

## PURPOSE

This policy states Council's commitment to and responsibilities for safely managing asbestos on Council owned and managed property. It also defines Council's role in broader asbestos management, regulation and community education and provides information for the local community and the wider public on safely managing asbestos.

For the management of asbestos risks within Council, Council has developed its own internal guidelines, plans and procedures separate to this policy.

## POLICY INTENT

This policy has been developed in order to state Council's commitment to and responsibilities for safely managing and regulating asbestos and provide information for the local community and the wider public on safely managing asbestos.

The main objectives of this policy are to -

1. Promote a safe work environment for Council and its contractors
2. Promote the safe and effective management of asbestos within Wollongong
3. Outline the role of Council in managing asbestos
4. Outline Council's relevant regulatory powers

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## STATEMENT OF PROCEDURES

### 1 INTRODUCTION

Wollongong City Council acknowledges the serious health hazard of exposure to asbestos.

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. In the Wollongong Local Government Area, it is not known exactly how many homes could contain asbestos, however it is estimated there would be thousands. Many industrial buildings would also contain asbestos.

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

It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions. Further information about asbestos and the health impacts of asbestos can be found in Appendix A and website links to additional information are provided in Appendix B.

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 Wollongong 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).
- Regulation of activities (non-work sites).
- Waste management and regulation.

#### 1.1 Purpose

This policy aims to outline -

- The role of Council and other organisations in managing asbestos.
- Council's relevant regulatory powers.
- Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents.
- General advice for residents on renovating homes that may contain asbestos.
- Council's development approval process for developments that may involve asbestos and conditions of consent.
- Waste management and regulation procedures for asbestos waste in the LGA.
- Sources of further information.

## 1.2 Scope

This policy applies to the Wollongong LGA.

The policy provides information for the local community and the wider public. Roles and responsibilities of different agencies are described in Appendix H. Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

The policy applies to friable and non-friable (bonded) asbestos within the LGA.

The policy outlines Council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact Council or the appropriate organisation (contact details are listed in Appendix E).

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

- *Code of Practice How to Manage and Control Asbestos in the Workplace* published by SafeWork NSW.
- *Code of Practice on How to Safely Remove Asbestos* published by SafeWork NSW.
- Additional guidance material listed in Appendix B.

## 2 DEFINITIONS

Definitions are provided in Appendix C.

## 3 ROLES AND RESPONSIBILITIES OF COUNCIL

### 3.1 Educating Residents

Council shall assist residents to access appropriate information and advice on the:

- Prohibition of the use and re-use of asbestos containing materials.
- Requirements in relation to development, land management and waste management.
- Risks of exposure to asbestos.
- Safe management of asbestos containing materials
- Safe removal and disposal of minor quantities of asbestos containing materials through an ongoing asbestos awareness program.

Educational information and website links for educational materials can also be found in Appendices A and B.

### 3.2 Managing Land

Council is responsible for managing public land. This may include land with naturally occurring asbestos as described in Section 5 and land contaminated with asbestos as outlined in Section 6.

### 3.3 Managing Waste

Where Council is the appropriate regulatory authority, Council is responsible for -

- Issuing clean-up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the *Protection of the Environment Operations Act 1997*).
- Issuing prevention or clean-up notices where asbestos waste has been handled (including stored, transported, or disposed of) in an unsatisfactory manner (under the *Protection of the Environment Operations Act 1997*).
- Issuing penalty infringement notices for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).

- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (Section 10.7 certificates) where on-site disposal is permitted.

Waste facilities that are licensed to accept asbestos waste are listed in Appendix F.

### 3.4 Regulatory Responsibilities

Council has regulatory responsibilities under the following legislation, policies, and standards in situations where Council is the appropriate regulatory authority or planning authority:

- *Contaminated Land Management Act 1997.*
- *Environmental Planning and Assessment Act 1979.*
- *Environmental Planning and Assessment Regulation 2021.*
- *Local Government Act 1993.*
- *Protection of the Environment Operations Act 1997.*
- *Protection of the Environment Operations (General) Regulation 2022.*
- *Protection of the Environment Operations (Waste) Regulation 2014.*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*
- *State Environmental Planning Policy. (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land*

Code of Practice: Demolition Work published by SafeWork NSW Additional legislation, policies and standards relating to the safe management of asbestos are listed in Appendix G.

The situations in which Council has a regulatory role in the safe management of asbestos are listed in Table 1.

**Table 1: Situations in which Council has a regulatory role in managing asbestos<sup>1</sup>**

Issue	Council’s Role	Section of Policy
Contaminated Land	<ul style="list-style-type: none"> <li>Record known asbestos site contamination on Section 10.7 certificates where practicable and for Council workplaces, record on Council’s asbestos register.</li> <li>Notify stakeholders of land use planning policy requirements relating to contamination.</li> <li>Manage residential asbestos contaminated land that is not declared ‘significantly contaminated’ under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of SafeWork NSW).</li> </ul>	Sections 5 and 6
Development Assessment	<ul style="list-style-type: none"> <li>Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>.</li> <li>Set conditions of consent for renovations, alterations, additions, demolitions, or other developments requiring consent and which may involve disturbance of asbestos containing materials.</li> <li>Ensure compliance with development conditions can be achieved via Regulation &amp; Enforcement or Certifier.</li> <li>Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in Section 9.</li> </ul>	Section 9
Demolition	<ul style="list-style-type: none"> <li>Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>.</li> <li>Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</li> </ul>	Section 9
Emergencies and Incidents	<ul style="list-style-type: none"> <li>Regulate the clean-up of asbestos waste following emergencies where sites are handed over to the Council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean-up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i>.</li> </ul>	Section 7
Residential Premises	<ul style="list-style-type: none"> <li>Respond to any public health risks (risks to Council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking.</li> <li>Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW).</li> <li>Respond to public health risks posed by derelict properties or asbestos materials in residential settings.</li> </ul>	Section 9
Waste	<ul style="list-style-type: none"> <li>Manage waste facilities in accordance with environmental protection legislation.</li> <li>Respond to illegal storage, illegal dumping, and orphan waste.</li> <li>Regulate non-complying transport of asbestos containing materials.</li> </ul>	Section 10

<sup>1</sup>Refer also to Appendix I – Scenarios Illustrating Which Agencies Lead a Response in NSW.

### 3.5 Responsibilities to Workers

Council is committed to fulfilling its responsibilities to workers under the NSW *Work Health and Safety Act 2011* and NSW *Work Health and Safety Regulation 2017* and maintaining a safe work environment through Council's -

- General responsibilities.
- Education, training, and information for workers.
- Health monitoring for workers.
- Procedures for identifying and managing asbestos containing materials in Council premises.

For the management of asbestos risks within Council, Council has developed its own internal guidelines, plans and procedures separate to this policy.

## 4 OTHER STAKEHOLDERS INVOLVED IN MANAGING ASBESTOS

Council is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues.

Appendix E notes useful contacts and Appendix H notes agencies involved in managing asbestos. Various asbestos scenarios requiring stakeholders to work together are outlined in Appendix I.

## ASBESTOS IN THE LOCAL GOVERNMENT AREA: INFORMATION FOR THE COMMUNITY

### 5 NATURALLY OCCURRING ASBESTOS

Council is not aware of any naturally occurring asbestos in the Wollongong LGA.

### 6 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 several different mechanisms available to address this contamination depending upon its source and extent.

#### 6.1 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 (under Part 4.3 of the *Protection of the Environment Operations Act 1997*) to ensure good environmental practice. If a person does not comply with a prevention notice given to the person, 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 shall keep records of the tasks undertaken, the hours Council employees have spent undertaking those tasks and the 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 (Resilience and Hazards) 2021 – Chapter 4 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*) Section.

For sites that are 'significantly contaminated' and require a major remediation program independent of any rezoning or development applications, the NSW EPA and SafeWork NSW are the lead regulatory authorities as outlined in Appendix A under Section 2.4.2.

Council has internal guidelines, plans and procedures for the management of Council workplaces contaminated with asbestos.

### **6.2 Finding Out if Land is Contaminated**

A person may request from Council a planning certificate containing advice on matters including whether Council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under Section 10.7(2) of the *Environmental Planning and Assessment Act 1979*.

Information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When Council receives a request for a certificate under Section 10.7(2), it may also inform applicants of any further information available under Section 10.7(5). Council may also use Section 10.7(5) certificates to record other information, particularly anything else of a factual nature about contamination which Council deems appropriate (such as details of land history, assessment, testing and remediation).

Council records can only indicate known contaminated sites. Any site may potentially be contaminated.

Council may issue notices to landowners 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*.

### **6.3 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 NSW 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 NSW EPA will inform Council of contaminated land matters relating to the LGA as required under Section 59 of the *Contaminated Land Management Act 1997*.

### **6.4 Derelict Buildings**

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 as noted in Section 6.1.

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 9.34 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 121M 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 33 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 NSW is the lead agency responsible for ensuring that asbestos is removed by appropriately licensed removalists.

## 7 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. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

### 7.1 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. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency.

Council may issue a clean-up, prevention, cost compliance or penalty infringement notice as outlined in Section 3.3 and Section 6.1.

Alternatively, Council may act under the *Environmental Planning and Assessment Act 1979* as outlined in Section 6.4 of this policy.

Council will determine an appropriate response depending on the nature of the situation. This may include to -

- Seek advice from an occupational hygienist or licensed asbestos removalist 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* published by 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 (see Section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed asbestos removalist or issuing a clean-up or prevention notice (as outlined in Section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensure that the site is kept damp, always or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that 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 dockets or similar documentation.

### 7.2 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 (advice on disposing of asbestos waste is provided in Section 10).
- 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 (advice on disposing of asbestos waste is provided in Section 10).
- Any other measures recommended by an occupational hygienist following assessment of the situation.

## 8 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 previously been used as a landfill or for on-site burial of asbestos waste).

*State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 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 Section 6.

## 9 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* or Council's complying codes (see Section 9.5.2). 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.

### 9.1 Responsibilities for Approving Development

Council is the consent authority for majority of development applications in the LGA. 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 a 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 can 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 Section 9.4.

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 2021* (clause 152). Compliance is covered in Section 9.7.

## 9.2 Providing Advice to Homeowners, Renovators and Developers

Council is committed to providing information to minimise the risks from asbestos in the LGA through an ongoing asbestos education program. 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 -

- Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to Section 9.3).
- 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 Section 9.4.
- 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 themselves 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 (as explained in Section 9.4). Contact details for Council and SafeWork NSW are provided in Appendix E.

## 9.3 Identifying Asbestos

Information on common places where asbestos is likely to be found in residential, commercial, and industrial premises with materials from prior to 2004 on the premises is provided in Appendix A.

A person may apply to Council for a planning certificate (called a Section 10.7 certificate) for the relevant land. Council may provide information on a planning certificate including whether Council has a policy to restrict the use of land due to risks from asbestos contamination, as outlined in Section 6.2.

Council aims to ensure that records are, as far as possible, accurate. In some instances, Council may not have up-to-date information about asbestos for a property. Council may be able to provide general advice on the likelihood of asbestos being present on the land based on the age of the buildings or structures on the land. A general guide to the likelihood of asbestos presence based on building age is provided in Appendix A under Section 2.2.

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 and Safety Regulation 2017*). This is highly advisable before undertaking major renovations to buildings constructed or containing materials 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.

## 9.4 Removing Asbestos, Refurbishments and Demolitions

### 9.4.1 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 NSW 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, as 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 NSW 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.
- 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 property 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 NSW.
- Notified to SafeWork NSW at least five days prior to the work commencing.

Requirements for the transport and disposal of asbestos waste are covered in Section 10.

#### **9.4.2 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 NSW is the lead agency for regulating the safe management of asbestos at workplaces.

#### **9.4.3 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 *Code of Practice: Demolition Work 2019* provides practical guidance on how to manage the risks associated with the demolition of buildings and structures. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to Council as to whether and what type of approval is required. Where a development application is required Council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in Section 9.6.

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 2021* 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.

### **9.5 Exempt or Complying Development**

#### **9.5.1 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 How to Safely Remove Asbestos*.

#### **9.5.2 Complying development**

The *Environmental Planning and Assessment Regulation 2021* (clause 152) 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 2021*).

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* (catalogue no WC03561). In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then SafeWork NSW would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to Council as outlined in Section 11.

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 Section 9.4.1 of this policy.

## 9.6 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 exceptionally 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.

### 9.6.1 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. Council may inform applicants of this policy, fact sheets or websites. 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.

### 9.6.2 Conditions of consent

Council has several standard development consent conditions about asbestos that it applies when appropriate.

## 9.7 Compliance and Enforcement

### 9.7.1 Responsibilities for compliance and enforcement

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

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

### 9.7.2 Compliance strategies

Illegal works include -

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

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

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

Council may need to issue an order under 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* as outlined in Section 6.1 of this policy.

Council conditions asbestos related demolition works to require developer to provide information and records regarding disposal of their asbestos related material.

Council's Enforcement Policy applies to the investigation and enforcement of all unlawful activity including asbestos related offences.

## 10 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, yet 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 a third party from illegally disposing of asbestos in the skip bin.

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

If the disposal of asbestos waste is required, a licensed asbestos removal contractor should be contacted.

### 10.1 Responsibilities for Asbestos Waste Management

Council's responsibilities for asbestos waste management are outlined in Section 3.3.

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 Schedule 1 – Waste Storage Clause 42(3a) of *Protection of the Environment Operations Act 1997*. A licence is required when more than five 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.

### 10.2 Handling Asbestos Waste for Disposal

The *Code of Practice How to Safely Remove Asbestos* provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in Section 4.8 of the Code).

### 10.3 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 A person who transports asbestos waste must ensure that any Part of any vehicle in which

- the person transports the waste is covered and leak-proof during its transportation.
- b A person who transports bonded asbestos material must ensure that it is securely packaged during its transportation.
  - c A person who transports friable asbestos material must ensure that it is in a sealed container during its transportation.
  - d A person who transports asbestos waste (other than bonded asbestos material that is securely packaged or friable asbestos material that is in a sealed container) must ensure that it is wetted down during its transportation.

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*. The transport of asbestos waste in NSW 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 NSW 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/wasteregulation/transport-asbestos-tyres.htm](http://www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm).

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

It is an offence to transport asbestos 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 \$500,000 (for individuals) and \$2,000,000 (for corporations) found guilty of committing this offence.

#### 10.4 Disposing of Asbestos Waste at Waste Facilities

Asbestos waste must be taken to a waste facility that may lawfully accept that type of waste.

Wollongong Waste and Resource Recovery Park at Kembla Grange currently does not accept asbestos waste. There are no waste facilities that accept asbestos waste for landfill disposal within the Wollongong LGA.

A small number of asbestos removal companies in the Wollongong Region (located by an internet search for Asbestos Removal and Treatment) will, however, accept small quantities (under ten square metres) of non-friable asbestos waste under strict conditions of packaging and transport from members of the public. The companies store the asbestos waste before transporting it in bulk loads to a waste facility that may lawfully accept that type of waste.

The nearest waste facilities that may lawfully accept asbestos waste for landfill disposal for residents of the Wollongong region are the Lucas Heights Waste Management Centre and the West Nowra Recycling and Waste Depot.

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

- a 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.
- b 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.

Council's standard conditions of development consent about asbestos waste management require asbestos waste to be disposed of at a waste facility that can lawfully receive this type of waste and provide receipt.

#### **10.4.1 Situations in which asbestos waste may be rejected from waste facilities**

Asbestos waste may be rejected from a waste facility if the waste is -

- Not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3).
- Not disclosed by the transporter as being asbestos or asbestos containing materials.
- Taken to a waste facility that does not accept asbestos waste.

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.

#### **10.5 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 NSW 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 \$15,000.
- Prosecution for pollution of land of up to \$1 million for a corporation and \$120,000 for each day the offence continues – or \$500,000 for an individual and \$60,000 for each day the offence continues (under Section 142A of the *Protection of the Environment Operations Act 1997*).
- Or up to \$5,000,000 for corporation or \$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.

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.

#### **10.6 Asbestos Remaining On-Site**

The disposal of asbestos on-site is not encouraged as it requires an effective ongoing system of long-term management to ensure the material does not pose unacceptable risks to future site activities and occupants. For on-site burial of asbestos waste, Council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls, whether or not consent is required and will require recording of on-site disposal on the zoning certificate (Section 10.7 Certificate).

## 11 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 or work undertaken by a contractor in private or public places 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 properties.
- General asbestos safety issues.
- 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.

## 12 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.
- Act on advice from Council to minimise risks from asbestos.

## 13 IMPLEMENTING COUNCIL'S ASBESTOS POLICY

### 13.1 Supporting Documents

The implementation of this policy is supported by -

- Wollongong Development Control Plan 2009 Chapter E7: Waste Management and Chapter E21: Demolition and Hazardous Building Materials Management
- Customer service procedures.
- information about asbestos contained on Council's website and in Council's Customer Service System and Land Information System.

For the management of asbestos risks within Council, Council has developed its own internal guidelines and procedures separate to this policy, including the following -

- Contaminated Land Data and Documentation Procedures.
- Asbestos and Hazardous Material Management Procedure.
- Site specific asbestos registers.
- Standard operating procedures.
- Asbestos risk assessment form.
- Incident report form.
- Employee health monitoring plans.
- Maintenance and inspection schedules for Council owned assets.
- Training records (relevant to identifying, handling, and removing of asbestos materials).

### 13.2 Communicating the Policy

This is a publicly available policy. The policy is to be made available via -

- Council's Customer Service Centre.
- Council's website [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au).
- Council's intranet site.

## 14 VARIATIONS TO THIS POLICY

Council reserves the right to review, vary or revoke this policy. The General Manager may allow variations to the policy for minor issues in individual cases.

## 15 REVIEW

This policy will be reviewed at the time of any relevant legislative changes, or may be reviewed at a minimum, every two years.

## 16 DISCLAIMER

This policy was formulated to be consistent with Council's legislative obligations and within the scope of Council's powers. This policy should be read in conjunction with relevant legislation, guidelines, and codes of practice. In the case of any discrepancies, the most recent legislation should prevail.

This policy is based upon the *Model Asbestos Policy for NSW Councils* developed by the Heads of Asbestos Coordination Authorities to promote a consistent Local Government approach to asbestos management across NSW.

This policy does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred because of reliance on this policy.

## APPENDIX A – GENERAL INFORMATION AND GUIDANCE

### 1 What is Asbestos?

Asbestos is the generic term for several 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 diverse types of asbestos can be found in Environmental Health Standing Committee (enHealth), *Asbestos: A Guide for Household and the General Public*, Australian Health Protection Principal Committee, Canberra, 2013

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 one in three 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 131 050) 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 areas of naturally occurring asbestos within the LGA.

#### 2.2 Residential Premises

Generally, 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.

Usual places where asbestos is likely to be found in and around homes include –

#### Outside

- Backyard garden sheds, carports, garages, and dog kennels.
- Electrical meter boards.
- Imitation brick cladding.
- Lining under eaves.
- Wall and roof materials (flat, patterned or corrugated asbestos sheeting).
- Inside
- 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 e.g., 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.
- Bituminous waterproof membrane on flat roofs.
- Brake disc pads and brake linings.
- Cloth, tapes, ropes, and gaskets for packing.
- Electrical switchboards and duct heater units.
- Fillers and filters.
- Fire doors.
- Lagging on pipes such as heater flues.
- Lift motor rooms.
- Pipes, casing for water and electrical/ telecommunication services.
- Rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications.
- Structural beams of buildings.
- Yarns and textiles, e.g., 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 shipyards, especially workshops and depots.
- Waste disposal or dumping sites, including sites of illegal dumping e.g., building waste.
- Sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes.
- Buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004).
- Land with fill or foundation material of unknown composition.
- Sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, e.g., asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste 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 NSW 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 copious quantities of buried friable asbestos waste has been uncovered and is giving rise to measurable levels of asbestos fibres in the 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 NSW EPA has details of sites that have been nominated as significantly contaminated on its Public Register at: [www.epa.nsw.gov.au/clm/publiclist.htm](http://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 document: *Guidelines on the Duty to Report Contamination Under the Contaminated Land Management Act 1997*.

### **3 Potentially Hazardous Activities**

Several 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.

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.

Asbestos 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 elevated levels of asbestos for a prolonged period. 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 cases, 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 occurs over 30 years after first exposure. Accordingly, the rates of malignant mesothelioma (an incurable cancer) are expected to keep rising.

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 Australian exposure standard for asbestos fibres is 0.1 fibres/ml of air and the action limit for asbestos fibres is 0.01 fibres/ml as per the NSW WHS (Work Health and Safety) Regulations 2017.

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 need support. Their family and those around them may also be vulnerable to psychological distress.

## APPENDIX B – FURTHER INFORMATION

### Aboriginal Communities

*Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA)*  
<http://www.epa.nsw.gov.au/illegaldumping/resources.htm>

### 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](http://www.yellowpages.com.au), or contact the Asbestos Removal Contractors Association NSW (ARCA) [www.arcansw.asn.au](http://www.arcansw.asn.au), or by emailing: [email@ahrcansw.asn.au](mailto:email@ahrcansw.asn.au)

An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW's Certification Unit on telephone 131 050.

### Asbestos Waste

Advice about safely disposing of household asbestos waste can be found at: [www.epa.nsw.gov.au/managewaste/house-asbestos.htm](http://www.epa.nsw.gov.au/managewaste/house-asbestos.htm)

Asbestos waste disposal facility search function on the Asbestos Safety and Eradication Agency website: [www.asbestossafety.gov.au/search-disposal-facilities](http://www.asbestossafety.gov.au/search-disposal-facilities)

*Crackdown on Illegal Dumping: A Handbook for Local Government, 2008 (DECC)*  
[www.epa.nsw.gov.au/illegaldumping/resources.htm](http://www.epa.nsw.gov.au/illegaldumping/resources.htm)

*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](http://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 state-wide illegal dumping database and reporting tool to assist councils and the EPA develop a comprehensive picture of the extent of illegal dumping in NSW. Members of the community can assist by reporting illegal dumping online through the RIDonline App, available for the public to download in February 2016.

For more information on illegal dumping and safely disposing of asbestos waste visit the EPA website: [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

*Management of asbestos in recycled construction and demolition waste, 2010 (SafeWork NSW)*  
[https://www.safework.nsw.gov.au/data/assets/pdf\\_file/0016/51730/SW08774-Management-of-asbestos-in-recycled-construction-and-demolition-waste-guide.pdf](https://www.safework.nsw.gov.au/data/assets/pdf_file/0016/51730/SW08774-Management-of-asbestos-in-recycled-construction-and-demolition-waste-guide.pdf)

### Contaminated Land

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

### Emergency Management

*Asbestos Awareness during bushfire clean-up, April 2020 (EPA)*

<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/asbestos/20p2262-asbestos-awareness-during-bushfire-clean-up.pdf>

*Managing Asbestos when buildings are damaged small scale fires, Local Government NSW November 2021*

[https://lgsw.org.au/common/Uploaded%20files/Asbestos/Managing\\_Asbestos\\_When\\_Buildings\\_Are\\_Damaged\\_By\\_Small\\_Scale\\_Fires\\_Nov\\_21.pdf](https://lgsw.org.au/common/Uploaded%20files/Asbestos/Managing_Asbestos_When_Buildings_Are_Damaged_By_Small_Scale_Fires_Nov_21.pdf)

**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. [www.emergency.nsw.gov.au/publications/plans/sub-plans/asbestos.html](http://www.emergency.nsw.gov.au/publications/plans/sub-plans/asbestos.html)  
**Environmental Risk Assessment**

*Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards,*  
2012 (Commonwealth of Australia)

[https://www1.health.gov.au/internet/main/publishing.nsf/Content/A12B57E41EC9F326CA257BF0001F9E7D/\\$File/Environmental-health-Risk-Assessment.pdf](https://www1.health.gov.au/internet/main/publishing.nsf/Content/A12B57E41EC9F326CA257BF0001F9E7D/$File/Environmental-health-Risk-Assessment.pdf)

Available via email by contacting the enHealth Secretariat: [enHealth.Secretariat@health.gov.au](mailto:enHealth.Secretariat@health.gov.au)

## Health

*Asbestos and Health Risks Fact Sheet, 2007 (NSW Health)*  
[www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx](http://www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx)

Further advice concerning the health risks of asbestos can be obtained from your local public health unit. Contact details for public health units may be found at: [www.health.nsw.gov.au/Infectious/Pages/plus.aspx](http://www.health.nsw.gov.au/Infectious/Pages/plus.aspx).

## Renovation and Development

*Asbestos: A guide for householders and the general public, February 2013 (Commonwealth of Australia)*

[Building and Development Certifiers, Fair Trading NSW](#)

<https://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/building-certifiers>

Asbestos Awareness website (Asbestos Education Committee)  
[www.asbestosawareness.com.au](http://www.asbestosawareness.com.au)

## Practical Guidance

*How to manage and control asbestos in the workplace: Code of practice (catalogue no WC03560)* published by SafeWork NSW. August 2019  
[https://www.safework.nsw.gov.au/\\_data/assets/pdf\\_file/0014/50081/How-to-manage-and-control-asbestos-in-the-workplace-COP.pdf](https://www.safework.nsw.gov.au/_data/assets/pdf_file/0014/50081/How-to-manage-and-control-asbestos-in-the-workplace-COP.pdf)

*How to safely remove asbestos: Code of practice (catalogue no WC03561)* published by SafeWork NSW  
[https://www.safework.nsw.gov.au/\\_data/assets/pdf\\_file/0015/50082/How-to-safely-remove-asbestos-COP.pdf](https://www.safework.nsw.gov.au/_data/assets/pdf_file/0015/50082/How-to-safely-remove-asbestos-COP.pdf)

## Tenants

*Tenants' rights fact sheet 26: Asbestos and lead, 2020 (Tenants NSW)*  
<https://files.tenants.org.au/factsheets/fs26.pdf>

### Tenants – Housing NSW Tenants

Manage Asbestos Policy 2017 (Communities & Justice NSW) [www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/manage-asbestos-policy](http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/manage-asbestos-policy)

**APPENDIX C – DEFINITIONS**

The terms used in the policy are defined as below, consistent with the definitions in the -

- [Code of Practice: How to Manage and Control Asbestos in the Workplace. Published by SafeWork NSW 2019.](#)  
[Code of Practice: How to Safely Remove Asbestos, Published by SafeWork NSW 2019](#)
- *Contaminated Land Management Act 1997.*
- *Environmental Planning and Assessment Act 1979.*
- *Emergency Pollution Program Guidelines 2013.*
- *Protection of the Environment Operations Act 1997.*
- *Waste classification guidelines Part 1: Classifying waste 2014.*
- *NSW Work Health and Safety Act 2011.*
- *NSW Work Health and Safety Regulation 2017.*

<b>accredited certifier</b>	means a person who was accredited under the Building Professionals Act 2005 or the Environmental Planning Assessment Act 1979
<b>airborne asbestos</b>	means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.
<b>asbestos</b>	means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following - <ul style="list-style-type: none"> <li>a Actinolite asbestos.</li> <li>b Grunerite (or amosite) asbestos (brown).</li> <li>c Anthophyllite asbestos.</li> <li>d Chrysotile asbestos (white).</li> <li>e Crocidolite asbestos (blue).</li> <li>f Tremolite asbestos</li> <li>g A mixture that contains one or more of the minerals referred to in paragraphs (a) to (f).</li> </ul>
<b>asbestos containing material (ACM)</b>	means any material or thing that, as part of its design, contains asbestos.
<b>Asbestos-contaminated dust or debris (ACD)</b>	means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.
<b>Asbestos-related work</b>	Means work involving asbestos (other than asbestos removal to which Part 8.7 of the WHS Regulation applies) that is permitted under the exceptions set out in Clause 419(3) (4) and (5) in the Work Health and Safety Regulation 2017
<b>asbestos removal licence</b>	means a Class A asbestos removal licence or a Class B asbestos removal licence.
<b>asbestos removal work</b>	Means - <ul style="list-style-type: none"> <li>a Work involving the removal of asbestos or asbestos containing material.</li> <li>b Class A asbestos removal work or Class B asbestos removal work as outlined in Part 8.10 of the WHS Regulation.</li> </ul>

<b>asbestos removalist</b>	means a person conducting a business or undertaking who carries out asbestos removal work.
<b>asbestos waste</b>	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.
<b>certifying authority</b>	means a person who is authorised by or under Section 85A of the <i>Environmental Planning and Assessment Act 1979</i> to issue complying development certificates or is authorised by or under Section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue Part 4A certificates.
<b>Class A asbestos removal licence</b>	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.
<b>Class A asbestos removal work</b>	means the removal of friable asbestos which must be licensed under clause 485 of the <i>Work Health and Safety Regulation 2017</i> . 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.
<b>Class B asbestos removal licence</b>	means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.
<b>Class B asbestos removal work</b>	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.
<b>competent person</b>	means a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds - <ul style="list-style-type: none"> <li>a A certification in relation to the specified VET course for asbestos assessor work.</li> <li>b A tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction, or environmental health.</li> </ul>
<b>complying development</b>	is a fast track, ten-day approval process where a building meets all 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.
<b>complying development certificate</b>	means a certificate issued by either a local council or an accredited certifier for a complying development.
<b>contaminant</b>	means any substance that may be harmful to health or safety.
<b>contamination of land</b>	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.
<b>control measure</b>	in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

<b>demolition work</b>	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 - <ul style="list-style-type: none"> <li>a The dismantling of formwork, falsework, or other structures designed or used to provide support, access, or containment during construction work.</li> <li>b The removal of power, light or telecommunication poles.</li> </ul>
<b>development</b>	Means <ul style="list-style-type: none"> <li>a The use of land.</li> <li>b The subdivision of land.</li> <li>c The erection of a building.</li> <li>d The carrying out of a work.</li> <li>e The demolition of a building or work.</li> <li>f Any other act, matter or thing referred to in Section 26 of the <i>Environmental Planning and Assessment Act 1979</i> that is controlled by an environmental planning instrument.</li> </ul>
<b>development application</b>	means an application for consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> to carry out development but does not include an application for a complying development certificate.
<b>emergency service organisation</b>	Includes any of the following - <ul style="list-style-type: none"> <li>a The Ambulance Service of NSW.</li> <li>b Fire and Rescue NSW.</li> <li>c The NSW Rural Fire Service.</li> <li>d The NSW Police Force.</li> <li>e The State Emergency Service.</li> <li>f The NSW Volunteer Rescue Association Inc.</li> <li>g The NSW Mines Rescue Brigade established under the Coal Industry Act 2001.</li> <li>h An accredited rescue unit within the meaning of the <i>State Emergency and Rescue Management Act 1989</i>.</li> </ul>
<b>exempt development</b>	means development that is declared to be exempt development by an environmental planning instrument because of its minor impact.
<b>exposure standard for asbestos</b>	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.
<b>friable asbestos</b>	means material that <ul style="list-style-type: none"> <li>a. Is in a powder form or that can be crumbled, pulverised, or reduced to a powder by hand pressure when dry.</li> <li>b. Contains asbestos.</li> </ul>
<b>health</b>	means physical and psychological health.
<b>health monitoring</b>	of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

<b>independent</b>	in relation to clearance inspections and air monitoring means - <ol style="list-style-type: none"> <li>Not involved in the removal of the asbestos.</li> <li>Not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.</li> </ol>
<b>in situ asbestos</b>	means asbestos or asbestos containing material fixed or installed in a structure, equipment, or plant, but does not include naturally occurring asbestos.
<b>licence holder</b>	means in the case of an asbestos assessor licence – the person who is licensed - <ol style="list-style-type: none"> <li>To carry out air monitoring during Class A asbestos removal work.</li> <li>To carry out clearance inspections of Class A asbestos removal work.</li> <li>To issue clearance certificates in relation to Class A asbestos removal work -           <ul style="list-style-type: none"> <li>In the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted.</li> <li>In the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.</li> </ul> </li> </ol>
<b>licensed asbestos assessor</b>	means a person who holds an asbestos assessor licence.
<b>licensed asbestos removalist</b>	means a person conducting a business or undertaking who is licensed under the <i>Work Health and Safety Regulation 2017</i> to carry out Class A asbestos removal work or Class B asbestos removal work.
<b>licensed asbestos removal work</b>	means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.
<b>NATA</b>	means the National Association of Testing Authorities, Australia.
<b>NATA-accredited laboratory</b>	means a testing laboratory accredited by NATA or recognised by NATA either solely or with someone else.
<b>naturally occurring asbestos</b>	means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment, or soil.
<b>non-friable asbestos</b>	means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound. <b>Note:</b> Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).
<b>occupational hygienist</b>	means a person with relevant qualifications and experience in asbestos management
<b>occupier</b>	includes a tenant or other lawful occupant of premises, not being the owner.
<b>officer</b>	means an officer as defined in the <i>NSW Work Health and Safety Act 2011</i> .
<b>orphan waste</b>	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.
<b>person conducting a business or undertaking</b>	a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership. Extended in the <i>Work Health and Safety Regulation 2017</i>

<b>personal protective equipment</b>	means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.
<b>respirable asbestos fibre</b>	means an asbestos fibre that - <ol style="list-style-type: none"><li>Are less than three micrometres wide.</li><li>More than five micrometres long.</li><li>Has a length to width ratio of more than 3:1.</li></ol>
<b>specified VET course</b>	means - <ol style="list-style-type: none"><li>In relation to Class A asbestos removal work – the following VET courses.<ul style="list-style-type: none"><li>remove non-friable asbestos.</li><li>remove friable asbestos.</li></ul></li><li>In relation to Class B asbestos removal work – the VET course Remove non-friable asbestos.</li><li>In relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal.</li><li>In relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.</li></ol>
<b>structure</b>	means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes - <ol style="list-style-type: none"><li>Buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels).</li><li>Any component of a structure.</li><li>Part of a structure.</li></ol>
<b>volunteer</b>	means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).
<b>waste</b>	Includes - <ol style="list-style-type: none"><li>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.</li><li>Any discarded, rejected, unwanted, surplus, or abandoned substance.</li><li>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.</li><li>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.</li><li>Any substance prescribed by the regulations made under the Protection of the Environment <i>Operations Act 1997</i> to be waste.</li></ol>
<b>waste facility</b>	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.
  - b. A contractor or subcontractor.
  - c. An employee of a contractor or subcontractor.
  - d. An employee of a labour hire company who has been assigned to work in the person's business or undertaking.
  - e. An outworker.
  - f. An apprentice or trainee.
  - g. A student gaining work experience.
  - h. A volunteer.
  - i. 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
SEPP	State Environmental Planning Policy
VET	Vocational Education and Training

**APPENDIX E – RELEVANT CONTACTS****Wollongong City Council**

Phone: (02) 4227 7111

Fax: (02) 4227 7277

For the Hearing Impaired: 133 677 (Australian Communication Exchange) Email: [council@wollongong.nsw.gov.au](mailto:council@wollongong.nsw.gov.au)

Web: [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)

Mail: Locked Bag 8821, Wollongong DC NSW 2500

**ASBESTOS-RELATED DISEASE ORGANISATIONS (NON-EXHAUSTIVE LIST)****Asbestos Diseases Foundation Australia Inc**

Phone: (02) 9637 8759

Helpline: 1800 006 196

Email: [info@adfa.org.au](mailto:info@adfa.org.au)

Website:

[www.adfa.org.au](http://www.adfa.org.au)

**Asbestos Diseases Research Institute**

Phone: (02) 9767 9800

Fax: (02) 9767 9860

Email: [info@adri.org.au](mailto:info@adri.org.au)

Website: [www.adri.org.au](http://www.adri.org.au)

**Australian Institute of Occupational Hygienists Inc**

Phone: (03) 9338 1635

Email:

[admin@aioh.org.au](mailto:admin@aioh.org.au)

Website: [www.aioh.org.au](http://www.aioh.org.au)

**DUST DISEASES AUTHORITY**

Phone: (02) 8223 6600

Toll Free: 1800 550 027

Email:

[DDAenquiries@icare.nsw.gov.au](mailto:DDAenquiries@icare.nsw.gov.au)

Website:

<https://www.icare.nsw.gov.au/>

**ENVIRONMENT PROTECTION AUTHORITY (EPA)**

Phone: (02) 9995 5000

Environment line: 131 555

Email: [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)

Website:

[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

**LICENSED ASBESTOS CONTRACTORS**

For a listing of asbestos removal contractors in your area, refer to your local telephone directory, the Yellow Pages website: [www.yellowpages.com.au](http://www.yellowpages.com.au), SafeWork NSW Find a licenced asbestos removalist website or contact:

**Asbestos & HAZMAT Removal Contractors Association NSW (AHRCA)**

Email: [email@ahrcansw.asn.au](mailto:email@ahrcansw.asn.au)

Website: <https://ahrcansw.ahrcansw.asn.au/> Verification of an asbestos removal contractor's licence can be checked by contacting SafeWork NSW's Certification Unit Phone: 131 050.

**Civil Contractors Federation (CCF)**

Address: Unit 11, 9 Hoyle Avenue,  
Castle Hill NSW 22154  
Phone: (02) 9009 4000  
Email: [ccfnsw@ccfnsw.com](mailto:ccfnsw@ccfnsw.com)  
Website: [www.ccfnsw.com](http://www.ccfnsw.com)

**LOCAL GOVERNMENT NSW**

Fax: 02 9242 4111  
Mailing Address: GPO Box 7003 Sydney NSW 2001  
Location: Level 8, 28 Margaret Street Sydney NSW  
2000  
Phone: (02) 9242 4000  
Email: [lgnsw@lgnsw.org.au](mailto:lgnsw@lgnsw.org.au)  
Website: <https://www.lgnsw.org.au>

**NSW OMBUDSMAN**

Phone: (02) 9286 1000  
Toll free (outside Sydney metro): 1800 451  
524 Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Website: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

**TRAINING PROVIDERS (NON-EXHAUSTIVE LIST)****TAFE NSW**

Phone: 131 601  
Website: [www.tafensw.edu.au](http://www.tafensw.edu.au)

**Housing Industry Association (HIA)**

Phone: (02) 9978 3333  
Telephone: 1300 650 620  
Email: [enquiry@hia.com.au](mailto:enquiry@hia.com.au)  
Website: <http://hia.com.au>

**Local Government Training Institute**

Address: 4 Sandringham Ave, Thornton 2322  
Phone: (02) 4922 2333  
Email: [reception@lgti.com.au](mailto:reception@lgti.com.au)  
Website: [www.lgti.com.au](http://www.lgti.com.au)

**Comet Training**

Phone: (02) 9649 5000  
Email: [info@comet.training](mailto:info@comet.training)  
Website: <https://courses.comet.training>

**Masters Builders Association (MBA)**

Address: 52 Parramatta Road Forest Lodge NSW  
2037 Phone: (02) 8586 3555  
Toll free: 1800 622 679  
Email: [enquiries@mbansw.com.au](mailto:enquiries@mbansw.com.au) Website: [www.masterbuilders.com.au](http://www.masterbuilders.com.au)

**SAFework NSW**

SafeWork NSW Information Centre Phone: 131 050  
SafeWork NSW – Asbestos/Demolition Hotline Phone: 1800 672 718  
Website: [www.safework.nsw.gov.au/](http://www.safework.nsw.gov.au/)

**APPENDIX F – WASTE MANAGEMENT FACILITIES THAT ACCEPT ASBESTOS WASTES**

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

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

Wollongong Waste and Resource Recovery Park at Kembla Grange currently does not accept asbestos waste for disposal. There are no waste facilities that accept asbestos waste for landfill disposal within the Wollongong region. Asbestos waste must be taken to a waste facility that may lawfully accept that type of waste. The nearest waste facilities that may lawfully accept asbestos waste for landfill disposal for residents of the Wollongong region are the Lucas Heights Waste Management Centre and the West Nowra Recycling and Waste Facility.

Lucas Heights Waste Management Centre, New Illawarra Road, Lucas Heights, phone 1300 651 116. West Nowra Recycling and Waste Facility, Flat Rock Road, Nowra, phone (02) 4429 3374.

**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](http://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 copious 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. The 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**

- *Contaminated Land Management Act 1997*
- *How to manage and control asbestos in the workplace: Code of practice* (catalogue no WC03560) published by SafeWork NSW, 2019
- *How to safely remove asbestos: Code of practice* (catalogue no WC03561) published by SafeWorkNSW, 2019
- *Demolition work code of practice 2019* (catalogue no. WC03841)
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations (General) Regulation 2022*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *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.*

## APPENDIX H – AGENCIES ROLES AND RESPONSIBILITIES NSW ORGANISATIONS

### Department of Planning and Environment (DPE)

The 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 (Resilience and Hazards)* 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 2021* specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The Department of Fair Trading also has a role in the management of asbestos. Fair Trading's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role and this includes education in relation to managing asbestos. Further information about the role of the Department of Fair-Trading BPB may be found at

<https://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/building-certifiers>

### Dust Diseases Authority (DDA)

The DDA 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)

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

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

The EPA is responsible for assisting councils in fulfilling their regulatory responsibilities. The 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 the Chief Executive Officer of SafeWork NSW with senior officials from the –

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

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](http://www.safework.nsw.gov.au).

### **Local Government NSW (LGNSW)**

Local Government NSW is the peak body for councils in NSW. LGNSW represents all NSW general purpose councils, the special purpose 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, Local Government NSW commenced a project funded by SafeWork NSW to assist councils to adopt and implement a model asbestos policy.

### **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.
- 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 NSW**

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 Department of Fair Trading and oversees building and subdivision certification. Fair Trading role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role. Fair Trading certifies and audits both private and council certifiers. Further information about the role of the Department of Fair Trading may be found at: <https://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/building-certifiers>

### **Office of Local Government**

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

The Office has a policy, legislative, investigative and program focus on 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 manages the workers compensation system. SafeWork NSW's activities include:

- health and safety,
- injuries and claims,
- licensing for some types of plant operators,
- registration of some types of plant and factories,
- training and assessment, medical and healthcare,
- law and policy.

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

## 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.
- 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 <https://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 <https://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](mailto: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](http://www.nata.asn.au)

### Environmental Health Committee (enHealth)

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

Website: [www.health.gov.au/internet/main/publishing.nsf/content/ohp-enviro-enhealth-committee.htm](http://www.health.gov.au/internet/main/publishing.nsf/content/ohp-enviro-enhealth-committee.htm)

**Safe Work Australia**

Safe Work 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: 1300 551 832

Email: [info@swa.gov.au](mailto:info@swa.gov.au)

Website: [www.safeworkaustralia.gov.au](http://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.

Further details are provided in the *Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government*, 2011 (NSW Government).

**Emergency Management**

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

**Residential Settings**

Scenario	Lead Organisation	Other Regulators
Safe management of asbestos including: <ul style="list-style-type: none"> <li>• identification</li> <li>• in situ management</li> <li>• removal requirements</li> <li>• disposal requirements</li> </ul>	Local council Private Certifiers	SafeWork NSW EPA
Site contaminated due to past uses	Local council	SafeWork NSW EPA
Licensed removal work required	SafeWork NSW	Local council Private Certifiers
Removal does not require a licensed removalist	Local council Private Certifiers	SafeWork NSW (workers)
Transport or waste disposal issues	Local council	EPA
Derelict property with fibro debris	Local council or multi-agency	Multi-agency

**Site Contamination**

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

**Waste**

Scenario	Lead Organisation	Other Regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and Local council (non-worksites)	
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 10.7 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**

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

## APPENDIX J – ASBESTOS CONTAINING MATERIALS

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

Asbestos Containing Materials	Approximate Supply Dates
Cement sheets	Imported goods supplied from 1903 locally made 'fibrolite' from 1917
Cement roofing/lining slates	Imported goods supplied from 1903 locally made 'fibrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marblitone decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	During the 1960s and 1970s, pure loose-fill asbestos was sold as ceiling insulation for residential and commercial premises. A Canberra based company known as 'Mr Fluffy' installed insulation in at least 1,000 homes in the ACT and is also understood to have installed insulation into homes in NSW.
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

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

*NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015)*

**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, e.g., 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 Telstra)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant, and adhesives

Cement render

Ceiling insulation (which may have moved into wall cavities, cornices, and sub-floor areas) 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 ceilings, which may have spread to wall cavities, cornices, and sub-floor areas

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, asbestos, 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

**Sources:**

*Environmental health notes No 2: Guidelines for local government on asbestos*, 2005 (Victorian Department of Human Services).

*NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes* (2015)

## APPENDIX K – ASBESTOS LICENCES

Type of Licence	What Asbestos Can Be Removed?
Class A	<ul style="list-style-type: none"> <li>• Can remove any amount or quantity of asbestos or asbestos containing material, including:</li> <li>• any amount of friable asbestos or asbestos containing material</li> <li>• any amount of asbestos containing dust</li> <li>• any amount of non-friable asbestos or asbestos containing material</li> </ul>
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> <li>• any amount of non-friable asbestos or asbestos containing material</li> </ul> <p><b>Note:</b> A Class B licence is required for removal of more than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material, but the licence holder can also remove up to 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material.</p> <ul style="list-style-type: none"> <li>• asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material.</li> </ul> <p><b>Note:</b> A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material, but the licence holder can also remove asbestos containing dust associated with removal of up to 10m<sup>2</sup> of non-friable asbestos or asbestos containing material.</p>
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> <li>• up to 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material</li> <li>• asbestos containing dust that is: <ul style="list-style-type: none"> <li>○ associated with the removal of less than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material</li> <li>○ not associated with the removal of friable or non-friable asbestos and is only a minor contamination</li> </ul> </li> </ul>

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on telephone 131 050

APPROVAL AND REVIEW	
Responsible Division	City Strategy
Date adopted by Council	6 February 2023
Date/s of previous adoptions	5 September 2016
Date of next review	February 2025