INNER WEST COUNCIL

ATTACHMENTS

for

BUSINESS PAPER

6.30PM, TUESDAY, 30 APRIL, 2019

PAGE NO.

Item 6 Draft Inner West Council Asbestos Policy

Attachment 1**:** Inner West Council Asbestos Policy 2

INNER WEST COUNCIL

Asbestos Policy

DOCUMENT PROFILE

Title	**Asbestos Policy**
Summary	Inner West Council acknowledges the serious health hazard of exposure to asbestos. 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 Local Government Area (LGA) ▪ workers (employees and other persons) in Council workplaces. The policy provides information for Council workers, the local community and wider public.
Background	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.
Policy Type	Council
Relevant Strategic Plan Objective	Strategic Direction 2: Unique, liveable, networked neighbourhoods
Relevant Council References	▪ Compliance and Enforcement Policy ▪ Compliance and Enforcement Protocol ▪ Code of Conduct Policy ▪ Complaints Management Policy and Procedure
Main Legislative Or Regulatory Reference	▪ *Local Government Act 1993* ▪ *Environmental Planning and Assessment Act 1979* ▪ *Work Health and Safety Act 2011* ▪ *POEO Waste Regulation 2014* ▪ *Environmental Planning and Assessment Regulation 2000* ▪ *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* ▪ *Work Health and Safety Regulation 2017* (NSW) ▪ *Protection of the Environment Operations Act 1997* ▪ *Protection of the Environment Operations (Waste0 Regulation 2014* ▪ *Contaminated Land Management Act 1997*

	▪ Code of Practice on how to safely remove asbestos
Applicable Delegation Of Authority	As per delegations' register
Other External References	See Appendix B
Attachments	See Appendixes
Record Notes	External available document
Version Control	See last page

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1 PURPOSE

Council has an important role in minimising exposure to asbestos, as far as is reasonably practicable, for:

- residents and the public within the Local Government Area (LGA);
- users of council property (tenants, hirers etc);
- 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.

2 OBJECTIVE

The policy objective is 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;
- Council's approach to managing asbestos containing materials in Council workplaces;
- sources of further information.

3 SCOPE

This policy applies to the Inner West LGA.

The policy provides information for Council workers, the local community and wider public.

Part 1 in Section 6 of this policy includes the sections that are likely to be of most interest to the local community and wider public. Part 2 in Section 6 of this policy is information that applies to workers associated with Council including employees, contractors, consultants, and volunteers (as defined by the NSW *Work Health and Safety Regulation 2017*).

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 on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW;
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW;
- Additional guidance material listed in Appendix B of this policy;
- Detailed information on Council's procedures and plans may be found in other documents, which are referenced in Part 2 under Section 8 of this policy.

4 DEFINITIONS

Refer to Appendix C.

5 POLICY STATEMENT

This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.

This policy does **not** confer any delegated authority upon any person. All delegations to staff are issued by the Chief Executive Officer.

6 POLICY

PART 1 – ASBESTOS IN THE LOCAL GOVERNMENT AREA: INFORMATION FOR THE COMMUNITY

6.1 Naturally occurring asbestos

There are no known areas or areas with the potential for naturally occurring asbestos in the Inner West LGA.

6.2 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 of this policy. The nature of asbestos contamination of land can vary significantly and there can be a number of different mechanisms available to address this contamination depending upon its source and extent.

6.2.1 *What is contaminated land?*
Contaminated land is generally considered to be areas or sites that have high concentrations of substances which do not naturally occur in the area and it is anticipated that they have the potential to harm the environment or human health. Environmental regulation aims to manage the remediation process of contaminated lands so that the risk of continued harm is removed or contained. It is important to note that asbestos can contaminate land and can cause harm to human health and the environment. Any asbestos contaminated soils must be wetted down and any asbestos products must be securely packaged and sealed if being transported. All asbestos waste must be disposed of a landfill site that can lawfully receive it.

6.2.2 *What is Council's involvement*?
Council regularly encounters contaminated land through the assessment of environmental planning instruments (commonly known as planning proposals or rezoning applications) and development applications under Parts 3 and 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. When carrying

out planning and development functions Council must consider State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). In March 2018, the NSW Department of Planning & Environment released a Draft Remediation of Land SEPP that will eventually replace SEPP 55 however in the interim planning and development assessments under both Parts 3 & 4 of the EP&A Act are to consider both. Both SEPPs regard the potential for land to be contaminated and guide decision-making as to whether the land should be remediated or have its intended future use restricted.

6.2.3 *Inner West LGA Context*
The Inner West LGA has large swathes of areas that were historically used for industrial activities and are, or potentially are, contaminated. Any disruption of the soil or potentially any other ground disturbance to the site will require a consideration of environmental and human health impacts. Similarly, any house built before 1987 is likely to contain asbestos in some form. It is primarily when the asbestos substance is disturbed (via renovations or demolition) that health and environmental risks arise.

6.2.4 *Public information for Asbestos*
The following list of asbestos guidelines provided by other public authorities is stated below for any persons seeking further information:

- *Asbestos – A Guide for Householders and the General Public* by Australian Government Department of Health. http://www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc/$FILE/asbestos-feb13.pdf
- *Working Safely with Asbestos around the Home* by NSW WorkSafe: http://asbestosawareness.com.au/wp-content/uploads/2016/11/Fact-Sheet-1-Asbestos-Around-Home-FINAL-1.pdf
- Refer to the Asbestos Awareness Campaign at asbestosawareness.com.au launched in 2011.

6.2.5 *NSW Legislative Context for Contaminated land and Asbestos*:
In NSW, there are numerous legislations that establish the framework for considering land contamination issues, land remediation and the handling of asbestos these include:

- Sites that are known to be historically contaminated and likely to pose a 'significant' risk to human health or cause environmental harm are managed under the *Contaminated Land Management Act 1997*;
- Land use activities that are likely to pollute and potentially contaminate land are managed under the *Protection of the Environment Operations Act 1997*l and
- Contaminated lands that do not pose a significant risk to human health or environmental harm, but require land remediation works to be deemed suitable for the future intended use, are governed by the *State Environmental Planning Policy No. 55 - Remediation of Land*.
- The handling and storage of asbestos waste at worksites is regulated by *SafeWork NSW* (formerly WorkCover) under the provisions of the *Work Health and Safety Regulation 2011*).
- The storage, disposal and transport of asbestos waste is regulated by the NSW Environment Protection Authority (EPA) or Council under the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulations 2014*.

6.2.6 *Responsibilities for contaminated land:*
Responsibility for cleaning up contaminated land lies with the person responsible for contaminating the land, the occupier or the relevant landowner.

It is illegal to:

- Dispose of asbestos waste in domestic kerbside bins. It is dangerous for Council staff and can contaminate otherwise recyclable waste streams.
- Reuse, recycle or illegally dump asbestos products or asbestos contaminated waste. Fines of up to $7,500 (individual) and $15,000 (company) apply if you illegally dispose of asbestos waste. Penalties of up to $1,000,000 apply if the matter is heard in Court.

Council or the EPA may issue clean-up notices to the person responsible for contaminating the land, the occupier or the relevant owner of premises at or from which Council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed. If you are served with a clean-up notice, you must pay for the cost of cleaning up and safely disposing of the waste.

Council or the EPA may also issue prevention notices 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 the *Protection of the Environment Operations Act 1997*). Council shall keep records of: tasks undertaken; the hours Council employees have spent undertaking those tasks; and expenses incurred.

During site redevelopment Council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the *Environmental Planning and Assessment Act 1979*.

That is, Council will apply the requirements of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land.* The NSW Environment Protection Authority (EPA) provides guidelines on procedures to following under SEPP 55 for any suspected land that is contaminated. These are provided below for reference:

- EPA Planning Guideline for Managing Land Contamination SEPP 55 - Remediation of Land; and
- EPA Guidelines for Consultants Reporting on Contaminated Sites.

6.2.7 *Finding out if land is contaminated:*

6.2.7.1 *Responsibilities*

Any persons should carry out their own due diligence to satisfy themselves if any land contamination is present. Both the *Contaminated Land Management Act 1997* and SEPP 55 require applicants to establish whether contamination is present on site, and whether it is suitable, or can be made suitable, for the proposed uses. The EPA Guidelines on land contamination (listed above) can assist current/future land owners, businesses or consultants in establishing whether a threat of land contaminated exists, and next steps to define an appropriate remediation pathway.

It is not the responsibility of Council to investigate all land in the LGA to establish whether land is contaminated or not. Rather, all Inner West DCPs identify land contamination as a potentially restrictive factor to redevelopment and require an assessment of land under SEPP 55 for all applications.

6.2.7.2 *Planning Certificates*

Council may also provide information about land contamination on planning certificates (issued under section 10.7(2) & (5) of the *Environmental Planning and Assessment Act 1979*).

If land is declared as significantly contaminated by the Environment Protection Authority (EPA) under section 59 of the *Contaminated Land Management Act 1997* (CLM Act), there are requirements under Schedule 4 of the *Environmental Planning and Assessment Regulation 2000* for the matter to be stated on a section 10.7(2) Planning Certificate. The EPA and SafeWork NSW are the lead regulatory authorities for significantly contaminated land under the CLM Act as outlined in Appendix A under section 2.6.

Council must state on a section 10.7(2) Planning Certificate if land is affected by a policy adopted by Council that restricts the development of the land because of the likelihood of risk. Land contamination is considered a risk that may affect the development of land in:

- Leichhardt Development Control Plan 2013 (refer to Part C: Place Section 1 General Provisions – C1.8 Contamination);
- Marrickville Development Control Plan 2011 (refer to Part 2.24: Contamination of Land); and
- Comprehensive Inner West DCP 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill (refer to Section A14 Contaminated Land).

Council records can only indicate known contaminated sites and any site may potentially be contaminated. Accordingly, all Planning Certificates issued in the Inner West will identify the risk of land contamination an adopted policy of council's that may restrict the development of land on a section 10.7(2) Planning Certificate. Land owners and occupiers should carry their due diligence to satisfy themselves the land is suitable for its intended use, the provisions of SEPP 55 and Councils' DCPs will be applied in any assessment under Part 3 and 4 of the EP&A Act.

In addition, 10.7(2) Planning Certificates must provide a statement as to whether if it is known if loose-fill asbestos is present on any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989* and as is listed on its register). Currently, there are no known properties affected by loose-fill asbestos within the LGA.

A Section 10.7(5) Planning Certificate provides Council with an opportunity to record additional property information about the land. If Council holds contamination information = this is, it is known to Council that there is some form of land contamination (such as asbestos in the soil), a statement will be made to this affect.

It is important to note that when advice is issued in accordance with section 10.7(5), Council is under no obligation to furnish any advice. If advice is provided Council draws attention to section 10.7(6) and Section 2 Schedule 6 of the EP&A Act which have the effect that Council shall not incur any liability in respect of advice provided in good faith pursuant to section 10.7(5), including the furnishing of advice in respect of contaminated land.

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

6.2.8 *Duty to report contaminated land:*
A person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination (under the *Contaminated Land Management Act 1997*). Situations where this is required are explained in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

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

6.2.9 *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 from any cause, such as 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 6.2.6.

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. If a person fails to comply with the terms of an order, Council may act to give effect to the terms of the order, including the carrying out of any work required by the order.

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

6.3 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.

6.3.1 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 6.2.6.

Alternatively, Council may act under the *Environmental Planning and Assessment Act 1979* as outlined in Section 6.2.9 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 on the likely level of risk and appropriate controls required;
- liaise with or consult the appropriate agency;
- inform emergency personnel of any hazards known to Council as soon as practicable;
- follow the Code of Practice on How to Safely Remove Asbestos (Catalogue No. WC03561) 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 6.2.9);
- address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in Section 6.10.6a) or issuing a clean-up or prevention notice (as outlined in Section 6.2.6 and Section 6.2.9) to ensure asbestos containing materials are removed for disposal;
- ensure that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, 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.

6.3.2 *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 6.5.4(a))
- 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 6.5.4(a))
- any other measures recommended by an occupational hygienist following assessment of the situation.

6.4 Council's process for changing land use

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously been used as a landfill or for on-site burial of asbestos waste).

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

Managing sites contaminated with asbestos material is addressed in Section 6.2.

6.5 Council's process for assessing development

This section applies to DAs assessed under the *Environmental Planning and Assessment Act 1979* and complying development certificate (CDC) applications assessed under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (see Section 6.5.5). 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.

6.5.1 *Responsibilities for approving development:*
Council is the consent authority for the majority of DAs in the LGA. The Sydney Eastern City Planning Panel (SECPP) is also consent authority for certain local or regional development. Council may have representation on the SECPP.

Council or the SECPP 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 are able to issue a complying development certificate under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Further information on demolition is provided in Section 6.5.5.

When a private certifier issues a complying development certificate and is appointed as the Principal Certifier for the development it is the certifier's responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2000* (Clause 136E). Compliance is covered in Section 6.5.7.

6.5.2 *Providing advice to home owners, renovators and developers:*
Council is committed to providing information to minimise the risks from asbestos in the LGA. Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may be found around the home.

The key points are:

- Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to Section 6.5.3).
- 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 6.5.4.
- 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 6.5.4). Contact details for Council and SafeWork NSW are provided in Appendix E.

6.5.3 *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 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 6.2.7.

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 from prior to 2004.

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

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

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

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

6.5.4 *Removing asbestos, refurbishments and demolitions:*

a) 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, so far as reasonably practicable, is removed before the refurbishment or demolition is commenced.

Depending on the nature and quantity of asbestos to be removed, a licence may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix K. SafeWork 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, or
- asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (which is when the asbestos contamination is incidental and can be cleaned up in less than one hour).

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

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

Removal of 10 square metres or less of non-friable asbestos may be undertaken without a licence. However, given the risks involved, Council encourages residents to consider engaging a licensed asbestos removal contractor. The cost of asbestos removal by a licensed professional is comparable in price to most licensed tradespeople including electricians, plumbers and tilers.

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

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

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

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

- supervised by a supervisor named to SafeWork 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 6.6.

b) *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.

c) *Obtaining approval for demolition:*
Demolition work is classified as high risk construction work in the NSW *Work Health and Safety Regulation 2017* and demolition licenses are required for some demolition work. The *Demolition Work Code of Practice 2015* provides practical guidance on how to manage the risks associated with the demolition of buildings and structures. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire of Council as to whether and what type of approval is required. Where a DA 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 6.5.6.

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 2000* provides mandatory conditions for complying development certificate applications.

Demolition of development that would be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is also exempt development and does not require consent. This includes minor structures such as carports, fences, sheds and the like.

6.5.5 *Exempt or complying development:*

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

This means that there is no ability for Council or a private certifier to impose safeguards for the handling of asbestos through conditions of development consent. However, Council advises that all asbestos removal work should be carried out in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

b) *Complying development:*
The *Environmental Planning and Assessment Regulation 2000* (clause 136E) outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

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

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

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

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (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 6.7.

For 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 6.5.4 of this policy.

6.5.6 *Development applications*:
If a proposed building does not meet the requirements of exempt or complying development then the alternative planning approval pathway is a DA. A DA can only be approved by a local Council, the SECPP or, for very large, State-significant development proposals, the State Government. A DA 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.

a) *Pre-development application advice regarding asbestos:*
Council's pre-development application (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. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos including those with building materials from prior to 2004.

b) *Conditions of consent:*

The following conditions of consent will be imposed on any development consent granted relating to work that may involve asbestos:

- Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.
- All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

6.5.7 *Compliance and enforcement*:

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

Council may take action on any development for which Council has issued the development consent, even when not appointed as the principal certifying authority to ensure enforcement.

Where Council receives a complaint about a development for which Council is not the principal certifying authority, Council should consider whether Council is the appropriate authority to resolve the matter.

Complaints that warrant action by 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.
- In relation to naturally occurring asbestos, Council is to verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW is to coordinate enforcement where non-compliance is suspected.

b) *Compliance strategies:*

Illegal works include:

- works that are undertaken without a required development consent or complying development certificate.

- works that are undertaken that do not comply with the conditions of the development consent or complying development certificate.

Where Council becomes aware of illegal work involving asbestos or asbestos containing materials, Council will notify SafeWork 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 6.2.6 of this policy.

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

6.6 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 landfill site that may lawfully receive asbestos waste.

6.6.1 Responsibilities for asbestos waste management:
Council's responsibilities for asbestos waste management are outlined in Section 7.3.

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 the *Protection of the Environment Operations Act 1997*. A licence is required where more than 5 tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local Councils.

6.6.2 *Handling asbestos waste for disposal*:
The *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in Section 4.8 of the Code).

6.6.3 *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*:

- any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and
- if the waste consists of bonded asbestos material-it is securely packaged during the transportation, and
- if the waste consists of friable asbestos material-it is kept in a sealed container during transportation, and
- if the waste consists of asbestos-contaminated soils-it is wetted down.

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 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

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

It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under Section 143 of the *Protection of the Environment Operations Act 1997*). Penalty notices may be issued to individuals and corporations or alternately the NSW courts may impose penalties for individuals and corporations if found guilty of committing this offence.

6.6.4 *Disposing of asbestos waste at waste facilities*:
Take waste only to a waste facility that accepts waste containing asbestos. First make enquires before transportation as not all waste facilities accept asbestos. Persons delivering waste to a disposal facility licenced to accept asbestos must comply with the following requirements:

- a person delivering waste, that contains asbestos, to an approved facility site must inform the landfill occupier of the presence of asbestos when delivering the waste.
- when unloading and disposing of asbestos waste at an approved facility, 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.

a) Situations in which asbestos waste may be rejected from waste facilities:
Asbestos waste may be rejected from a waste facility if the waste is:

i) not correctly packaged for delivery and disposal (as per Sections 6.6.2 and 6.6.3)
ii) not disclosed by the transporter as being asbestos or asbestos containing materials, or
iii) 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 and corporations may be fined 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.

6.6.5 *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 EPA approvals, is also considered to be illegal dumping and pollution of land.

Illegal dumping of asbestos waste in public places such as parks, lanes, 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 (under Section 142A of the *Protection of the Environment Operations Act 1997*), or
- up to $1 million, or seven years imprisonment, or both for an individual (under Section 119 of the *Protection of the Environment Operations Act 1997*).

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

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

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

6.6.6 *Asbestos remaining on-site*:
The disposal of asbestos on site is not encouraged as it requires an effective on going 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 within the property data base which will enable reporting on the EPAA planning certificate (Section 10.7 planning certificate).

6.7 Concerns and investigations

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

Council will respond to concerns 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.

PART 2 – MANAGEMENT OF ASBESTOS RISKS WITHIN COUNCIL

6.8 Rights and responsibilities of workers at the Council workplace

6.8.1 *Duties of Council workers at the Council workplace*

a) The Chief Executive Officer:

The Chief Executive Officer has a duty to exercise due diligence to ensure that Council complies with the *NSW Work Health and Safety Act 2011* and the *NSW Work Health and Safety Regulation 2017*. This includes taking reasonable steps to ensure that Council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

b) Workers:

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Accordingly workers:

i) must comply with this policy and any reasonable instruction or procedure relating to health and safety at the workplace;
ii) must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able;
iii) may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them, or other persons, to a serious health or safety risk, emanating from an immediate or imminent exposure to a hazard;
iv) should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation (refer to Appendix G).

Managers are responsible for ensuring workers who report to them have access to this policy and appropriate information, documentation and training.

c) Prohibited work activities:

i) Council will not permit the use of the following on asbestos or asbestos containing material:
   - high pressured water spray (unless for firefighting or fire protection purposes), or
   - compressed air.
ii) Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is controlled in accordance with the *NSW Work Health and Safety Regulation 2017*:
   - power tools
   - brooms (note brooms are allowed for use on vinyl floor tiles), or
   - any other implements that cause the release of airborne asbestos into the atmosphere.

6.8.2 *Responsibilities of Council to Council workers*

a) *Council's general responsibilities:*

Council has general responsibilities under the NSW *Work Health and Safety Act 2011* and the NSW *Work Health and Safety Regulation 2017*. Accordingly Council will:

- not use any asbestos containing materials (unless in accordance with part 8.1 (419) of the NSW *Work Health and Safety Regulation 2017*) and will not cause or permit asbestos waste in any form to be reused or recycled
- ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable
- ensure that the exposure standard for asbestos (defined in Appendix C) is not exceeded in the workplace
- notify SafeWork NSW immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air
- ensure that any contractors engaged to undertake the removal of asbestos for Council are appropriately licensed
- consult with workers as required by the *Work Health and Safety Act 2011*.

Council will not import asbestos or asbestos containing material into Australia as prohibited under the *Customs (Prohibited Imports) Regulations 1956*. If plant or other materials are imported from countries where asbestos is not yet prohibited, Council shall ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.

b) *Education, training and information for workers:*

As required by the NSW *Work Health and Safety Act 2011* and NSW *Work Health and Safety Regulation 2017*, Council will:

- provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of Council business
- ensure workers who Council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.
- council may also provide information and training to council employees who may need to respond to asbestos issues related to renovations and developments as outlined in Section 6.5.

Topics training may cover are outlined in the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

Education and training will only be provided by appropriately accredited individuals. Education and training may include both initial induction and ongoing reinforcement on a regular basis.

A record of asbestos training undertaken by each worker will be kept until five years after the day the worker ceases to work for council. This record will be kept on Councils HR Database and be managed by the Talent Management section.

A record of asbestos training undertaken by each worker will be kept until five years after the day the worker ceases to work for Council.

A list of workers who have received the appropriate training to respond to asbestos hazards is available.

c) *Health monitoring for workers:*
Council will ensure health monitoring is provided to a worker if they are carrying out licensed asbestos removal work, other ongoing asbestos removal work or asbestos-related work at the workplace for Council and are at risk of exposure to asbestos when carrying out the work.

The health monitoring will be consistent with the Code of practice on how to safely remove asbestos (catalogue no. WC03561) and meet the requirements of the NSW *Work Health and Safety Regulation 2017* (Part 8.5 Division 1).

Health counselling may be appropriate where a heightened sense of concern exists for individuals possibly exposed to elevated levels of airborne asbestos fibres.

Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee as a result of that exposure, are covered by the NSW *Work Health and Safety Regulation 2017* (clauses 435-444). Council will ensure these employees are kept on the health monitoring program.

Please refer to Councils Health Monitoring policy located on the Intranet.

6.9 Identifying and recording asbestos hazards in the Council workplace

This section outlines how Council will identify and record asbestos hazards in the workplace. This section does not cover illegal dumping which is addressed in Section 6.6.5.

6.9.1 *Identifying asbestos*
Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person (as defined by the NSW *Work Health and Safety Regulation 2017*). If a material cannot be identified or accessed, it will be assumed to be asbestos. This does not apply if Council has reasonable grounds to believe that asbestos or asbestos containing material is not present.

a) *Material sampling:*
Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where Council arranges sampling of asbestos containing material, this will be undertaken by an appropriately trained and competent Council worker or a competent person will be contracted to undertake this task. Analysis of the sample must only be carried out by a National Association of Testing Authorities (NATA) accredited laboratory (refer to Appendix E) or a laboratory approved or operated by the regulator.

6.9.2 *Indicating the presence and location of asbestos*
Council will clearly indicate the presence and location of any asbestos or asbestos containing material identified or assumed at the workplace. Where it is reasonably practicable to do so, Council will indicate the presence and location of the asbestos or asbestos containing material by a label.

6.9.3 *Asbestos register*
Council's asbestos register will be maintained to ensure the register lists all identified (or assumed) asbestos in the workplace and information in the

register is up to date. The asbestos register will be accessible, reviewed, revised and otherwise managed as mandated by the NSW *Work Health and Safety Regulation 2017* (clauses 425 – 428). This register is maintained by Councils Property section and will be located on the intranet.

Council will ensure that any worker carrying out or intending to carry out work at a Council workplace that involves a risk of exposure to airborne asbestos, is given a copy of the asbestos register.

6.9.4 *Suspected asbestos*
If a worker suspects there is asbestos in a Council workplace, they should inform their manager or supervisor. A competent worker should check the asbestos register for existing asbestos locations and control measures and may need to arrange for an inspection and sampling of the material (refer to Section 6.9.1). If it is likely that asbestos or suspected asbestos is present, the asbestos register will be updated and workers will be notified of any newly identified asbestos locations.

Council may need to manage the suspected asbestos as outlined in Section 6.10. If the suspected asbestos has been disturbed and has, or could, become airborne, Council may need to respond immediately as outlined in Section 6.11.

6.10 Managing asbestos-related risks in the Council workplace

6.10.1 *Asbestos management plan*:
Council will prepare an asbestos management plan for asbestos in the workplace.
The asbestos management plan will be accessible, reviewed, revised and otherwise managed as mandated by the NSW *Work Health and Safety Regulation 2017* clause 429.

6.10.2 *Asbestos management plan for naturally occurring asbestos*:
Council is not aware of any naturally occurring asbestos in the workplace. If naturally occurring asbestos is discovered, Council will prepare an asbestos management plan in relation to the naturally occurring asbestos in accordance with the NSW *Work Health and Safety Regulation 2017* part 8.4 (Management of naturally occurring asbestos).

6.10.3 *Management options for asbestos-related risks in the Council workplace*:
Council's asbestos management plan includes decisions and reasons for decisions about the management of asbestos at the workplace.

Options for managing asbestos-related risks include:
- removal of asbestos or asbestos containing materials (preferred wherever reasonably practicable)
- interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person
- leaving asbestos containing material in situ (deferring action).

Council may undertake an asbestos risk assessment, in consultation with workers and/or their representatives, in order to inform decision-making. Only competent persons will perform risk assessments or any subsequent reviews or revisions of risk assessments.

For all asbestos work or asbestos-related work, safe work practices will be in place and suitable personal protective equipment will be used.

6.10.4 *Sites contaminated with asbestos that are Council workplaces*:
Where asbestos is identified as contaminating a workplace, the site will be included in Council's asbestos register and asbestos management plan.

Council may need to ensure that an exposure assessment is undertaken and that appropriate risk management options are determined and implemented.

For asbestos in soil or aggregate, a suitably qualified occupational hygienist must carry out an assessment if the material in the soil and aggregate is unknown or classified as friable.

Council should engage specialists, who may include asbestos removalists, for all cases except in the case of minor, non-friable contaminations.

Further details on managing land contaminated with asbestos may be found in Section 6.2.

6.10.5 *Demolition or refurbishment of Council buildings and assets*:
Council will ensure that before any demolition or refurbishment of a Council structure or plant constructed or installed before 31 December 2003 is undertaken, the asbestos register is reviewed and a copy provided to the business undertaking the demolition or refurbishment. Council will ensure that any asbestos that is likely to be disturbed is identified and, so far as is reasonably practicable removed.

6.10.6 *Removal of asbestos in the Council workplace*:
Removal of asbestos or asbestos containing materials in the Council workplace will be undertaken in accordance with the:

- NSW *Work Health and Safety Act 2011*
- NSW *Work Health and Safety Regulation 2017*

Council may also refer to the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the NSW *Work Health and Safety Regulation 2017* including the requirements to:

- notify SafeWork NSW at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, Council may request to SafeWork NSW that this five days period be waived
- prepare, supply and keep an asbestos removal control plan
- obtain a copy of the asbestos register for the workplace before carrying out asbestos removal work at the workplace (this does not apply if the asbestos removal work is to be carried out at residential premises, for example cleaning up asbestos that has been illegally dumped at a residential premises)
- inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace
- erect signs and barricades
- limit access to the asbestos removal area
- properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment
- arrange a clearance inspection and clearance certificate.

Where Council is informed that asbestos removal work is to be carried out at the workplace, Council will inform workers and those in the immediate vicinity of the workplace and limit access to the asbestos removal area as per the NSW *Work Health and Safety Regulation 2017*.

a) *Removal by contractors:*
Where Council commissions the removal of asbestos at the workplace, Council will ensure asbestos removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the NSW *Work Health and Safety Regulation 2017* that a licence is not required.

Where appropriate refer to Councils Procurement Area for details of approved licensed asbestos contractors.

Where Council requires the services of asbestos removalists, Council will require the licence details of asbestos removalists prior to engaging their services and will verify the licence details with SafeWork NSW's Certification Unit prior to entering a contract or agreement with the licensed asbestos removalists.

Council is required to ensure that the work is carried out by a competent person who has been trained in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing material. Council will therefore require a statement in a written contract or agreement with the licensed asbestos removalist that the licensed asbestos removalist who will undertake the work has been adequately trained and is provided with appropriate health monitoring by their employer.

The licensed asbestos removalist is to provide the following documentation prior to carrying out asbestos removal work:

- Asbestos removal control plan
- Public liability certificate of currency
- Workers compensation certificate of currency
- SafeWork NSW confirmation details to carry out the removal work

Council will provide a copy of the asbestos register to the licensed asbestos removalist.

Where Council becomes aware of any breaches by licensed asbestos removalists, Council will report this to SafeWork NSW.

b) *Clearance inspections and certificates:*
Where Council commissions any licensed asbestos removal work, Council will ensure that once the licensed asbestos removal work has been completed, a clearance inspection is carried out and a clearance certificate is issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case) before the asbestos removal area is re-occupied.

The friable asbestos clearance certificate will require visual inspection as well as air monitoring of the asbestos removal site. Air monitoring is mandatory for all friable asbestos removal. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor.

The friable asbestos clearance certificate is to state that there was no visible asbestos residue in the area or vicinity of the area where the work was carried out and that the airborne asbestos fibre level was less than 0.01 asbestos fibres/ml.

6.11 Accidental disturbance of asbestos by workers

In situations where asbestos is accidentally disturbed by Council work and has, or could, become airborne, Council will act to minimise exposure of workers and the wider public to airborne asbestos.

It may be appropriate that council:

- stop works in the vicinity of the asbestos immediately
- inform the site supervisor immediately, inform necessary workers and record the incident
- evacuate the area
- provide personal protective equipment and briefing to appropriately trained workers who will respond to the incident
- restrict access to the area and ensure only appropriately trained and equipped council workers attend the site
- exclude the public from the site and provide information to the public if in a public area
- wet surfaces to reduce the dust levels
- prevent the spread of contamination by using wash down facilities
- provide information, training and supervision to all workers potentially at risk
- contact WorkCover to report the disturbance. WorkCover must be immediately notified if persons are likely to be effected by asbestos fibres or if an air monitoring process records a level above 0.02 fibres/ml of air
- implement an air monitoring program to assess asbestos exposure levels and specific risk control measures
- liaise with or consult the appropriate agencies
- seek advice from an occupational hygienist
- follow the Code of Practice on how to safely remove asbestos (catalogue no. WC03561)
- ensure that asbestos materials are disposed of at a facility licensed to accept asbestos materials, and where contractors have been engaged to dispose of asbestos waste, sight proof of appropriate disposal through weighbridge dockets or similar documentation
- update the asbestos register and notify workers of any newly identified asbestos locations.

6.12 Council's role in the disposal of asbestos waste

6.12.1 *Responding to illegal dumping*

Where Council commissions the removal of illegally dumped asbestos material or suspected asbestos material (refer to Councils Procurement Area for details of approved licensed contractors), Council will ensure this is undertaken in accordance with Section 6.10.6a.

Where Council becomes aware of illegally dumped asbestos material outside of Council's jurisdiction, Council will promptly notify the relevant authority.

6.12.2 *Transporting and disposing of asbestos waste*

Council will transport and dispose of waste in accordance with the legislation and as outlined in Section 6.6.

6.12.3 *Recycling facilities*
Council should screen and inspect incoming loads at recycling and storage facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

To prevent contamination of recycled products and to manage situations where contamination has occurred, Council should adhere to the guide: *Management of asbestos in recycled construction and demolition waste*.

6.12.4 *Re-excavation of landfill sites*
The re-excavation of a Council landfill site where significant quantities of asbestos waste are deposited is not encouraged and should only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*).

6.13 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 to:
- 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.

7 RESPONSIBILITIES

7.1 Educating residents

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

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

7.2 Managing land

Council is responsible for managing public land. This may land contaminated with asbestos as outlined in Section 6.2.

7.3 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 EPAA planning certificates where on-site disposal is permitted.

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

7.4 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* (NSW)
- *Environmental Planning and Assessment Act 1979* (NSW)
- *Environmental Planning and Assessment Regulation 2000* (NSW)
- *Local Government Act 1993* (NSW)
- *Protection of the Environment Operations Act 1997* (NSW)
- *Protection of the Environment Operations (General) Regulation 2009* (NSW)
- *Protection of the Environment Operations (Waste) Regulation 2014* (NSW)
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy No. 55 – Remediation of Land
- Demolition work code of practice 2015 (catalogue no. WC03841).

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

Issue	Council's role	Section of policy
Contaminated land	• Record known asbestos site contamination planning certificates where practicable and for Council workplaces, record on Council's asbestos register. • Notify stakeholders of land use planning policy requirements relating to contamination. • Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the *Contaminated Land Management Act 1997* (excluding oversight of removal or remediation work which is the role of SafeWork NSW).	Section 6.2
Development assessment	• Assess development applications for approval under the *Environmental Planning and Assessment Act 1979*. • Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. • Ensure compliance with development conditions. • Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 6.5.	Section 6.5
Demolition	• Approve demolition under the *Environmental Planning and Assessment Act 1979*. • Council certifiers approve development as complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.	Section 6.5
Emergencies and incidents	• 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 *Protection of the Environment Operations Act 1997*.	Section 6.3
Residential premises	• 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. • 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). • Respond to public health risks posed by derelict properties or asbestos materials in residential settings.	Section 6.5
Waste	• Respond to illegal storage, illegal dumping and orphan waste. • Regulate non-complying transport of asbestos containing materials.	Section 6.6

7.5 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.

These responsibilities are outlined in part 2.

8 SUPPORTING DOCUMENTATION

Council also has several internal documents that support this policy.

- Compliance and Enforcement Policy and Protocol
- Complaints Management Policy
- Code of Conduct

Appendices:

APPENDIX A – General information and guidance

1. What is asbestos?

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

There are two major groups of asbestos:

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

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

www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

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

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

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with SafeWork NSW (phone 13 10 50) 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.

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

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2.2. Residential premises:

As a general rule, a house built:

- Before the mid 1980s – is highly likely to contain asbestos containing products.
- Between the mid 1980s and 1990 – is likely to contain asbestos containing products.
- After 1990 – is unlikely to contain asbestos containing products. However, some houses built in the 1990s and early 2000s may have still used asbestos cement materials until the total ban on any activity involving asbestos products became effective from December 2003.
- Pipelines installed prior to 1992, particularly black surface coated and grey surface pipes, may contain asbestos.

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

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

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

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

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

2.3. Commercial and industrial premises:

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

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

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

2.4. Sites contaminated with asbestos:

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

2.5. Situations where asbestos contamination may occur:

Situations where asbestos contamination may occur include:

- industrial land, eg, asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots
- waste disposal or dumping sites, including sites of illegal dumping eg, building waste
- sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes
- buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004)
- land with fill or foundation material of unknown composition
- sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, eg, asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

2.6. Significantly contaminated land

For sites that are significantly contaminated, the EPA and SafeWork NSW are the lead regulatory authorities. The *Contaminated Land Management Act 1997* applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measureable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been

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nominated as significantly contaminated on its Public Register at: www.epa.nsw.gov.au/clm/publiclist.htm

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

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

3. Potentially hazardous activities

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

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

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

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

Council could inadvertently disturb asbestos through activities such as:

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

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

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

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

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

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

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

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

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

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APPENDIX B – Further information

Asbestos contractors
Choosing an asbestos consultant fact sheet (catalogue no. WC04547) (SafeWork NSW) www.safework.nsw.gov.au/formspublications/publications/Pages/Choosinganasbestosconsultant.aspx

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or by contacting the Asbestos Removal Contractors Association NSW (ARCA) www.arcansw.asn.au or by emailing: email@arcansw.asn.au. An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW's Certification Unit on **13 10 50**.

Asbestos waste
Advice about safely disposing of household asbestos waste can be found at:
www.epa.nsw.gov.au/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

Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 (EPA):
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

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

RIDonline is a statewide illegal dumping database and reporting tool to assist Councils and the EPA develop a comprehensive picture of the extent of illegal dumping in NSW. Members of the community can assist by reporting illegal dumping online through the RIDOnline App, available for the public to download in February 2016.

For more information on illegal dumping and safely disposing of asbestos waste visit the EPA website:
www.epa.nsw.gov.au

Management of asbestos in recycled construction and demolition waste, 2010 (SafeWork NSW)
www.safework.nsw.gov.au/__data/assets/pdf_file/0017/18323/asbestos_recycled_construction_demolition_waste_2772.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

Managing land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning and Environment and EPA):
www.epa.nsw.gov.au/resources/clm/gu_contam.pdf

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Emergency management
Guidance Material: Asbestos and Fire-damaged Buildings, 2015 (EPA):
www.epa.nsw.gov.au/resources/waste/asbestos/150044-asbestos-fire-damaged-buildings.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

Environmental risk assessment
Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia). Available via email by contacting the enHealth Secretariat:
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

Further advice concerning the health risks of asbestos can be obtained from your local public health unit.

Renovation and development
Asbestos: A guide for householders and the general public, Environmental Health Standing Committee (enHealth), Australian Health Protection Principal Committee, Canberra, 2013 (available at:
www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

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

Choosing and working with a principal certifier (formerly PCA): A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board):
www.bpb.nsw.gov.au/sites/default/files/public/Finalbuildingappbroch.pdf

Practical guidance
Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW:
www.safework.nsw.gov.au/__data/assets/pdf_file/0015/15216/how-to-manage-control-asbestos-workplace-code-of-practice-3560.pdf

Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW:
www.safework.nsw.gov.au/__data/assets/pdf_file/0016/15217/how-to-safely-remove-asbestos-code-of-practice-3561.pdf

Tenants
Tenants rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW):
www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php

Tenants – Housing NSW tenants
Asbestos fact sheet, 2010 (Housing NSW):
www.housing.nsw.gov.au/NR/rdonlyres/F4E1131F-2764-4CB1-BC07-98EB6C594085/0/Asbestos.pdf

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APPENDIX C – Definitions

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

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*
- *Protection of the Environment Operations Act 1997*
- *Waste classification guidelines part 1 classifying waste 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2017*.

accredited certifier means the holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* acting in relation to matters to which the accreditation applies.

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

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

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

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

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

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

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

asbestos removal work means:

- work involving the removal of asbestos or asbestos containing material, or
- Class A asbestos removal work or Class B asbestos removal work.

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

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

certifier Under Part 6, a certifier is a council or the holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* acting in relation to matters to which the accreditation applies.

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

Class A asbestos removal work means the removal of friable asbestos which must be licensed under clause 485 of the *Work Health and Safety Regulation 2011*. This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

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

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

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

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

complaint means an expression of dissatisfaction made about Council services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

For the purposes of this policy, a complaint does not include:

- a concern alleging asbestos related incidents in public places and private properties
- a request for information about a Council policy or procedure/ protocol
- a request for an explanation of actions taken by Council
- a request for internal review of a Council decision

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

complying development certificate means complying development (development that complies with pre-determined development standards and requires consent in the form of a complying development certificate by a consent authority or accredited certifier.

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

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

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

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

- the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work, or
- the removal of power, light or telecommunication poles.

development means:

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

development application means an application for consent under part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development but does not include an application for a complying development certificate.

emergency service organisation includes any of the following:

- the Ambulance Service of NSW
- Fire and Rescue NSW
- the NSW Rural Fire Service
- the NSW Police Force
- the State Emergency Service
- the NSW Volunteer Rescue Association Inc
- the NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*
- an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989.*

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

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

friable asbestos means material that:

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

health means physical and psychological health.

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

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

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

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

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

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

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

licensed asbestos removalist means a person conducting a business or undertaking who is licensed under the *Work Health and Safety Regulation 2011* to carry out Class A asbestos removal work or Class B asbestos removal work.

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

Minor amount of asbestos means no friable asbestos containing material less than $10m^2$.

NATA means the National Association of Testing Authorities, Australia.

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

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

non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.
Note: Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

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

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

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

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

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

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

principal certifier for building or subdivision work means the certifier appointed as the principal certifier for the building work under Section 6.6 (1) or for the subdivision work under Section 6.12 (1).

respirable asbestos fibre means an asbestos fibre that:

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

specified VET course means:
- in relation to Class A asbestos removal work – the following VET courses:
  - ~ remove non-friable asbestos
  - ~ remove friable asbestos, or
- in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
- in relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

structure means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:
- buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- any component of a structure
- part of a structure
- volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

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

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

worker a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:
- an employee, or
- a contractor or subcontractor, or
- an employee of a contractor or subcontractor, or
- an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- an outworker, or
- an apprentice or trainee, or
- a student gaining work experience, or
- a volunteer, or
- a person of a prescribed class.

Appendices:

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.

Appendices:

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
CDC.....Complying Development Certificate Application
EPA .....Environment Protection Authority
LGA .....Local Government Area
NATA.....National Association of Testing Authorities
NSW .....New South Wales
SEPP.....State Environmental Planning Policy
SECPP.....Sydney Eastern City Planning Panel
VET.....Vocational Education and Training

Appendices:

APPENDIX E – Relevant contacts

Inner West Council
Phone: ..... (02) 9392 5000
Email:..... council@innerwest.nsw.gov.au
Website:..... www.innerwest.nsw.gov.au

Asbestos-related disease organisations (non-exhaustive)

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

Asbestos Diseases Research Institute
Phone: ..... (02) 9767 9800
Email:..... info@adri.org.au
Website:..... www.adri.org.au

Australian Institute of Occupational Hygienists Inc.
Phone: ..... (03) 9338 1635
Email:..... admin@aioh.org.au
Website:..... www.aioh.org.au

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

Environment Protection Authority (EPA)
Phone: ..... (02) 9995 5000
Environment line:13 15 55
Email:..... info@epa.nsw.gov.au
Website:..... www.epa.nsw.gov.au/epa

Licensed Asbestos Contractors

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

Asbestos Removal Contractors Association NSW
PO Box Q1882
Queen Victoria Building NSW 1230
Email: ..... email@arcansw.asn.au
Website:..... www.arcansw.asn.au

Verification of an asbestos removal contractor's licence can be checked by contacting SafeWork NSW's Certification Unit Phone:**13 10 50**

Appendices:

Civil Contractors Federation (CCF)
Phone: ..... (02) 9009 4000
Email:..... ccfnsw@ccfnsw.com
Website:..... www.ccfnsw.com/

Local Government NSW
Phone: ..... (02) 9242 4000
Email:..... lgnsw@lgnsw.org.au
Website:..... www.lgnsw.org.au

NSW Ombudsman
Phone: ..... (02) 9286 1000
Toll free *(outside Sydney metro)*: 1800 451 524
Email:..... nswombo@ombo.nsw.gov.au
Website:..... www.ombo.nsw.gov.au

Training providers (non-exhaustive)

TAFE NSW
Phone: 131 601
Website:..... www.tafensw.edu.au

Housing Industry Association (HIA)
Phone: ..... (02) 9978 3333
Website:..... www.hia.com.au

Master Builders Association (MBA)
Phone: ..... (02) 8586 3521
Website:..... www.masterbuilders.com.au

SafeWork NSW
SafeWork NSW Information Centre Phone: 13 10 50
SafeWork NSW – Asbestos/Demolition Hotline Phone:. (02) 8260 5885
Website:..... www.safework.nsw.gov.au

Appendices:

APPENDIX F – Waste management facilities that accept asbestos wastes

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

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

Waste management facilities in other areas that accept asbestos wastes

A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at: www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm

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

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

Appendices:

APPENDIX G – Asbestos-related legislation, policies and standards

- *Contaminated Land Management Act 1997*
- Code of Practice on How to Manage and Control Asbestos in the Workplace *(catalogue no. WC03560) published by SafeWork NSW*
- Code of Practice on How to Safely Remove Asbestos *(catalogue no. WC03561) published by SafeWork NSW*
- Demolition Work Code of Practice 2015
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *Protection of the Environment Operations Act 1997*
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2017*
- *Workers' Compensation (Dust Diseases) Act 1942*

Appendices:

APPENDIX H – Agencies roles and responsibilities

NSW Organisations

Department of Planning and Environment (DPE)
DPE's primary role in the management of asbestos relates to administration of State Environmental Planning Policies, and the *Environmental Planning and Assessment Act 1979* (and associated Regulation).

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

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

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

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

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

Environment Protection Authority (EPA)
EPA'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 special requirements relating to the transportation and disposal of asbestos waste.

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

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

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

Heads of Asbestos Coordination Authorities (HACA)
The HACA is chaired by SafeWork NSW with senior officials from:

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

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

Local Government NSW (LGNSW)
Local Government NSW (LGNSW) is the peak body for Councils in NSW. LGNSW represents all NSW general-purpose Councils, the special-purpose county Councils and the NSW Aboriginal Land Council.

LGNSW is a credible, professional organisation facilitating the development of an effective community-based system of Local Government in NSW. LGNSW represents the views of Councils to NSW and Australian Governments; provides industrial relations and specialist services to Councils; and promotes NSW Councils to the community.

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

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

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

The NSW Department of Industry also has responsibilities for:

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

Within the Division of Resources & Energy in the Department, the Geological Survey of NSW teams of field geologists, geophysicists, mineral geoscientists and palaeontologists and geospatial specialists produce a range of maps. Geological mapping records the distribution of rock types and location of structures at or near the Earth's surface. The maps have applications to land use

Appendices:

assessment, engineering construction, environmental management and natural hazard risk assessment.

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

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

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

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

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

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

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

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

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

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

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at: www.SafeWorkNSW.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspx

National Organisations

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

The agency has broad functions under its legislation, including:

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

The agency administers the National Asbestos Exposure Register which was created to record the details of members of the community who may have been exposed to asbestos. Registration forms are online at 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.

National Association of Testing Authorities (NATA)
This body has the role of providing accreditation to firms licensed to remove asbestos.
NSW (Head Office) and ACT
Phone: (02) 9736 8222
National Toll Free: 1800 621 666
Website: www.nata.asn.au

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

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

Appendices:

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: ..... (02) 6121 5317
Email:..... info@swa.gov.au
Website:..... www.safeworkaustralia.gov.au

Appendices:

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
- residential settings
- site contamination
- waste
- workplaces

Emergency management

Scenario	Lead organisation	Other regulators
Emergency response	Emergency services	Fire and Rescue (Hazmat) SafeWork NSW
Handover to Local Council, owner of property or NSW Police – 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 Certifiers
Clearance Certificate issued by an Asbestos Assessor	SafeWork NSW	Principal Certifiers

Residential settings

Scenario	Lead organisation	Other regulators
Safe Management of asbestos including: • identification • in situ management • removal requirements • disposal requirements.	Local Council Certifiers	SafeWork NSW EPA
Site contaminated due to past uses	Local Council	SafeWork NSW EPA
Licensed removal work required	SafeWork NSW	Local Council Certifiers
Removal does not require a licensed removalist	Local Council Certifiers	SafeWork NSW (workers)
Transport or waste disposal issues	Local Council	EPA
Derelict property with fibro debris	Local Council or Multi-agency	Multi-agency

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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) (planning certificate and development assessment process)
Waste going to landfill site	EPA (advice)	
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 *Contaminated Land Management Act 1997*	Local Council	EPA
'Significantly contaminated' land declared under the *Contaminated Land Management Act 1997*	EPA	Local Council

Appendices:

APPENDIX J – Asbestos containing materials

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

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbletone 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) www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

Appendices:

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

A

Air conditioning duct, in the exterior or interior acoustic and thermal insulation
Arc shields in lift motor rooms or large electrical cabinets
Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats
Asbestos ceiling tiles
Asbestos cement conduit
Asbestos cement electrical fuse boards
Asbestos cement external roofs and walls
Asbestos cement in the use of form work for pouring concrete
Asbestos cement internal flues and downpipes
Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers
Asbestos cement pieces for packing spaces between floor joists and piers
Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc
Asbestos cement render, plaster, mortar and coursework
Asbestos cement sheet
Asbestos cement sheet behind ceramic tiles
Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards
Asbestos cement sheet internal walls and ceilings
Asbestos cement sheet underlay for vinyl
Asbestos cement storm drain pipes
Asbestos cement water pipes (usually underground)
Asbestos containing laminates, (such as Formica) used where heat resistance is required
Asbestos containing pegboard
Asbestos felts
Asbestos marine board, eg marinate
Asbestos mattresses used for covering hot equipment in power stations
Asbestos paper used variously for insulation, filtering and production of fire resistant laminates
Asbestos roof tiles
Asbestos textiles
Asbestos textile gussets in air conditioning ducting systems
Asbestos yarn
Autoclave/steriliser insulation

B

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork)
Bituminous adhesives and sealants
Boiler gaskets
Boiler insulation, slabs and wet mix
Brake disc pads
Brake linings

C

Cable penetration insulation bags (typically Telecom)
Calorifier insulation
Car body filters (uncommon)
Caulking compounds, sealant and adhesives
Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas)
Cement render

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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

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

M

Mastik
Millboard between heating unit and wall
Millboard lining of switchboxes
Mortar

P

Packing materials for gauges, valves, etc can be square packing, rope or loose fibre
Packing material on window anchorage points in high-rise buildings
Paint, typically industrial epoxy paints
Penetrations through concrete slabs in high rise buildings
Pipe insulation including moulded sections, water-mix type, rope braid and sheet
Plaster and plaster cornice adhesives
Pipe insulation: moulded sections, water-mix type, rope braid and sheet
Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

R

Refractory linings
Refractory tiles
Rubber articles: extent of usage unknown

S

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts
Sealant or mastik on windows
Sealants and mastik in air conditioning ducting joints
Spackle or plasterboard wall jointing compounds
Sprayed insulation: acoustic wall and ceiling
Sprayed insulation: beams and ceiling slabs
Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels
Stoves: old domestic type, wall insulation

T

Tape and rope: lagging and jointing
Tapered ends of pipe lagging, where lagging is not necessarily asbestos
Tilux sheeting in place of ceramic tiles in bathrooms
Trailing cable under lift cabins
Trains: country – guards vans – millboard between heater and wall
Trains – Harris cars – sprayed asbestos between steel shell and laminex

V

Valve and pump insulation

W

Welding rods
Woven asbestos cable sheath

Sources:

Environmental health notes number 2 guidelines for local government on asbestos, 2005 (Victorian Department of Human Services): www.health.vic.gov.au/environment/downloads/hs523_notes2_web.pdf

NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015): www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

Appendices:

APPENDIX K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	Can remove any amount or quantity of asbestos or asbestos containing material, including: • any amount of friable asbestos or asbestos containing material • any amount of asbestos containing dust • any amount of non-friable asbestos or asbestos containing material.
Class B	Can remove: • any amount of non-friable asbestos or asbestos containing material **Note**: A Class B licence is required for removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m² of non-friable asbestos or asbestos containing material. • asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. **Note**: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.
No licence required	Can remove: • up to 10 m² of non-friable asbestos or asbestos containing material • asbestos containing dust that is: o associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material o not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

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