

Wagga Wagga City Council

ASBESTOS POLICY

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Contents

PART 1: INTRODUCTION	4
1.1 POLICY OBJECTIVES	5
1.2 SCOPE OF POLICY	5
1.3 DEFINITIONS.....	5
1.4 LEGISLATIVE CONTEXT.....	6
1.5 RELATED DOCUMENTS.....	6
1.6 ROLE AND RESPONSIBILITIES OF COUNCIL	6
1.6.1 <i>Educating Residents</i>	6
1.6.2 <i>Managing Land</i>	6
1.6.3 <i>Managing Waste</i>	6
1.6.4 <i>Regulatory Responsibilities</i>	7
1.6.5 <i>Responsibilities to Workers</i>	9
1.7 OTHER STAKEHOLDERS INVOLVED IN MANAGING ASBESTOS.....	9
PART 2: ASBESTOS IN THE LOCAL GOVERNMENT AREA: INFORMATION FOR THE COMMUNITY	9
2.1 NATURALLY OCCURRING ASBESTOS	9
2.2 CONTAMINATION OF LAND WITH ASBESTOS	9
2.2.1 <i>Responsibilities for contaminated land</i>	9
2.2.2 <i>Finding out if land is contaminated</i>	10
2.2.3 <i>Duty to report contaminated land</i>	10
2.2.4 <i>Derelict buildings</i>	10
2.3 RESPONDING TO EMERGENCIES AND INCIDENTS	11
2.3.1 <i>Responsibilities in the clean up after an emergency or incident</i>	11
2.3.2 <i>Advice to the public regarding clean up after an emergency or incident</i>	12
2.4 COUNCIL'S PROCESS FOR CHANGING LAND USE	12
2.5 COUNCIL'S PROCESS FOR ASSESSING DEVELOPMENT	13
2.5.1 <i>Responsibilities for approving development</i>	13
2.5.2 <i>Providing advice to home owners, renovators and developers</i>	13
2.5.3 <i>Identifying asbestos</i>	14
2.6 REMOVING ASBESTOS, REFURBISHMENTS AND DEMOLITIONS.....	15
2.6.1 <i>Removing asbestos at domestic premises</i>	15
2.6.2 <i>Removing asbestos at workplaces</i>	16
2.6.3 <i>Obtaining approval for demolition</i>	16
2.7 EXEMPT OR COMPLYING DEVELOPMENT	17
2.7.1 <i>Exempt development</i>	17
2.7.2 <i>Complying development</i>	17
2.8 DEVELOPMENT APPLICATIONS	18
2.8.1 <i>Pre-development application advice regarding asbestos</i>	18
2.8.2 <i>Conditions of consent</i>	18
<i>Council has a number of standard development consent conditions about asbestos that it applies when appropriate.</i>	18
2.9 COMPLIANCE AND ENFORCEMENT.....	18
2.9.1 <i>Responsibilities for compliance and enforcement</i>	18
2.9.2 <i>Compliance strategies</i>	19
2.10 MANAGING ASBESTOS AS A WASTE	19
2.10.1 <i>Responsibilities for asbestos waste management</i>	19
2.10.2 <i>Handling asbestos waste for disposal</i>	19
2.10.3 <i>Transporting asbestos waste</i>	20
2.10.4 <i>Disposing of asbestos waste at waste facilities</i>	20

2.10.5 <i>Illegal dumping of asbestos waste</i>	21
2.10.6 <i>Asbestos remaining on-site</i>	22
2.11 COMPLAINTS AND INVESTIGATIONS	22
2.12 ADVICE TO TENANTS AND PROSPECTIVE BUYERS OF COUNCIL OWNED PROPERTY	22
2.13 IMPLEMENTING COUNCIL'S ASBESTOS POLICY	23
2.13.1 <i>Supporting documents</i>	23
2.13.2 <i>Communicating the policy</i>	23
2.14 VARIATIONS TO THIS POLICY	23
2.15 DISCLAIMER	23
APPENDIX A – GENERAL INFORMATION AND GUIDANCE	24
APPENDIX B – FURTHER INFORMATION	30
APPENDIX C – DEFINITIONS	32
APPENDIX D – ACRONYMS	42
APPENDIX E – RELEVANT CONTACTS	43
APPENDIX F – WASTE MANAGEMENT FACILITIES THAT ACCEPT ASBESTOS WASTES	45
APPENDIX G – ASBESTOS-RELATED LEGISLATION, POLICIES AND STANDARDS	46
APPENDIX H – AGENCIES ROLES AND RESPONSIBILITIES	47
APPENDIX I – SCENARIOS ILLUSTRATING WHICH AGENCIES LEAD A RESPONSE IN NSW	51
APPENDIX J – ASBESTOS CONTAINING MATERIALS	54
APPENDIX K – ASBESTOS LICENCES	61

PART 1: INTRODUCTION

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

In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos. In Wagga Wagga Local Government Area it is not known exactly how many homes could contain asbestos, however it is estimated there would be thousands. Many industrial buildings could also contain asbestos.

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

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

This policy has been developed in order to;

- State Council's commitment to and responsibilities for safely managing asbestos
- Provide information for the local community and the wider public on safely managing 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.

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

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

1.1 Policy Objectives

This policy aims to outline:

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

1.2 Scope of Policy

This policy applies to the Wagga Wagga LGA.

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

The policy applies to friable, 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* published by SafeWork NSW (catalogue no. WC03561) published by SafeWork NSW.
- Additional guidance material listed in Appendix B.

Detailed information on Council's procedures and plans may be found in other documents, which are referenced in part 2 under section 18.1.

1.3 Definitions

Definitions are provided in Appendix C.

1.4 Legislative Context

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Local Government Act 1993
- Local Government (State) Award 2010

1.5 Related Documents

- CS.WHS.01 DRAFT - Asbestos Management Plan
- How to safely remove asbestos – Code of practice

1.6 Role and Responsibilities of Council

1.6.1 Educating Residents

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

- prohibition on the 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 and
- safe removal and disposal of minor quantities of asbestos containing materials.
- through an ongoing asbestos awareness program.

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

1.6.2 Managing Land

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

1.6.3 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*).

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- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 149 certificates) where on-site disposal is permitted.
 - Operating licensed landfill facility/facilities that accept/s asbestos waste.

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

1.6.4 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:

- *Australian Standard AS 2601 – 2001: The demolition of structures*
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Local Government Act 1993*
- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2005*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No. 55 – Remediation of Land.*

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	<ul style="list-style-type: none"> Record known asbestos site contamination on section 149 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 <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of SafeWork NSW). 	Sections 5 and 6
Development assessment	<ul style="list-style-type: none"> Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. 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 9. 	Section 9
Demolition	<ul style="list-style-type: none"> Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>. Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. 	Section 9
Emergencies and incidents	<ul style="list-style-type: none"> Regulate the clean-up of asbestos waste following emergencies where sites are handed over to the council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean-up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i>. 	Section 7
Residential premises	<ul style="list-style-type: none"> 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 9
Waste	<ul style="list-style-type: none"> Manage waste facilities in accordance with environmental protection legislation. Respond to illegal storage, illegal dumping and orphan waste. Regulate non-complying transport of asbestos containing materials. 	Section 10

1.6.5 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 2011* and maintaining a safe work environment through council's:

- general responsibilities
- education, training and information for workers
- health monitoring for workers
- procedures for identifying and managing asbestos containing materials in council premises

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

1.7 Other stakeholders involved in managing asbestos

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

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

PART 2: ASBESTOS IN THE LOCAL GOVERNMENT AREA: INFORMATION FOR THE COMMUNITY

2.1 Naturally Occurring Asbestos

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

2.2 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. 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.

2.2.1 Responsibilities for contaminated land

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

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

Council may also issue prevention notices (under part 4.3 of the *Protection of the Environment Operations Act 1997*) to ensure good environmental practice. If a person

does not comply with a prevention notice given to the person, council employees, agents or contractors may take action to cause compliance with the notice.

Any reasonable costs incurred by council in monitoring or enforcing clean up and prevention notices may be recovered through a compliance cost notice (under part 4.5 of the *Protection of the Environment Operations Act 1997*). Council shall keep records of: tasks undertaken; the hours council employees have spent undertaking those tasks; and expenses incurred.

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

Council provides information about land contamination on planning certificates (issued under section 149 of the *Environmental Planning and Assessment Act 1979*) as outlined in section 6.2.

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

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

2.2.2 Finding out if land is contaminated

A person may request from Council, a planning certificate containing advice on matters including whether council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under section 149(2) of the *Environmental Planning and Assessment Act 1979*.

Factual information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When council receives a request for a certificate under section 149(2), it may also inform applicants of any further information available under section 149(5). Council may also use section 149(5) certificates to record other information, particularly anything else of a factual nature about contamination which council deems appropriate (such as details of land history, assessment, testing and remediation).

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

2.2.3 Duty to report contaminated land

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

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

2.2.4 Derelict buildings

Concerns regarding potential health risks from derelict properties may be directed to Council. Derelict properties include abandoned buildings; fire damaged buildings and otherwise dilapidated buildings. Where derelict properties contain friable asbestos and

asbestos is exposed, either from human activities or weathering, this poses a potential risk to public health.

Council may respond to derelict properties that pose a demonstrable public health risk using a range of regulatory tools according to the particular circumstances.

Council may issue a clean-up notice or prevention notice and compliance cost notice as noted in section 6.1.

Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under section 121B 2(c) of the *Environmental Planning and Assessment Act 1979*). An order may require immediate compliance with its terms in circumstances which the person who gives the order believes constitute a serious risk to health or safety or an emergency (under section 121M of the *Environmental Planning and Assessment Act 1979*). If a person fails to comply with the terms of an order, council may act under section 121ZJ of the *Environmental Planning and Assessment Act 1979* to give effect to the terms of the order, including the carrying out of any work required by the order.

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

2.3 Responding to emergencies and incidents

Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, floods or vandalism can cause damage to buildings or land that contain asbestos. 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.

2.3.1 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 3.3 and section 6.1.

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

Council will determine an appropriate response depending on the nature of the situation.

This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required;
- Liaise with or consult the appropriate agencies;
- Inform emergency personnel of any hazards known to council as soon as practicable;
- Follow the *Code of practice on how to safely remove asbestos* (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;

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- Exclude the public from the site;
 - Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response;
 - Minimise the risks posed by any remaining structures (see section 6.4);
 - Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean-up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal;
 - Ensure that the site is kept damp, 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); and
 - 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.

2.3.2 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 10);
- use a low pressure hose on a spray configuration to remove visible dust from pathways after the clean-up;
- wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean-up (advice on disposing of asbestos waste is provided in section 10); and
- any other measures recommended by an occupational hygienist following assessment of the situation.

2.4 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.

2.5 Council's process for assessing development

This section applies to development applications assessed under the *Environmental Planning and Assessment Act 1979* and complying development applications assessed under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or council's complying codes (see section 9.5.2). This includes alterations and additions to residential development, which may include internal work as well as extensions to the existing main structure, or changes to outbuildings, sheds or garages.

This section also covers renovations that do not require development consent or a complying development certificate. Development consent is not required to maintain an existing structure. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but does not constitute development under the *Environmental Planning and Assessment Act 1979*. 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.

2.5.1 Responsibilities for approving development

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

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

Either Council or a private certifier may assess a complying development certificate. Where a private certifier is engaged to assess a complying development certificate, the private certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe removal and disposal of asbestos.

This also applies to the demolition of buildings. Certifiers 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 9.4.

When a private certifier issues a complying development certificate and is appointed as the Principal Certifying Authority for the development it is the certifier's responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2000* (clause 136E). Compliance is covered in section 9.7.

2.5.2 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 9.3).
- Where a material cannot be identified or it is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions.
- If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment. If asbestos materials cannot be safely contained, they should be removed as outlined in section 9.4.
- For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.

Anyone who is undertaking renovations themselves without a contractor is encouraged to refer to Appendices A and B for more information and contact council where they require further advice or clarification. Anyone engaging an asbestos removal contractor may contact SafeWork NSW with any queries as SafeWork NSW regulates asbestos removal by workers (as explained in section 9.4). Contact details for council and SafeWork NSW are provided in Appendix E.

2.5.3 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 (called a section 149 certificate) for the relevant land. Council may provide information on a planning certificate including whether Council has a policy to restrict the use of land due to risks from asbestos contamination, as outlined in section 6.2.

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

The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist (a competent person is defined by the *NSW Work Health and Safety Regulation 2011*). 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 2011* 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.

2.6 Removing asbestos, refurbishments and demolitions

2.6.1 Removing asbestos at domestic premises

If development is undertaken by contractors, as is the case with a lot of home renovations, then the work is considered to be at a workplace and is regulated by SafeWork NSW under the *NSW Work Health and Safety Regulation 2011*. 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 2011*).

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 10.

2.6.2 Removing asbestos at workplaces

The *NSW Work Health and Safety Regulation 2011* 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.

2.6.3 Obtaining approval for demolition

Demolition work must comply with *Australian Standard AS 2601 – 2001: The demolition of structures*. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to council as to whether and what type of approval is required. Where a development application is required council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in section 9.6.

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

The *Code of practice for demolition work* (published by Safe Work Australia in 2012) provides practical guidance to persons conducting a business or undertaking on how to manage the health and safety risks associated with the demolition work. The *Code of practice for demolition work* applies to all types of demolition work.

2.7 Exempt or complying development

2.7.1 Exempt development

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

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

2.7.2 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 11.

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

Further requirements to inform other persons of licensed asbestos removal are described in section 467 of the NSW *Work Health and Safety Regulation 2011* as noted in section 9.4.1 of this policy.

2.8 Development applications

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

2.8.1 Pre-development application advice regarding asbestos

Council's pre-DA service enables proponents to discuss asbestos-related issues with council prior to lodging a DA, if the issue is raised. Council may inform applicants of this policy, fact sheets or websites. 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.

2.8.2 Conditions of consent

Council has a number of standard development consent conditions about asbestos that it applies when appropriate.

2.9 Compliance and enforcement

2.9.1 Responsibilities for compliance and enforcement

The controls rely on information being provided and checked by the principal certifying authority which may be either the local council or a private certifier. A private certifier has powers under the *Environmental Planning and Assessment Act 1979* to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections. 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 development application, 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.

2.9.2 Compliance strategies

Illegal works include:

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

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

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

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

Council may also issue a clean-up notice or prevention notice under the *Protection of the Environment Operations Act 1997* as outlined in section 6.1 of this policy.

Council places conditions of consent on all development approvals for asbestos related demolition works that require an applicant to provide information and records regarding disposal of their asbestos related material.

2.10 Managing asbestos as a waste

It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse, bury or illegally dump asbestos waste. Asbestos must not be placed in general waste bins, yet there have been instances where asbestos has been illegally placed in bins by third parties. Members of the public need to be aware of this hazard and may need to secure their bins to prevent a third party from illegally disposing of asbestos in the bin.

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

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

2.10.1 Responsibilities for asbestos waste management

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

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

The EPA regulates premises that have or require an environment protection licence in accordance with 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.

2.10.2 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).

2.10.3 Transporting asbestos waste

The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under the *Protection of the Environment Operations (Waste) Regulation 2005* clause 42(3):

- a. non-friable asbestos material must be securely packaged at all times
- b. friable asbestos material must be kept in a sealed container
- c. asbestos-contaminated soils must be wetted down
- d. all asbestos waste must be transported in a covered, leak-proof vehicle.

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2005*. Asbestos waste transported within New South Wales does not need to be tracked. The waste tracking system is administered by the EPA. An environment protection licence 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 for \$4000 (to individuals) and \$8000 (to corporations).

2.10.4 Disposing of asbestos waste at waste facilities

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

Gregadoo Waste Management Centre is the only waste management facility within the Wagga Wagga local government area licensed by the EPA to accept asbestos containing waste.

Wagga Wagga City Council holds an Environmental Protection Licence to accept asbestos waste materials for proper disposal, however Council will only accept bonded asbestos materials that are pre-booked and presented to site in accordance with SafeWork NSW Guidelines.

Council will not accept asbestos materials from outside of its Local Government Area. No friable or asbestos laden materials will be accepted at the Councils Gregadoo Waste Management Facility. These materials will need to be transported and directed to an appropriate disposal facility that is licensed and capable of handling these types of specialist wastes.

Council's procedures for the disposal of asbestos at GWMC are summarised as follows: The weighbridge must be notified a minimum of 24 hours prior to asbestos being delivered. The contact number is 1300 292 442 to organise an appropriate time;

- asbestos is to be handled and transported in accordance with the Asbestos Code of Practice (SafeWork NSW);
- licensed asbestos disposal contractors must provide a copy of their asbestos licence on arrival to GWMC;
- asbestos must be carefully unloaded onto the asbestos disposal area under the guidance of GWMC staff; and

- asbestos disposal will be charged at the rate specified in Council's Revenue and Pricing Policy,

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

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

Non-compliance with these requirements is an offence under the *Protection of the Environment Operations (Waste) Regulation 2005* and these offences attract strong penalties.

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

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

- not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials,
- is deemed to be friable, loose fill or asbestos laden materials or
- taken to a waste facility that does not accept asbestos waste.

Where waste is rejected the waste facility will advise the transporter to comply with sections 2.10.2, 2.10.3 and 2.10.4.

Individuals may be fined \$4000 and corporations may be fined \$8000 under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Waste) Regulation 2005* for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

2.10.5 Illegal dumping of asbestos waste

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

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

- on the spot fines of up to \$4000
- 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 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 and Infrastructure.

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

2.10.6 Asbestos remaining on-site

The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long term management to ensure the material does not pose unacceptable risks to future site activities and occupants. For on-site burial of asbestos waste, council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls whether or not consent is required and will require recording of on-site disposal on the zoning certificate (Section 149 certificate).

2.11 Complaints and investigations

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

Council will respond to complaints and inquiries regarding:

- council's requirements in relation to development, land management and waste management
- derelict properties
- general asbestos safety issues
- illegal dumping
- safe removal and disposal of minor quantities of asbestos materials
- unsafe work at a residential property conducted by a homeowner or tenant.

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

2.12 Advice to tenants and prospective buyers of council owned property

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

Council may request that tenants in council property:

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

2.13 Implementing council's asbestos policy

2.13.1 Supporting documents

The implementation of this policy is supported by council's:

- *Customer service procedures; and*
- *Information about asbestos contained on Council's website and in Councils Customer Service Knowledge base.*

Council also has several internal documents that support this policy.

- asbestos management plan
- site specific asbestos register
- complaints handling procedures
- standard operating procedures
- asbestos risk assessment form
- employee health monitoring plans
- incident report form
- risk register
- maintenance and inspection schedules for Council owned assets; and
- site maps and GPS coordinates for asbestos in landfill

2.13.2 Communicating the policy

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

- Council's Customer Service
- Council's website www.wagga.nsw.gov.au
- Council's intranet site.

2.14 Variations to this policy

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

2.15 Disclaimer

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

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

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

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:

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

Further information about the different types of asbestos can be found in enHealth, 2005, Management of asbestos in the non-occupational environment;

(<http://www.health.gov.au/internet/main/publishing.nsf/Content/ohp-enhealth-asbestos-may2012.htm>).

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.

Naturally occurring asbestos

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

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. Council is not aware of any areas of naturally occurring asbestos within the LGA.

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)
- cement flooring
- external toilets
- fencing
- guttering, downpipes and vent pipes
- inside appliances e.g. irons, whitegoods
- gable ends
- outbuildings
- ridge capping
- swimming pools – reinforcing marble swimming pools
- ventilators – internal and external.

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

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 e.g. fire blankets.

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

2. Sites contaminated with asbestos

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

Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- industrial land, e.g., asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots
- waste disposal or dumping sites, including sites of illegal dumping 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).

Significantly contaminated land

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

Council could inadvertently disturb asbestos through activities such as:

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

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

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

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

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

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

4. Health hazards

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

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

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

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

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

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

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

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

Appendix B – Further information

Aboriginal communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA)

<https://www.epa.nsw.gov.au/waste/illdumpabcommshandbook.htm>

Asbestos contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or by contacting the Asbestos Removal Contractors Association NSW (ARCA) www.arca.asn.au Phone: (02) 8586 3555.

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

Demolition & Contractors Association (DCA) NSW

<http://demolitioncontractorsassociation.com.au/>

Asbestos waste

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

www.environment.nsw.gov.au/resources/warr/200845IllegalDumping.pdf

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

http://www.workcover.nsw.gov.au/_data/assets/pdf_file/0017/18323/asbestos_recycled_construction_demolition_waste_2772.pdf

Safely disposing of asbestos waste from your home, 2009 (EPA and SafeWork NSW NSW)

<http://www.epa.nsw.gov.au/managewaste/house-asbestos.htm>

For information on illegal dumping and safely disposing of asbestos waste visit the EPA website:

<http://www.epa.nsw.gov.au>

Contaminated land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2009 (EPA).

<https://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 Infrastructure and EPA)

http://www.epa.nsw.gov.au/resources/clm/gu_contam.pdf

Environmental risk assessment

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

<http://www.nphp.gov.au/enhealth/council/pubs/pdf/envhazards.pdf>

Health

Asbestos and health risks fact sheet, 2007 (Ministry of Health)

<http://www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx>

Further advice concerning the health risks of asbestos can be obtained from your local public health unit. Contact details for public health units may be found at:

<http://www.health.nsw.gov.au/Infectious/pages/phus.aspx>

Renovation and development

Asbestos: A guide for householders and the general public, 2012 (Commonwealth of Australia)

<http://www.health.gov.au/internet/main/publishing.nsf/content/ohp-enhealth-asbestos-may2012.htm>

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

<http://www.bpb.nsw.gov.au/resources/683/final%20PCA%20brochure.pdf>

Asbestos Education Committee <http://asbestosawareness.com.au/>

Practical guidance

How to manage and control asbestos in the workplace (catalogue no. WC03560) Code of practice published by SafeWork NSW NSW

http://www.workcover.nsw.gov.au/_data/assets/pdf_file/0015/15216/how-to-manage-control-asbestos-workplace-code-of-practice-3560.pdf

How to safely remove asbestos (catalogue no. WC03561) Code of practice published by SafeWork NSW NSW

http://www.SafeWorkNSW.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)

<http://www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php>

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW)

http://www.housing.nsw.gov.au/_data/assets/pdf_file/0014/330062/Asbestos.pdf

Appendix C – Definitions

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

- *How to manage and control asbestos in the workplace*: Code of practice (catalogue no. WC03560) published by SafeWork NSW
- *How to safely remove asbestos* ; Code of Practice (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 2011.*

accredited certifier	in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> in relation to those matters.
airborne asbestos	means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.
asbestos	means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following: <ul style="list-style-type: none"> a. 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 <i>Work Health and Safety Regulation 2011</i> , 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: <ul style="list-style-type: none"> a. 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.
asbestos waste	means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.
certifying authority	means a person who is authorised by or under section 85A of the <i>Environmental Planning and Assessment Act 1979</i> to issue complying development certificates, or is authorised by or under section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue part 4A certificates.
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 <i>Work Health and Safety Regulation 2011</i> . This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.
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: <ul style="list-style-type: none"> a. 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.
complying development	is a fast track, 10 day approval process where a building meets all of the predetermined standards established in either a state or local council planning document. A complying development certificate can be issued by either a local council or an accredited certifier.
complying development certificate	Means a certificate issued by either a local Council or an accredited certifier for a complying development

contaminant	means any substance that may be harmful to health or safety
contamination of land	means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment
control measure	in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.
demolition work	means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include: <ul style="list-style-type: none"> a. 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: <ul style="list-style-type: none"> a. 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 <i>Environmental Planning and Assessment Act 1979</i> that is controlled by an environmental planning instrument.
development application	means an application for consent under part 4 of the <i>Environmental Planning and Assessment Act 1979</i> to carry out development but does not include an application for a complying development certificate.

<p>emergency service organisation</p>	<p>includes any of the following:</p> <ul style="list-style-type: none"> a. the Ambulance Service of NSW <p>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 <i>Coal Industry Act 2001</i> an accredited rescue unit within the meaning of the <i>State Emergency and Rescue Management Act 1989</i>.</p>
<p>exempt development</p>	<p>means minor development that does not require any planning or construction approval because it is exempt from planning approval.</p>
<p>exposure standard for asbestos</p>	<p>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.</p>
<p>friable asbestos</p>	<p>means material that:</p> <ul style="list-style-type: none"> a. is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry <p>contains asbestos.</p>
<p>health</p>	<p>means physical and psychological health</p>
<p>health monitoring</p>	<p>of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.</p>
<p>independent</p>	<p>in relation to clearance inspections and air monitoring means:</p> <ul style="list-style-type: none"> a. not involved in the removal of the

	<p>asbestos</p> <p>not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.</p>
in situ asbestos	<p>means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.</p>
licence holder	<p>means: in the case of an asbestos assessor licence – the person who is licensed:</p> <p>a. to carry out air monitoring during Class A asbestos removal work</p> <p>to carry out clearance inspections of Class A asbestos removal work</p> <p>to issue clearance certificates in relation to Class A asbestos removal work, or</p> <ul style="list-style-type: none"> • 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	<p>means a person who holds an asbestos assessor licence</p>
licensed asbestos removalist	<p>means a person conducting a business or undertaking who is licensed under the <i>Work Health and Safety Regulation 2011</i> to carry out Class A asbestos removal work or Class B asbestos removal work.</p>
licensed asbestos removal work	<p>means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.</p>
NATA	<p>means the National Association of Testing Authorities, Australia.</p>

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 <i>Work Health and Safety Act 2011</i>
orphan waste	means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.
person conducting a business or undertaking	a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.
personal protective equipment	means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.
respirable asbestos fibre	means an asbestos fibre that:

	<p>a. is less than three micrometres wide more than five micrometres long has a length to width ratio of more than 3:1.</p>
specified VET course	<p>means:</p> <p>a. in relation to Class A asbestos removal work – the following VET courses:</p> <ul style="list-style-type: none"> • remove non-friable asbestos • remove friable asbestos, or <p>in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or</p> <p>in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or</p> <p>in relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.</p>
structure	<p>means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:</p> <p>b. buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)</p> <p>any component of a structure</p> <p>part of a structure</p> <p>volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).</p>
volunteer	<p>means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses)</p>
waste	<p>includes:</p> <p>a. 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</p> <p>b. any discarded, rejected, unwanted,</p>

	<p>surplus or abandoned substance, or</p> <ul style="list-style-type: none"> c. 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 d. 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 e. any substance prescribed by the regulations made under the <i>Protection of the Environment Operations Act 1997</i> to be waste.
waste facility	<p>means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).</p>
worker	<p>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:</p> <ul style="list-style-type: none"> a. an employee, or b. a contractor or subcontractor, or c. an employee of a contractor or subcontractor, or d. an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or e. an outworker, or f. an apprentice or trainee, or g. a student gaining work experience, or h. a volunteer, or i. a person of a prescribed class.
workplace	<p>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</p>

	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.
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Appendix D – Acronyms

ACD	Asbestos Containing Dust (an acronym used in the legislation)
ACM	Asbestos Containing Material (an acronym used in the legislation)
ARA	Appropriate Regulatory Authority (an acronym used in the legislation)
DA	Development Application
EPA	Environment Protection Authority
EPL	Environmental Protection Laws
JRPP	Joint Regional Planning Panel
LGA	Local Government Area
NATA	National Association of Testing Authorities
NSW	New South Wales
SEPP	State Environmental Planning Policy
VET	Vocational Education and Training

Appendix E – Relevant contacts**Wagga Wagga City Council**

Phone: 1300 292 442

Fax: (02) 6926 9199

Address: Cnr Baylis Street and Morrow Street, Wagga Wagga NSW 2650

Email: council@wagga.nsw.gov.au

Web: www.wagga.nsw.gov.au

Mail: PO BOX 20, Wagga Wagga NSW 2650

Gregadoo Waste Management Centre

Phone: 1300 292 442

Address: 132 Ashfords Road, Wagga Wagga [Click for Map](#)

Open : General opening hours are seven days a week, 7.00am to 4.30pm

Web: [Gregadoo Waste Facility](#)

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) 9336 2290

Email: admin@aioh.org.au

Website: www.aioh.org.au

Dust Diseases Board

Phone: (02) 8223 6600

Toll Free: 1800 550 027

Email: enquiries@ddb.nsw.gov.au

Website: www.ddb.nsw.gov.au

Environment Protection Authority (EPA)

Phone: (02) 9995 5000

Environment line: 13 15 55

Email: info@environment.nsw.gov.au

Website: www.environment.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 (ARCA)

Phone: (02) 8586 3555

Email: info@arca.net.auWebsite: www.arca.asn.au

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

Civil Contractors Federation (CCF)

Phone: (02) 9009 4000

Email: mtearle@civilcontractors.comWebsite: www.civilcontractors.com**Demolition & Contractors Association (DCA) NSW**

Phone: (02) 8586 3555

Email: demolitionassn@bigpond.comWebsite: <http://demolitioncontractorsassociation.com.au>**Local Government and Shires Associations of NSW (LGSA)**

Phone: (02) 9242 4000

Email: lgsa@lgsa.org.auWebsite: www.lgsa.org.au**NSW Ombudsman**

Phone: (02) 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Email: nswombo@ombo.nsw.gov.auWebsite: www.ombo.nsw.gov.au**Training providers (non-exhaustive)****TAFE NSW**

Phone: 1300 131 499

Website: www.tafensw.edu.au**Housing Industry Association (HIA)**

Phone: (02) 9978 3333

Website: <http://hia.com.au/>**Local Government Training Institute**

Phone: (02) 4922 2333

Website: www.lgti.com.au**Comet Training**

Phone: (02) 9649 5000

Website: www.comet-training.com.au/site**Masters Builders Association (MBA)**

Phone: (02) 8586 3521

Website: www.masterbuilders.com.au**Asbestos Removal Contractors Association NSW (ARCA)**

Phone: (02) 9642 0011

Website: www.arca.asn.au**SafeWork NSW**

SafeWork NSW Information Centre Phone: 13 10 50

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

Website: www.SafeWorkNSW.nsw.gov.au

Appendix F – Waste management facilities that accept asbestos wastes

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

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

Wagga Wagga City Council's Gregadoo Waste Management Centre (GWMC) holds an EPL to accept asbestos waste materials for proper disposal; however Council will only accept bonded asbestos materials that are pre-booked and presented to site in accordance with SafeWork NSW Guidelines. Council will not accept asbestos materials from outside its Local Government Area.

Gregadoo Waste Management Centre is the only waste management facility within the Wagga Wagga local government area licensed by the EPA to accept asbestos containing 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: <http://www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm>

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

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

Appendix G – Asbestos-related legislation, policies and standards

- *Australian Standard AS 2601 – 2001: The demolition of structures*
- *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
- *Code of practice for demolition work* published by Safe Work Australia, 2012
- *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 2005*
- *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 2011*
- *Workers' Compensation (Dust Diseases) Act 1942.*

Appendix H – Agencies roles and responsibilities

NSW organisations

Department of Planning and Infrastructure (DP&I) and the Building Professionals Board (BPB)

DP&I'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 DP&I 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*.

The Building Professionals Board (BPB) which reports to the Minister for Planning and Infrastructure also has a role in the management of asbestos. The BPB's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role and this includes education in relation to managing asbestos. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: <http://bpb.nsw.gov.au/>

Dust Diseases Board (DDB)

The DDB 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 DDB's statutory function is to administer the *Workers' Compensation (Dust Diseases) Act 1942*. Services include:

- payment of compensation benefits to eligible workers and dependent's
- 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 2005*. Clause 42 of the *Protection of the*

Environment Operations (Waste) Regulation 2005 sets out the special requirements relating to the transportation and disposal of asbestos waste.

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

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

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

Heads of Asbestos Coordination Authorities (HACA)

The HACA is chaired by the Chief Executive Officer of SafeWork NSW NSW with senior officials from:

- Department of Planning and Infrastructure
- Department of Trade and Investment, Regional Infrastructure and Services
- Division of Local Government
- Dust Diseases Board
- Environment Protection Authority
- Local Government and Shires Association of NSW
- Ministry for Police and Emergency Services
- Ministry of Health.

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

Local Government and Shires Associations of NSW (LGSA)

The Local Government Association of NSW and the Shires Association of NSW represent 152 general purpose councils, 12 special purpose councils and the NSW Aboriginal Land Council.

The Associations represent the views of these councils by:

- presenting councils views to governments
- promoting Local Government to the community
- providing specialist advice and services.

The Associations hold annual conferences where members are able to vote on issues affecting Local Government. The Annual Conferences are the supreme policy making events.

In 2012, the Associations commenced a project funded by SafeWork NSW to assist councils to adopt and implement a model asbestos policy.

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.

SafeWork NSW NSW

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

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

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at: <http://www.workcover.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos>

National organisations

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: <http://www.health.gov.au/internet/main/publishing.nsf/content/ohp-environmental-health-committee.htm>

Safe Work Australia

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

Phone: (02) 6121 5317

Email: info@safeworkaustralia.gov.au

Website: www.safeworkaustralia.gov.au

Appendix I – Scenarios Illustrating Which Agencies lead a response in NSW

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

- emergency management
- naturally occurring asbestos
- residential settings
- site contamination
- waste
- workplaces.

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

Emergency management

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

Residential settings

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

Site contamination

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

Waste

Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and Local council (non-worksites)	
Waste transported by vehicle	EPA	SafeWork NSW
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid council development consent	Local council (consent required to dispose onsite) (section 149 property certificate and development assessment process)
Waste going to landfill site	EPA (advice)	Local council (if managing licensed landfill)
Waste to be transported interstate	EPA	
Waste for export	Australian Customs and Border Protection Service	SafeWork NSW Department of Education,

		Employment and Workplace Relations
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Workplaces

Scenario	Lead organisation	Other regulators
Asbestos installed/supplied after 2003 (illegally)	SafeWork NSW	Australian Customs and Border Protection Service Australian Competition and Consumer Commission (Imported Goods)
Risks to the health of workers	SafeWork NSW	
Asbestos management and asbestos going to be removed	SafeWork NSW Department of Trade and Investment, Regional Infrastructure and Services (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 (<i>Protection of the Environment Operations Act 1997</i> licensed sites)	
Waste stored temporarily on-site at worksites	SafeWork NSW	
Transport or waste disposal issues	EPA	SafeWork NSW Local council
Asbestos contaminated clothing going to a laundry	SafeWork NSW	EPA Local council
Contaminated land not declared under the <i>Contaminated Land Management Act 1997</i>	Local council	EPA
'Significantly contaminated' land declared under the <i>Contaminated Land Management Act 1997</i>	EPA	Local council

Appendix J – Asbestos Containing Materials

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

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marblitone decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	Supplied from 1968 – 1978 by a Canberra contractor and believed to be generally restricted to houses in the Australian Capital Territory with some materials supplied to the Queanbeyan area and some south coast towns
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

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

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

A

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

Autoclave/steriliser insulation

B

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

Bituminous adhesives and sealants

Boiler gaskets

Boiler insulation, slabs and wet mix

Brake disc pads

Brake linings

C

Cable penetration insulation bags (typically Telecom)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

Cement render

Chrysotile wicks in kerosene heaters

Clutch faces

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

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

D

Door seals on ovens

E

Electric heat banks – block insulation

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

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

Electrical switchboards see Pitch-based

Exhausts on vehicles

F

Filler in acetylene gas cylinders

Filters: beverage wine filtration

Fire blankets

Fire curtains

Fire door insulation

Fire-rated wall rendering containing asbestos with mortar

Fire-resistant plaster board, typically on ships

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

Flexible hoses

Floor vinyl sheets

Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

G

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

Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

H

Hairdryers: insulation around heating elements

Header (manifold) insulation

I

Insulation blocks

Insulation in electric reheat units for air conditioner systems

L

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

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

Limpet asbestos spray insulation

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

M

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes

Mortar

P

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

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings
Pipe insulation including moulded sections, water-mix type, rope braid and sheet
Plaster and plaster cornice adhesives
Pipe insulation: moulded sections, water-mix type, rope braid and sheet
Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

R

Refractory linings
Refractory tiles
Rubber articles: extent of usage unknown

S

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

T

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

V

Valve and pump insulation

W

Welding rods
Woven asbestos cable sheath

Source: *Environmental health notes number 2 guidelines for local government on asbestos*, 2005 (Victorian Department of Human Services).

Appendix K – Asbestos Licences

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

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