	NSW Department of Planning, Industry and Environment	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> , Scheduled Activities Public Authorities)
Naturally occurring but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> , Scheduled Activities Public Authorities) SafeWork NSW (workers)
Soil contaminated with asbestos waste and going to be disturbed by a work practice	SafeWork NSW	EPA (<i>Protection of the Environment Operations Act 1997</i> , Scheduled Activities Public Authorities, declared contaminated land sites)
Soil contaminated with asbestos waste but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> , Scheduled Activities Public Authorities, declared contaminated land sites) SafeWork NSW (workers on site)
Potential for exposure on public land	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local council SafeWork NSW (workers on site)
Soil contaminated with asbestos waste but at a mine site	NSW Department of Planning, Industry and Environment EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local council

Residential settings

Scenario	Lead organisation	Other regulators
Safe Management of asbestos including: <ul style="list-style-type: none"> • identification • in situ management • removal requirements • disposal requirements 	Local council Private Certifiers	SafeWork NSW EPA

Site contaminated due to past uses	Local council	SafeWork NSW EPA
Licensed removal work required	SafeWork NSW	Local council Private Certifiers
Removal does not require a licensed removalist	Local council Private Certifiers	SafeWork NSW (workers)
Transport or waste disposal issues	Local council	EPA
Derelict property with fibro debris	Local council or Multi-agency	Multi-agency

Site contamination

Scenario	Lead organisation	Other regulators
Asbestos illegally dumped	Local council	EPA SafeWork NSW
Site contamination at commercial premises	See Workplaces	
Site contamination at residential premises	See Residential settings	

Waste

Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and local council (non-worksites)	N/A
Waste transported by vehicle	EPA	SafeWork NSW
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid council development consent	Local council (consent required to dispose onsite, planning certificate and development application process)
Waste going to landfill site	EPA (advice)	Local council (if managing licensed landfill)
Waste to be transported interstate	EPA	N/A
Waste for export	Department of Home Affairs	SafeWork NSW Department of Education, Skills and Employment

Workplaces

Scenario	Lead organisation	Other regulators
Asbestos installed/supplied after 2003 (illegally)	SafeWork NSW	N/A
Risks to the health of workers	SafeWork NSW	N/A
Asbestos management and asbestos going to be removed	SafeWork NSW NSW Department of Planning, Industry and Environment (mine sites)	N/A
Risks to the health of the public from worksites	SafeWork NSW (Risks to workers) Local council (Risks to the wider public) Department of Planning, Industry and Environment (<i>Environmental Planning and Assessment Act</i> part 3A approvals) EPA (<i>Protection of the Environment Operations Act 1997</i> licensed sites)	
Waste stored temporarily on-site at worksites	SafeWork NSW	
Transport or waste disposal issues	EPA	SafeWork NSW Local council
Asbestos contaminated clothing going to a laundry	SafeWork NSW	EPA Local council
Contaminated land not declared under the <i>Contaminated Land Management Act 1997</i>	Local council	EPA
'Significantly contaminated' land declared under the <i>Contaminated Land Management Act 1997</i>	EPA	Local council

Appendix J – Asbestos containing materials

Some asbestos containing materials found in New South Wales domestic settings (non-exhaustive list)

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 Locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903 Locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbled decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	During the 1960s and 1970s, pure loose-fill asbestos was sold as ceiling insulation for residential and commercial premises. A Canberra-based company known as 'Mr Fluffy' installed insulation in at least 1,000 homes in the ACT and is also understood to have installed insulation into homes in NSW.

Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

Sources:

NSW Government, 2011, Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government.

NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015) <https://www.asbestossafety.gov.au> (accessed October, 2015).

Asbestos containing materials that may be found in various settings (non-exhaustive list)

A

Air conditioning duct, in the exterior or interior acoustic and thermal insulation

Arc shields in lift motor rooms or large electrical cabinets

Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats

Asbestos ceiling tiles

Asbestos cement conduit

Asbestos cement electrical fuse boards

Asbestos cement external roofs and walls

Asbestos cement in the use of form work for pouring concrete

Asbestos cement internal flues and downpipes

Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers

Asbestos cement pieces for packing spaces between floor joists and piers

Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc.

Asbestos cement render, plaster, mortar and coursework



Asbestos cement sheet

Asbestos cement sheet behind ceramic tiles

Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards

Asbestos cement sheet internal walls and ceilings

Asbestos cement sheet underlay for vinyl

Asbestos cement storm drain pipes

Asbestos cement water pipes (usually underground)

Asbestos containing laminates, (such as Formica) used where heat resistance is required

Asbestos containing pegboard

Asbestos felts

Asbestos marine board, eg marinate

Asbestos mattresses used for covering hot equipment in power stations

Asbestos paper used variously for insulation, filtering and production of fire resistant laminates

Asbestos roof tiles

Asbestos textiles

Asbestos textile gussets in air conditioning ducting systems

Asbestos yarn

Autoclave/steriliser insulation

B

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork)

Bituminous adhesives and sealants

Boiler gaskets

Boiler insulation, slabs and wet mix

Brake disc pads

Brake linings

C

Cable penetration insulation bags (typically Telecom)



Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

Cement render

Chrysotile wicks in kerosene heaters

Clutch faces

Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings

Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D

Door seals on ovens

E

Electric heat banks – block insulation

Electric hot water services (normally no asbestos, but some millboard could be present)

Electric light fittings, high wattage, insulation around fitting (and bituminised)

Electrical switchboards see Pitch-based

Exhausts on vehicles

F

Filler in acetylene gas cylinders

Filters: beverage wine filtration

Fire blankets

Fire curtains

Fire door insulation

Fire-rated wall rendering containing asbestos with mortar

Fire-resistant plaster board, typically on ships

Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry

Flexible hoses

Floor vinyl sheets



Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

G

Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)

Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

H

Hairdryers: insulation around heating elements

Header (manifold) insulation

I

Insulation blocks

Insulation in electric reheat units for air conditioner systems

L

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

Lift shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations

Limpet asbestos spray insulation

Locomotives: steam, lagging on boilers, steam lines, steam dome and gaskets

M

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes



Mortar

P

Packing materials for gauges, valves, etc can be square packing, rope or loose fibre

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings

Pipe insulation including moulded sections, water-mix type, rope braid and sheet

Plaster and plaster cornice adhesives

Pipe insulation: moulded sections, water-mix type, rope braid and sheet

Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

R

Refractory linings

Refractory tiles

Rubber articles: extent of usage unknown

S

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts

Sealant or mastik on windows

Sealants and mastik in air conditioning ducting joints

Spackle or plasterboard wall jointing compounds

Sprayed insulation: acoustic wall and ceiling

Sprayed insulation: beams and ceiling slabs

Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels

Stoves: old domestic type, wall insulation

T

Tape and rope: lagging and jointing

Tapered ends of pipe lagging, where lagging is not necessarily asbestos

Tilux sheeting in place of ceramic tiles in bathrooms



Trailing cable under lift cabins

Trains: country – guards vans – millboard between heater and wall

Trains – Harris cars – sprayed asbestos between steel shell and laminex

V

Valve and pump insulation

W

Welding rods

Woven asbestos cable sheath

Source: *Environmental health notes number 2 Guidelines for local government on asbestos*, 2005 (Victorian Department of Human Services), www2.health.vic.gov.au/public-health/environmental-health/environmental-health-in-the-home/asbestos-in-the-home.

Appendix K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	<p>Can remove any amount or quantity of asbestos or asbestos containing material, including:</p> <ul style="list-style-type: none"> any amount of friable asbestos or asbestos containing material any amount of asbestos containing dust any amount of non-friable asbestos or asbestos containing material.
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> any amount of non-friable asbestos or asbestos containing material Note: A Class B licence is required for removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10m² of non-friable asbestos or asbestos containing material. asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> up to 10m² of non-friable asbestos or asbestos containing material asbestos containing dust that is: <ul style="list-style-type: none"> associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on 13 10 50.

Appendix L – Map

A map of naturally occurring asbestos is found on the [SafeWork website](#).