Asbestos Guide – Information for the community

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Disclaimer

This Guide is based upon 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 NSW.

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

This Guide should be read in conjunction with the Asbestos Management Policy. The Guide provides 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 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:


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

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 contains 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.

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 Shire Council Local Government Area (LGA)
- workers (employees and other persons) in Council workplaces.

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

- as a responsible employer
- contaminated land management
- Council land, building and asset management
- emergency response
• land use planning (including development approvals and demolition)
• management of naturally occurring asbestos
• regulation of activities (non-work sites)
• waste management and regulation.

1.1 Providing advice for home owners, renovators and developers

Council is committed to providing information to minimise the risks from asbestos in the LGA. Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may 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 with any queries as SafeWork NSW regulates asbestos removal by workers (refer to Chapter 6). Contact details for SafeWork NSW are provided in Appendix E.

2. Definitions

Definitions are provided in Appendix C.

3. Naturally occurring asbestos

There is the 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 LGA. Mapping of naturally occurring asbestos in NSW can be found at www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos/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 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 NSW Fire and Rescue, EPA and the Department of 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 include the following:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to Council as soon as practicable.
- Follow the Code of practice on how to safely remove asbestos available from SafeWork NSW.
- Ensure that any Council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures.
- Address 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.
- Ensure that the site is kept damp at all times or sprayed with 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.

- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge docket or similar documentation.

- Make an application to Office of Environment and Heritage 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 do not put 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
- 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 under sections 2 and 3. 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 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.
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 hours 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 stipulated 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*.

Council provides information about land contamination on planning certificates, issued under section 10.7 of the *Environmental Planning and Assessment Act 1979*, as outlined below.

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 under section 10.7(2)**

Council provides information on 10.7(2) certificates as prescribed by the *Environmental Planning and Assessment Act 1979* and Regulation and the *Contaminated Land Act 1997* including information on land that is:

- significantly contaminated
- under a management or maintenance order
- where a site audit statement applies
- presence of loose fill asbestos
- where a council policy restricts the land use due to of contamination risk.

**Planning Certificates under s10.7(5)**

When Council receives a request for a s10.7(5) certificate, Council checks the property records for the past two years and provides information on development consents in the past two years.

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.

Council may issue notices to land owners or occupiers requiring information about land it has reason to believe may be contaminated by asbestos using section 192 and section 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 (under section 60 of the *Contaminated Land Management Act 1997*). Situations where this is required are explained in the document: *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 local government area 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. Council may issue a clean up notice or prevention notice and compliance cost notice. Council may also issue a Local Order (Order Number 21) in accordance with Council’s Local Orders Policy (Order Number 21).

Council may also 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 section Division 9.3 and Schedule 5 of the *Environmental Planning and Assessment Act 1979*). If a person fails to comply with the terms of an order, Council may act under section Division 9.3 and Schedule 5 of the *Environmental Planning and Assessment Act 1979* 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 then 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 (a competent person is defined by the NSW *Work Health
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 a lot of home renovations, then the work is considered to be at a workplace and is regulated by SafeWork under the NSW 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. The cost of asbestos removal by a licensed professional is comparable in price to most licensed tradespeople including electricians, plumbers and tilers.

All asbestos removal should be undertaken in accordance with the Code of practice on how to safely remove asbestos (catalogue no. WC03561).

If a residential premise is 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
anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the NSW 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 named to SafeWork
- 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 NSW 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 in the NSW Work Health and Safety Regulation 2017 and demolition licenses are required for some demolition work. The Demolition Work Code of Practice 2015 provides practical guidance on how to manage the risks associated with the demolition of buildings and structures.

There are three demolition categories – development consent, complying development and 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 need to 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 and the Environmental Planning and Assessment Regulation 2000 provides mandatory conditions for complying development certificate applications.

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 garbage 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

Council’s responsibilities for asbestos waste management are outlined in the Chapter 7. 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 5 tonnes of asbestos waste, brought from off-site, is 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 Code of practice on how to safely remove asbestos (Safework 2016) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in section 4.8 of the Code).

7.3 Transporting asbestos waste

The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under clause 78 of the Protection of the Environment Operations (Waste) Regulation 2014:

(a) any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and

(b) if the waste consists of bonded asbestos material, it is securely packaged during the transportation, and

(c) if the waste consists of friable asbestos material, it is kept in a sealed container during transportation, and

(d) if the waste consists of asbestos-contaminated soils, it is wetted down.

The transport of asbestos waste in NSW for over 100kg or 10m² must be recorded from the place of generation to its final destination. The waste tracking system is administered by the EPA. 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 [www.epa.nsw.gov.au/your-environment/waste/transporting-asbestos-waste-tyres/track-asbestos-waste-locate](http://www.epa.nsw.gov.au/your-environment/waste/transporting-asbestos-waste-tyres/track-asbestos-waste-locate).

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 (under section 143 of the Protection of the Environment Operations Act 1997). Penalty notices may be issued for $7,500 (to individuals) and $15,000 (to corporations). NSW courts may impose penalties up to $250,000 (for individuals) and $1,000,000 (for corporations) found guilty of committing this offence.
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 NSW government website accessed via the following link [www.epa.nsw.gov.au/management/house-asbestos-land](http://www.epa.nsw.gov.au/management/house-asbestos-land). 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.
- 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.

Non-compliance with these requirements is an offence under the *Protection of the Environment Operations (Waste) Regulation 2014* and these offences attract strong penalties.

7.5 Council's Resource Recovery Centre and asbestos 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 [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au).

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 20kg of asbestos waste, the asbestos can be double bagged in clear approved asbestos bags. These bags are available from the RRC.
- Where there is more than 20kg of asbestos waste, it must be placed in a Hazi-Bag. Hazi-Bags are available from the RRC.

When asbestos is brought to the RRC, the name of the person, contact details and where the asbestos was from is recorded.

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
- 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
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 e.g. 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

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.

If Council suspects that there is a risk of illegal dumping of the 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.

7.7 Illegal dumping of asbestos waste

Illegal dumping is the unlawful deposit of waste onto land. That is 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 $5000;
- prosecution for pollution of land of up to $1 million for a corporation and $120,000 for each day the offence continues (under section 142A of the Protection of the Environment Operations Act 1997); or
• up to $1 million, or seven years imprisonment, or both for an individual (under section 119 of the Protection of the Environment Operations Act 1997).

The responsibility for cleaning up illegally dumped waste lies with the person or company 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 of the Protection of the Environment Operations Act 1997
• the activity was carried out by a public authority or the state
• the site is regulated by a different authority such as the Minister for Planning.

Council has an illegal dumping strategy available online (www.wsc.nsw.gov.au) 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

8.1. Council’s process for changing land use

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (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 as well as 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. Development consent is not required to maintain an existing structure. 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.
8.3 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 consent authority for certain local or regional development. Council may have representation on the JRPP.

Council or the JRPP may impose conditions of consent and a waste disposal policy to development consent 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 (clause 136E).

8.4 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 development 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).

8.5 Complying development

The Environmental Planning and Assessment Regulation 2000 (clause 136E) 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 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 section 467 of the NSW Work Health and Safety Regulation 2017 as noted in Chapter 6 of this policy.

8.6 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 undertake a site inspection as part of the DA assessment.

Pre-development application advice regarding asbestos

Council's pre-DA service enables proponents 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.

8.7 Development Compliance and Enforcement

8.7.1 Responsibilities for compliance and enforcement

The development controls rely on information being provided and checked by the principal certifying authority which may be either the local 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 a Council is not nominated as the principal certifying authority for a complying development certificate or development application, the Council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and enforcement actions between the 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
- matters that are not preconditions to the issue of the occupation/subdivision certificate.
8.7.2 Compliance strategies

Illegal works include:

- works that are undertaken without a required development consent or complying development certificate
- 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 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 the Local Government Act 1993 (section 124) 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
- 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.
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 at www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-about).

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.

2.1 **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 www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos/naturally-occurring-asbestos.
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
- 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.

2.2 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
- 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)
- 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 eg irons, whitegoods
- gable ends
- outbuildings
- ridge capping
- swimming pools – reinforcing marble swimming pools
- ventilators – internal and external.

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

2.3 **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
- bitumous 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
- yarns and textiles eg fire blankets.

Other places asbestos can be found are listed in Appendix J.
2.4 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.

2.4.1 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 eg, 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)
- 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).

2.4.2 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 Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: www.epa.nsw.gov.au/clm/publiclist.htm.

If land is contaminated but not determined to be ‘significant enough to warrant regulation’ then the Contaminated Land Management Act 1997 does not apply. In such cases the provisions within the 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
- checking, removing or replacing ceiling insulation which contains asbestos.

Council could inadvertently disturb asbestos through activities such as:

- abovementioned activities
- asset and building maintenance
- certifying
- inspections of sites and premises
- transport and disposal of illegally dumped materials
- 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
- 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
- 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 0.1 fibre/ml of air and the environmental standard is 0.01 fibre/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


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 by contacting the Asbestos Removal Contractors Association NSW (ARCA) www.arcansw.asn.au or by emailing: email@arcansw.asn.au. An asbestos removal contractor’s licence can be verified by contacting the SafeWork NSW’s Certification Unit on 13 10 50.

Asbestos waste

Advice about safely disposing of household asbestos waste can be found at: www.epa.nsw.gov.au/your-environment/household-building-and-renovation/dealing-with-household-asbestos

Asbestos waste disposal facility search function on the Asbestos Safety and Eradication Agency website: www.asbestossafety.gov.au


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 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. Information about the IDACUP is available at www.environment.nsw.gov.au/grants/IDACUP.htm

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

RIDonline is a statewide 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: www.epa.nsw.gov.au


Contaminated land


Emergency management


*NSW Asbestos Emergency 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

Available via email by contacting the enHealth Secretariat: enHealth.Secretariat@health.gov.au

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 Awareness website (Asbestos Education Committee)
www.asbestosawareness.com.au

Choosing and working with a principal certifying authority: A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board)

Practical guidance

*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

Tenants

*Tenants rights Fact sheet 26 Asbestos and lead*, 2010 (Tenants NSW)

Tenants – Housing NSW tenants

*Asbestos fact sheet*, 2010 (Housing NSW)
Appendix C – Definitions

The terms used in the policy 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*
- *NSW Work Health and Safety Act 2011*
- *NSW 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
   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, 10 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

a. the demolition of a building or work

b. 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 know an 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
   • in the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or
   • 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 NSW *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:
      - remove non-friable asbestos
      - 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
d. an apprentice or trainee, or
e. a student gaining work experience, or
f. 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 (an acronym used in the legislation)
ACM  Asbestos Containing Material (an acronym used in the legislation)
ARA  Appropriate Regulatory Authority (an acronym used in the legislation)
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
WSC  Wingecarribee Shire Council

Appendix E – Relevant contacts

For advice on development assessment or other asbestos information contact Council on 4868 0888, visit 68 Elizabeth Street, Moss Vale or see Council’s website at www.wsc.nsw.gov.au.

Asbestos-related disease organisations (non-exhaustive)

Asbestos Diseases Foundation Australia Inc
Phone: (02) 9637 8759
Helpline: 1800 006 196
Email: info@adfa.org.au
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

Dust Diseases Authority
Phone: (02) 8223 6600
Toll Free: 1800 550 027
Email: DDAenquiries@icare.nsw.gov.au
Website: www.icare.nsw.gov.au
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/epa

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:

Asbestos Removal Contractors Association NSW
PO Box Q1882
Queen Victoria Building
NSW 1230
Email: email@arcansw.asn.au
Website: www.arcansw.asn.au
Verification of an asbestos removal contractor’s licence can be checked 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
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 (www.wsc.nsw.gov.au/). 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: www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm

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
- NSW Work Health and Safety Act 2011
- NSW 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

Department of Planning and Environment (DPE)

DPE’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 Regulation).

Whilst DPE 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.
Dust Diseases Authority (DDA)
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.

Environment Protection Authority (EPA)

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.

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 Industry
- Department of Planning and Environment
- Dust Diseases Authority
- Environment Protection Authority
- Local Government NSW
- Ministry of Health
- Office of Emergency Management
- 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)

Local Government NSW (LGNSW) is the peak body for councils in NSW. LGNSW represents all NSW general-purpose councils, the 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 NSW and Australian 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 Department of Industry

The NSW Department of Industry, Skills and Regional Development (known as the NSW Department of Industry) leads the state government’s contribution to making NSW:

- a fertile place to invest and to produce goods and services, and thereby
- create jobs and opportunities for our citizens

The NSW Department of Industry also has responsibilities for:

- skill formation and development to match industry demand
- partnering with stakeholders in stewardship and sustainable use of the state’s natural resources; and
- supporting economic growth in the regions.

Within the Division of Resources & Energy in the Department, 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.

 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 body. 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.

Office of 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.

The Building Professionals Board (BPB) is now part of Fair Trading and oversees building and subdivision certification. The BPB’s role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: www.bpb.nsw.gov.au

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 NSW 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.


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.


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

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

### Naturally occurring asbestos

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

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Lead organisation</th>
<th>Other regulators</th>
</tr>
</thead>
</table>
| Safe Management of asbestos including:  
- 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

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Lead organisation</th>
<th>Other regulators</th>
</tr>
</thead>
</table>
| Asbestos illegally dumped | Local council | EPA  
SafeWork NSW |
| Site contamination at commercial premises | See Workplaces | |
| Site contamination at residential premises | See Residential settings | |

# Waste

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Lead organisation</th>
<th>Other regulators</th>
</tr>
</thead>
</table>
| Waste temporarily stored on-site | SafeWork NSW (worksites)  
EPA and Local council (non-worksites) | |
| 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) (section 149 property certificate and development assessment process) |
| Waste going to landfill site | EPA (advice) | Local council (if managing licensed landfill) |
| Waste to be transported interstate | EPA | |
| Waste for export | Department of Immigration and Border Protection | SafeWork NSW  
Department of Employment |
## Workplaces

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Lead organisation</th>
<th>Other regulators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asbestos installed/supplied after 2003 (illegally)</td>
<td>SafeWork NSW</td>
<td></td>
</tr>
<tr>
<td>Risks to the health of workers</td>
<td>SafeWork NSW</td>
<td></td>
</tr>
<tr>
<td>Asbestos management and asbestos going to be removed</td>
<td>SafeWork NSW</td>
<td>SafeWork NSW Department of Industry (mine sites)</td>
</tr>
<tr>
<td>Risks to the health of the public from worksites</td>
<td>SafeWork NSW (Risks to workers)</td>
<td>Local council (Risks to the wider public)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Department of Planning and Infrastructure (part 3A approvals)</td>
</tr>
<tr>
<td>Waste stored temporarily on-site at worksites</td>
<td>SafeWork NSW</td>
<td></td>
</tr>
<tr>
<td>Transport or waste disposal issues</td>
<td>EPA</td>
<td>SafeWork NSW Local council</td>
</tr>
<tr>
<td>Asbestos contaminated clothing going to a laundry</td>
<td>SafeWork NSW</td>
<td>EPA Local council</td>
</tr>
<tr>
<td>Contaminated land not declared under the Contaminated Land Management Act 1997</td>
<td>Local council</td>
<td>EPA</td>
</tr>
<tr>
<td>‘Significantly contaminated’ land declared under the Contaminated Land Management Act 1997</td>
<td>EPA</td>
<td>Local council</td>
</tr>
</tbody>
</table>

## Appendix J – Asbestos containing materials

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

<table>
<thead>
<tr>
<th>Asbestos containing materials</th>
<th>Approximate supply dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cement sheets</td>
<td>Imported goods supplied from 1903 locally made 'fribrolite' from 1917</td>
</tr>
<tr>
<td>Cement roofing / lining slates</td>
<td>Imported goods supplied from 1903 locally made 'fribrolite' from 1917</td>
</tr>
<tr>
<td>Mouldings and cover strips</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Super-six (corrugated) roofing</td>
<td>Available by 1920s and 1930s – 1985</td>
</tr>
<tr>
<td>‘Tilex’ decorative wall panels</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Pipes and conduit piping</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Motor vehicle brake linings</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Striated sheeting</td>
<td>Available from 1957</td>
</tr>
<tr>
<td>‘Asbestolux’ insulation boards</td>
<td>Available from 1957</td>
</tr>
<tr>
<td>‘Shadowline’ asbestos sheeting for external walls, gable ends and fences</td>
<td>Available from 1958 – 1985</td>
</tr>
<tr>
<td>Product Description</td>
<td>Availability</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Vinyl floor tiles impregnated with asbestos</td>
<td>Available up until 1960s</td>
</tr>
<tr>
<td>Asbestos containing paper backing for linoleum</td>
<td>Available up until 1960s</td>
</tr>
<tr>
<td>‘Durasbestos’ asbestos cement products</td>
<td>Available up until 1960s</td>
</tr>
<tr>
<td>‘Tilex’ marbleton decorative wall panels</td>
<td>Available from early 1960s</td>
</tr>
<tr>
<td>‘Tilex’ weave pattern decorative wall panels</td>
<td>Available from early 1960s</td>
</tr>
<tr>
<td>‘Hardiflex’ sheeting</td>
<td>Available from 1960s – 1981</td>
</tr>
<tr>
<td>‘Versilux’ building board</td>
<td>Available from 1960s – 1982</td>
</tr>
<tr>
<td>Loose-fill, fluffy asbestos ceiling insulation</td>
<td>Dates of supply availability unknown but prior to 31 December 2003</td>
</tr>
<tr>
<td>Asbestos rope gaskets for wood heaters. Heater and stove insulation</td>
<td></td>
</tr>
<tr>
<td>Compressed fibro-cement sheets</td>
<td>Available from 1960s – 1984</td>
</tr>
<tr>
<td>Villaboard</td>
<td>Available until 1981</td>
</tr>
<tr>
<td>Harditherm</td>
<td>Available until 1984</td>
</tr>
<tr>
<td>Highline</td>
<td>Available until 1985</td>
</tr>
<tr>
<td>Coverline</td>
<td>Available until 1985</td>
</tr>
<tr>
<td>Roofing accessories</td>
<td>Available until 1985</td>
</tr>
<tr>
<td>Pressure pipe</td>
<td>Available until 1987</td>
</tr>
</tbody>
</table>

**Sources:**


**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


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### Appendix K – Asbestos licences

<table>
<thead>
<tr>
<th>Type of licence</th>
<th>What asbestos can be removed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>Can remove any amount or quantity of asbestos or asbestos containing material, including:</td>
</tr>
<tr>
<td></td>
<td>- any amount of friable asbestos or asbestos containing material</td>
</tr>
<tr>
<td></td>
<td>- any amount of asbestos containing dust</td>
</tr>
<tr>
<td></td>
<td>- any amount of non-friable asbestos or asbestos containing material.</td>
</tr>
<tr>
<td>Class B</td>
<td>Can remove:</td>
</tr>
<tr>
<td></td>
<td>- any amount of non-friable asbestos or asbestos containing material</td>
</tr>
<tr>
<td></td>
<td><strong>Note:</strong> 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</td>
</tr>
</tbody>
</table>
also remove up to 10 m² 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.

<table>
<thead>
<tr>
<th>No licence required</th>
<th>Can remove:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- up to 10 m² of non-friable asbestos or asbestos containing material</td>
</tr>
<tr>
<td></td>
<td>- asbestos containing dust that is:</td>
</tr>
<tr>
<td></td>
<td>- associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material</td>
</tr>
<tr>
<td></td>
<td>- not associated with the removal of friable or non-friable asbestos and is only a minor contamination</td>
</tr>
</tbody>
</table>

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

**Appendix L – Map**

![Map of New South Wales showing naturally occurring asbestos potential areas](image-url)