



**ASBESTOS POLICY
(with general advice and information) for residents
and the public within the Local Government Area
2020**

Adopted: 13 April 2021

TRIM: 128826.2021



ASBESTOS POLICY

Disclaimer

Liverpool City Council (Council) has an important role in minimising exposure to asbestos, as far as is reasonably practicable, for residents and the public within its Local Government Area (LGA). Accordingly, it has prepared this document, which provides Council's asbestos policy (with general advice and information) for residents and the public within its LGA.

The policy was formulated to be consistent with Council's legal obligations and within the scope of Council's powers.

The 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.

The policy is based on the *Model Asbestos Policy for NSW Councils* developed by Local Government NSW (LGNSW) on behalf of the Heads of Asbestos Coordination Authorities (HACA).

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

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1. Introduction

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 and buildings, and other public assets and infrastructure.

It is estimated that one in three Australian homes contains asbestos, whilst illegally dumped asbestos is currently one of the region's major concerns.

It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or it possibly contains asbestos, it is best to assume that it contains asbestos and to take appropriate precautions.

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 (ACM) is broken, damaged, disturbed or mishandled, fibres can become loose and airborne, posing a risk to human health. Breathing in asbestos fibres can cause asbestosis, lung cancer, and mesothelioma.

Liverpool City Council (Council) has an important role in minimising exposure to asbestos, as far as is reasonably practicable, for residents and the public within its Local Government Area (LGA). Accordingly, it has prepared this document.

1.1 Purpose

The purpose of the document is to provide Council's asbestos policy (with general advice and information) for residents and the public within its LGA.

The document discusses issues such as:

- The role of Council and other organisations in managing asbestos.
- Council's regulatory powers.
- General advice for residents renovating homes that may contain asbestos, and disposing of the asbestos.
- Council's development approval process for developments that may involve asbestos.
- Waste management and regulation procedures for asbestos waste in the LGA.

1.2 Scope

The policy applies to:

- All of the Liverpool LGA within Council's jurisdiction.
- Friable asbestos and non-friable (bonded) ACM.
- The document outlines Council's commitment and responsibilities in relation to safely managing asbestos and it contains general advice and information.
- The document does not provide details on specific procedures. For specific advice, individuals are encouraged to contact Council or the relevant organisation.

Contact details for relevant organisations are provided in **Appendix A**.

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Practical guidance on how to manage risks associated with asbestos and ACM can be found in the following documents:

- How to Manage and Control Asbestos in the Workplace: Code of Practice (NSW Government, 2019)¹.
- How to Safely Remove Asbestos: Code of Practice (NSW Government, 2019).
- Demolition Work: Code of Practice (NSW Government, 2019)¹
- How to Manage Work Health and Safety Risks: Code of Practice (NSW Government, 2019)¹
- Additional sources of information are listed in **Appendix B**.

1.3 Definitions and Abbreviations

Definitions for key terms used in this document are provided in **Appendix C**. Frequently used abbreviations are set out below.

ACM	Asbestos Containing Material
DA	Development Application
EPA	Environment Protection Authority
LGA	Local Government Area
NSW	New South Wales
SEPP	State Environmental Planning Policy

1.4 Communicating the Policy

This is a public document which is available on Council's website:

https://www.liverpool.nsw.gov.au/__data/assets/pdf_file/0017/111734/Asbestos-Policy-Adopted-by-Council-14-December-2016-PDF-Version.pdf

1.5 Variations to this Policy

Council reserves the right to review, vary, or revoke this document.

¹

The codes of practice are based on a national model codes of practice development by Safe Work Australia under the harmonisation of national work health and safety legislation and have been approved under Section 274 of the *NSW Work Health and Safety Act 2011*

Codes of practice and related documents are available for download from the SafeWork NSW website:
<https://www.safework.nsw.gov.au/>

Website links to the SafeWork NSW documents are provided within **Appendix B**.

2. Roles and Responsibilities of Council

2.1 Education

Council will assist residents in accessing appropriate information and advice regarding the:

- Prohibition on the use and re-use of asbestos containing materials.
- Requirements in relation to development, land management, and waste management.
- Risks of exposure to asbestos.
- Safe management of asbestos containing materials.
- Safe removal and disposal of small quantities of asbestos containing materials.

General information and guidance about asbestos is provided in **Appendix D**. Website links are provided in **Appendix B**.

2.2 Managing Public Land

Council is responsible for managing public land. This may include land contaminated with asbestos, as discussed in **Section 3**.

2.3 Managing Waste

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

- Under the *Protection of the Environment Operations Act 1997* (POEO Act), issuing:
 - (i) clean-up notices to address illegal storage or disposal of asbestos waste; and
 - (ii) clean-up notices after an emergency or incident.
- Under the POEO Act, issuing prevention or clean-up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner.
- Under the POEO Act, issuing penalty infringement notices for improper transport of asbestos.
- Applying planning controls to any proposal to manage asbestos waste at the site where it has been generated; and upon completion of the work, making a notation on the associated planning certificate.

Note: Even if permitted under planning legislation and the *Contaminated Land Management Act 1997* (CLM Act), Council may still discourage long term management of asbestos waste at a site where it has been generated. Additionally, Council may seek advice from the Environment Protection Authority (EPA) and require any issues raised by the EPA to be suitably addressed. See **Section 7.4** for further discussion.

Information for dealing with household asbestos

Asbestos waste requires proper maintenance handling and disposal. Information for dealing with household asbestos is available on the EPA website at:

<https://www.epa.nsw.gov.au/your-environment/household-building-and-renovation/dealing-with-household-asbestos>

Information relating to Waste Management Facilities that Accept Asbestos Waste

Asbestos waste must be disposed of lawfully. A list of licensed landfills that accept household asbestos waste from the public is available on the EPA website at:

<https://www.epa.nsw.gov.au/your-environment/household-building-and-renovation/dealing-with-household-asbestos/facilities-accept-household-asbestos>

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Note:

- Some of the landfills accept non-friable asbestos waste but not friable asbestos waste.
- Some of the landfills do not accept large quantities of asbestos waste.
- Some of the landfills may not accept household asbestos waste.
- Asbestos waste must be properly packaged, managed and transported.
- Always contact the landfill beforehand to find out whether asbestos is being accepted and any requirements they may have for delivering asbestos to the landfill.
- When disposing of asbestos waste, many landfills require that you pre-book at least 24 hours in advance.

The EPA does not endorse any of the landfills listed on the EPA website or guarantee that they will accept asbestos under all circumstances.

2.4 Responsibilities to Workers

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

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

2.5 Regulatory Responsibilities

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

Contaminated Land Management Act 1997

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Local Government Act 1993

Local Government (General) Regulation 2005

Protection of the Environment Operations Act 1997

Protection of the Environment Operations (General) Regulation 2009

Protection of the Environment Operations (Waste) Regulation 2014

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Work Health and Safety Act 2011

Work Health and Safety Regulation 2017

An expanded list of relevant legislation, codes and standards is provided in **Appendix E**.

Situations in which Council has a regulatory role in the management of asbestos are summarised in **Table 1**.

2.6 Other Government Agencies and Stakeholders involved in Managing Asbestos

When responding to asbestos issues, Council is committed to working collaboratively with other government agencies and stakeholders.

Contact details for relevant government agencies and stakeholders are provided in **Appendix A**

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Roles and Responsibilities of government agencies, stakeholders and other pertinent entities are provided in **Appendix F**.

Scenarios illustrating which agency leads a response to manage asbestos are provided in **Appendix G**.

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 contamination on associated planning certificate, where practicable. Notify stakeholders of land use planning policy requirements relating to contamination. Manage residential asbestos contaminated land that is <u>not</u> declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of asbestos removal or remediation work, which is the role of SafeWork NSW). 	Section 3
Emergencies and Incidents	<ul style="list-style-type: none"> Regulate the clean-up of asbestos waste following an emergency or incident and the site has been handed back to the landowner (or Council) by the responding emergency service organisation (excluding oversight of licensed asbestos removal or remediation work, which is the role of SafeWork NSW). If appropriate, issue a clean-up notice or a prevention notice under the <i>Protection of the Environment Operations Act 1997</i>. 	Section 4
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 6. 	Section 6
Demolition	<ul style="list-style-type: none"> Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>. 	Section 6
Residential Premises	<ul style="list-style-type: none"> Respond to any public health risks (including risks to Council workers and the wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that do not involve either a <i>business</i> or an <i>undertaking</i>. Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW). Respond to public health risks posed by derelict properties or asbestos materials in residential settings. 	Section 6
Waste	<ul style="list-style-type: none"> Manage Council 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 7

3. Contamination of Land with Asbestos

General information and guidance about asbestos, where it is found, materials that may contain asbestos and how sites may become contaminated with asbestos is provided in **Appendix D**.

3.1 Responsibilities for Contaminated Land

Responsibility for cleaning-up contaminated land lies with the person responsible for contaminating the land or failing that, the relevant landowner or occupier.

Under Part 4.2 of the *Protection of the Environment Operations Act 1997* (POEO Act), Council may issue a clean-up notice to the occupier of a 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 4.3 of the POEO Act, Council may issue a prevention notice to ensure good environmental practice.

If a person does not comply with a notice given to them, Council's employees (or its agent and/or a contractor) may take action to cause compliance with the notice.

Council will keep records of tasks undertaken, the time Council has spent undertaking those tasks, and expenses incurred.

Reasonable costs incurred by Council in monitoring or enforcing clean-up and prevention notices may be recovered through a compliance cost notice issued under Part 4.5 of the POEO Act.

Additional Information

When land is developed, as part of the development application process, Council will consider contamination of the land with asbestos in the same way as other forms of contamination (e.g. petroleum hydrocarbons), as stipulated by the *Environmental Planning and Assessment Act 1979* (EP&A Act). That is, Council will apply the requirements of *State Environmental Planning Policy No. 55 – Remediation of Land 1998* (as amended 2020) (SEPP 55)² and other planning instruments in assessing a Development Application (DA). (See also **Section 5**.)

Council provides information about land contamination on a planning certificate, which is issued under Section 10.7 of the EP&A Act. (See **Section 3.2**.)

For land that is 'significantly contaminated' and requires a remediation program independent of any rezoning or development application, the EPA and SafeWork NSW are the lead regulatory authorities.

3.2 Finding out if Land is Contaminated

Under Section 10.7 (previously Section 149) of the EP&A Act, a person may request from Council a planning certificate for a specified Lot and Deposited Plan (DP) of land within the LGA.

Note: These documents are commonly known as Section 10.7(2) and Section 10.7(5) Planning Certificates and were previously known as Section 149 Planning Certificates

The planning certificate will contain advice on matters including whether Council has a policy to restrict the use of the land due to risks from contamination. 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 10.7(2), it may inform applicants of any further information available under Section 10.7(5).

² The NSW Department of Planning Industry and Environment (DPIE) commenced review in 2018 of planning guidelines with an intended effect of establishing a new Remediation of Land SEPP. To date the review has not concluded. The current SEPP 55 and the companion planning document "Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (NSW Department of Urban Affairs and Planning (DUAP, NSW Environment Protection Authority, 1998) remain the default planning guidelines for remediation of contaminated land in NSW.

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Council may also use Section 10.7(5) certificates to record other information, particularly information of a factual nature about contamination which Council deems appropriate (such as details of land history, assessment, testing, and remediation).

Note: Council's records can only indicate contamination that is **known** to Council. Any site may potentially be contaminated.

3.3 Duty to Report Contaminated Land

A person whose activities have contaminated land or a landowner whose land has been contaminated, may have a duty to inform the EPA in accordance with Section 60 of the *Contaminated Land Management Act 1997* (CLM Act).

Situations where the EPA **must** be informed of the contamination are explained in the document: *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* (September 2015).

The EPA will then inform Council of contaminated land matters relating to the LGA, as required under Section 59 of the CLM Act.

3.4 Derelict Buildings

Derelict properties include abandoned buildings, fire damaged buildings, and otherwise dilapidated buildings. Where such properties contain friable asbestos and/or where non-friable asbestos is exposed (either from human activities or weathering), the asbestos can pose a potential risk to public health.

If a person has any concerns regarding potential health risks from derelict properties, they may be directed to Council.

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

For example:

- Council may issue a clean-up notice or a prevention notice as per **Section 3.1**.
- If the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood, under Schedule 5 Part 1 of the EP&A Act, Council may issue a Demolition Works Order that requires a person to demolish or remove the building.

Note:

- Under Schedule 5 Part 11(27) of the EP&A Act, the order may require immediate compliance with its terms in circumstances which, the person who gives the order believes, constitute a serious risk to health or safety or an emergency.
- If a person fails to comply with the terms of an order, Council may act under Schedule 5 Part 11(34) of the EP&A Act to give effect to the terms of the order, including the carrying out of any work required by the order.

Note:

- If the derelict building is on land that is a workplace, then SafeWork NSW is the lead agency responsible for ensuring that the asbestos is removed by an appropriately licensed removalist.

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4. Clean-up following an Emergency or Incident

Emergencies and incidents such as structural failures, cyclones, explosions, fires, storms, and vandalism can cause damage to buildings and land.

This can create contamination issues, which could potentially expose local residents, the public and workers to asbestos, should those buildings and land contain asbestos.

This section discusses who is responsible for cleaning-up asbestos waste after an emergency or incident.

Note: This section does not relate to the emergency or incident itself, as that is the responsibility of the emergency services. Rather, it relates to the clean-up of any asbestos waste after the site has been handed back to the landowner (or Council) by the responding emergency service organisation.

4.1 Responsibilities for Cleaning-Up after an Emergency or Incident

If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency. Otherwise, Council would be the lead agency – although in some circumstances, other agencies such as the EPA may take the lead.

If Council is the lead agency, it will assume responsibility for ensuring that any asbestos (friable or non-friable) that poses a potential risk to public health, is appropriately cleaned-up.

In doing so, Council may issue a clean-up notice or a prevention notice as per **Section 3.1**, or it may order that a building be demolished or removed as per **Section 3.4**.

Note: Council may also issue a compliance cost notice as per **Section 3.1** or a penalty infringement notice.

Council will, as appropriate:

- Seek advice from an occupational hygienist and other expertise as required to identify likely level of risk and appropriate controls required.
- Liaise with or consult other agencies (e.g. the EPA) and the emergency services.
- Follow the *How to Safely Remove Asbestos: Code of Practice* (NSW Government 2019).
- Exclude the public from the site.
- Keep the public and local community duly informed.
- Minimise the risks posed by any remaining structures, regardless of asbestos issues.
- Ensure that the site is appropriately managed during the clean-up process (e.g. suppressing the generation of dust and any loose asbestos fibres).
- Ensure that all generated asbestos waste is appropriately documented, tracked and transported to a facility that is licensed to receive and dispose the asbestos waste.

Note: The area requiring clean-up may extend beyond where the emergency or incident occurred and include surrounding properties that may have been impacted by asbestos originating from the emergency or incident.

4.2 Specific Advice to be followed by the local Community

During the emergency or incident, the emergency services may issue specific advice to be followed by the local community.

Similarly, during the clean-up process, Council may issue specific advice to the local community.

5. When Land is Rezoned or There is a Change in Land Use

Council applies the requirements of SEPP 55 when considering whether to make a planning proposal, or support a planning proposal prepared by a third-party proponent, that involves a change to zoning. Council must do this prior to submission of the planning proposal to the Minister for Planning, for Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

Council also applies the requirements of SEPP 55 when considering a development application that involves a change in land use. This is considered further in **Section 6**.

With respect to Section 2.2 of current Planning Guidelines³ for application of SEPP 55, the key decisions to be made are:

- Is the land suitable for proposed use?
- Can and will the land be made suitable for proposed use?

With respect to Section 4.1.1 of the SEPP 55 Planning Guidelines:

SEPP 55 requires consideration of contamination issues when rezoning land. If a rezoning allows a change of use that may increase the risk to health or the environment from contamination, then the planning authority must be satisfied that the land is suitable for the proposed use or can be remediated to make it suitable.

If remediation is necessary, the planning authority must be satisfied that suitable planning controls are in place to ensure that this occurs. To assist in considering these matters, the SEPP requires consideration of a report on a 'preliminary investigation' where a rezoning allows a change of use that may increase the risk to health or the environment from contamination.

Contamination of the land with asbestos will be considered by Council in the same way as other forms of contamination (e.g. petroleum hydrocarbons).

The level of investigation of the land must be appropriate to the potential risk from contamination. Investigation may not be necessary if there is no reason to suspect contamination.

Council support for planning proposals submitted in respect of specific development proposals (spot rezoning) will be considered using the general principles set out in Section 4.1.1 of SEPP 55 Planning Guidelines. These principles will also be considered if determination of a required LEP amendment is delegated to Council by the Minister for Planning.

Council preparation of or support for broader-scale planning proposals will be considered using the principles set out in Section 4.1.2 of SEPP 55 Planning Guidelines.

³ The NSW Department of Planning Industry and Environment (DPIE) commenced review in 2018 of planning guidelines with an intended effect of establishing a new Remediation of Land SEPP. To date the review has not concluded. The current SEPP 55 and the companion planning document "Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land" (NSW Department of Urban Affairs and Planning (DUAP, NSW Environment Protection Authority, 1998) remain the default planning guidelines for remediation of contaminated land in NSW.

6. Council's Process for Assessing Development

Council responsibilities include:

- Development applications assessed under the EP&A Act.
- Complying development applications assessed under either the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or Council's complying codes.
- Providing guidance for alterations and additions to existing structures which may not require development consent or a complying development certificate. This may include internal work or extensions to existing main structures, or changes to outbuildings, sheds or garages.

In assessing a development application for land, Council will consider contamination of the land with asbestos in the same way as other forms of contamination (e.g. petroleum hydrocarbons), as stipulated by the EP&A Act. Council applies the requirements of SEPP 55 when considering a development application.

Some renovations and maintenance of an existing structure do not require development consent or a complying development certificate (e.g. the replacement of windows, doors, and ceilings), however such work may involve the removal of asbestos. Council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

6.1 Responsibilities for Approving Development

Development Applications assessed under the EP&A Act

Council is the consent authority for the majority of development applications in the LGA.

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

Complying Development Applications

Either Council or a private certifier may assess a complying development application.

Where Council is engaged to assess a complying development application, Council is responsible for ensuring that the proposed development activities include adequate plans for the safe management, removal and disposal of any asbestos.

Where a private certifier is engaged to assess a complying development application, the private certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe management, removal and disposal of any asbestos.

This also applies to the demolition of buildings and structures.

Additional Information relating to Private Certifiers

Private 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*.

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 any asbestos handling, removal, and disposal – are carried out appropriately and in accordance with the *Environmental Planning and Assessment Regulation 2000* (Clause 136E).

6.2 General Advice to Home Owners, Renovators, and Developers

Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified.

Where a material cannot be identified or it is suspected to be asbestos or contain asbestos, it is best to assume that the material is asbestos and to take appropriate precautions.

If asbestos containing material (ACM) can be maintained in good condition and is safely contained, it **may** be more appropriate for the material to be left alone and periodically checked to monitor its condition, rather than to remove the material.

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- If in the future, the building or structure is to demolished or more extensively renovated or redeveloped, the ACM should be removed at that time.
- If the ACM is not safely contained or cannot readily be safely contained, it should be removed.

For demolition or redevelopment, any asbestos or ACM should be safely removed and disposed prior to the work commencing.

Council encourages anyone who is undertaking renovations themselves (with or without a contractor), to review the appended information before works commence, in particular:

- **Appendix A:** contact details for relevant organisations (e.g. SafeWork NSW).
- **Appendix B:** list of additional sources of information.
- **Appendix D:** general information and guidance relating to asbestos.
- **Appendix H:** list of asbestos containing products that may be found in various settings including the home.
- **Contact Council** for further advice or clarification.

When engaging an asbestos removal contractor, first contact SafeWork NSW, which regulates asbestos removal within NSW.

6.2.1 Identifying Asbestos

Planning Certificate

A person may apply to Council for a planning certificate for the relevant land, as outlined **Section 3.2**.

The planning certificate will contain advice on matters including whether Council has a policy to restrict the use of the land due to risks from contamination. 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 10.7 of the EP&A Act, it will provide a Planning Certificate under Section 10.7(2), and it may also inform applicants of any further information available under Section 10.7(5).

Council may also use Section 10.7(5) Planning Certificates to record other information, particularly information of a factual nature about contamination which Council deems appropriate (such as details of land history, assessment, testing, and remediation).

Note:

- Council's records can only indicate contamination that is **known** to Council. Any site may potentially be contaminated. Although Council aims to ensure that its 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 provide general advice on the likelihood of asbestos being present within a building or structure based on its age. See **Appendix D**, which includes a general guide to the likelihood of asbestos being present within a building.

Asbestos Inspection

The best way to find out if a building or structure contains asbestos is to have the building or structure inspected by a person competent⁴ in the identification and assessment of asbestos, such as an occupational hygienist. Such an inspection is highly advisable before undertaking renovations or maintenance of buildings constructed, or containing materials from, prior to 2004.

⁴ A competent person is defined by the NSW *Work Health and Safety Regulation 2017*.

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Additional Information

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

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

The NSW *Work Health and Safety Regulation 2017* requires that a **person conducting a business or undertaking (PCBU)** in a building constructed before 31 December 2003, to identify and record any asbestos in the building.

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

Information on places where asbestos is commonly found in residential, commercial, and industrial premises is provided in **Appendix D**.

6.2.2 Asbestos Removal and Demolition

Asbestos Removal Licences

Depending on the nature and quantity of asbestos to be removed, the person responsible for removing the asbestos may require a licence (which is issued by SafeWork NSW), as per **Table 2**.

Table 2: Asbestos Removal Licences

Type of licence	What asbestos can be removed?
Class A	Can remove any amount or quantity of asbestos or asbestos containing material, including: <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	Can remove: <ul style="list-style-type: none">• Any amount of non-friable asbestos or asbestos containing material. Note: A Class B licence is <i>required</i> for removal of more than 10 m² of non-friable asbestos or asbestos containing material, but the licence holder can also remove up to 10 m² of non-friable asbestos or asbestos containing material.• Asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. Note: A Class B licence is <i>required</i> for removal of asbestos containing dust associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material, but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.
No licence required	Can remove: <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 removalist's licence can be verified by contacting the SafeWork NSW Certification Unit.

All asbestos removal work requiring a license must be:

- Supervised by a supervisor named to SafeWork NSW.
- Notified to SafeWork NSW at least five days prior to the work commencing.

ASBESTOS POLICY

Removing Asbestos at Domestic Premises

When an owner undertakes renovations or maintenance work themselves, they may encounter asbestos if the building or structure was constructed before 2004. As indicated in **Table 2**, a licence is not required to remove up to 10 m² of non-friable asbestos or asbestos containing material (ACM), and the person may elect to remove and dispose of any such ACM themselves.

However, given the risks involved in removing asbestos (even if less than 10 m² ACM), Council encourages householders to instead engage a licensed asbestos removal contractor to remove and dispose asbestos.

The cost of asbestos removal by a licensed professional is comparable in price to most licensed tradespeople such as electricians and plumbers.

Any and all asbestos removal work – even when a licence is not required – MUST be carried out safely in accordance with work health and safety legislation.

As indicated in **Table 2**, an owner may remove at their premises:

Up to 10 m² of non-friable asbestos or asbestos containing material.

Asbestos containing dust that is:

- 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.

All other asbestos removal **must** be undertaken by an appropriately licensed removalist, as per **Table 2**.

When a domestic premises is a Workplace

If a premises is used for both residential and commercial purposes, it is classified as a workplace and is regulated by SafeWork NSW under the NSW *Work Health and Safety Regulation 2017*.

If work is undertaken at a domestic premises by a contractor, as is the case with many home renovations, then the premises is considered to be a workplace and it is regulated by SafeWork NSW under the NSW *Work Health and Safety Regulation 2017*. The regulation requires that a contractor, that is to carry out refurbishment or demolition of a 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.

If the domestic premises is considered to be a **workplace**, the asbestos removalist must inform the following persons before asbestos removal work requiring a license is carried out, as per Clause 467 of the NSW *Work Health and Safety Regulation 2017*:

- The person who commissioned the work.
- Any person conducting a business or undertaking at the premises.
- The owner and occupier of the premises.
- Anyone occupying premises in the immediate vicinity.

Asbestos removal should be undertaken in accordance with the document *How to Safely Remove Asbestos: Code of Practice* (NSW Government, 2019). Asbestos waste must be managed as outlined in **Section 7**.

Removing Asbestos at Workplaces

SafeWork NSW is the lead agency for regulating the safe management of asbestos at workplaces, which it does under the NSW *Work Health and Safety Regulation 2017*. The regulation specifies requirements for demolition and refurbishment at a workplace with structures or plant equipment (e.g. lifts) constructed or installed before 31 December 2003.

ASBESTOS POLICY

Additional Information Regarding Demolition

In most circumstances, demolition of a structure requires either development consent or a complying development certificate; applicants need to enquire to Council as to whether and what type of approval is required. All demolition work must be undertaken according to *Demolition Work: Code of Practice* (NSW Government 2019) and comply with Australian Standard AS 2601–2001: *The demolition of structures*.

With regard to complying development certificates, a wide range of development (including residential, industrial, and commercial) can be approved for demolition as “complying development” under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Note: The *Environmental Planning and Assessment Regulation 2000* provides mandatory conditions for complying development certificate applications.

Practical guidance on how to manage the health and safety risks associated with demolition work is provided in the document *Demolition Work: Code of Practice* (NSW Government 2019). The Code applies to all types of demolition work.

6.2.3 Exempt and Complying Development

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 for exempt development.

Irrespective of any Council involvement, Council advises that any and all asbestos removal work should be carried out in accordance with document *How to Safely Remove Asbestos: Code of Practice* (NSW Government 2019) and this Policy.

Complying Development

Clause 136E of the *Environmental Planning and Assessment Regulation 2000* outlines conditions under which a complying development certificate can be issued for a development of building work or demolition that involves 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, as required by Schedule 1 Part 2 of the *Environmental Planning and Assessment Regulation 2000*.

Where asbestos removal work requiring a licence is to be undertaken (see **Table 2**), a contract evidencing the engagement of a licensed asbestos removal contractor must be provided to the Principal Certifying Authority. Additionally, the contract must specify the duly licensed waste disposal facility to which the asbestos will be delivered.

Once the asbestos has been transported to the facility, the person having the benefit of the complying development certificate must give the Principal Certifying Authority a copy of the receipt from the operator of the facility confirming that all of the asbestos material referred to in the contract has been received by the operator.

Where asbestos removal work not requiring a licence is to be undertaken (see **Table 2**) and the work is not undertaken by a licensed contractor, the work should still be undertaken in a manner that minimises risks in accordance with the document *How to Safely Remove Asbestos: Code of Practice* (NSW Government, 2019) and this Policy.

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

Further requirements to inform other persons of licensed asbestos removal are described in Clause 467 of the NSW *Work Health and Safety Regulation 2017*.

Concerns or complaints regarding any asbestos removal work, whether a licence for the work is required, and whether the premises is a workplace or not, can be directed to Council or SafeWork NSW.

ASBESTOS POLICY

6.2.4 Development Applications

If a proposed development does not meet the requirements of exempt or complying development, as outlined in **Section 6.2.3**, it will be necessary to submit a development application (DA) to Council.

The process of preparing and submitting a development application can involve much work by the applicant and requires adequate and sufficient supporting information. As part of this process, the applicant is encouraged to make relevant enquiries with Council in order to obtain guidance about the DA process.

Note: For certain applications, Council's pre-DA service enables developers to raise and then discuss asbestos related issues with Council prior to lodging a DA. Generally, pre-DA meetings are most relevant to developments involving structures erected or modified before 2004.

Once submitted, the DA will be assessed by Council. If granted and the development involves, or potentially involves, the removal of asbestos, Council will likely include conditions of consent.

Conditions of Consent

If granted and the development involves, or potentially involves, the removal of asbestos, Council will likely include consent conditions such as:

- Prior to demolition, the existing building(s) on the land must be investigated for the presence of asbestos.
- All asbestos must be removed and disposed in accordance with all regulatory requirements, including those of SafeWork NSW and the EPA.
- All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor, licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW. The material must be transported and disposed in accordance with EPA requirements.

6.2.5 Compliance and Enforcement

To ensure enforcement of consent conditions, Council may take action on any development for which Council has issued the development consent, even when not appointed as the Principal Certifying Authority.

Private Certifier

Council will not necessarily be the Principal Certifying Authority (PCA) for a development. Instead a private certifier may be PCA, and therefor has powers under the EP&A Act to carry out mandatory inspections and to issue construction certificates, compliance certificates, complying development certificates, and occupation certificates.

To ensure enforcement of consent conditions, the private certifier will act accordingly. This may mean that Council and the private certifier coordinate any necessary compliance and/or enforcement actions.

Note: If Council is not the PCA, Council may not be aware of any asbestos matters associated with the development.

Where Council receives a complaint about a development for which Council is not the PCA, Council will first consider whether it is the appropriate authority to resolve the matter.

Complaints that warrant action by Council (e.g. because it has greater enforcement powers than a private certifier) include:

- Urgent matters: Such as a matter that is either a danger to the public or a significant breach of a development consent or legislation.
- Matters that are not preconditions to the issue of the occupation/subdivision certificate.

ASBESTOS POLICY

Illegal Work involving Asbestos

Illegal work includes:

- Work that is undertaken without a required development consent or complying development certificate.
- Work that does not comply with the conditions of the development consent or complying development certificate.

Where Council becomes aware of illegal work involving asbestos or ACM, Council will act accordingly.

Council may:

- Issue an order under the EP&A Act to direct that specific work be undertaken in order to comply with a development consent.
- 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.
- Issue a clean-up notice or a prevention notice, as per **Section 3.1**.
- Audit asbestos related demolition work, including requiring the developer to provide information and records regarding the disposal of any asbestos waste generated at the site according to Section 192 of the POEO Act.

Note: If the work is associated with a workplace, in the first instance, Council would refer the matter to SafeWork NSW.

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7. Managing Asbestos Waste

Asbestos waste (in any form) must only be transported to an appropriately licensed waste facility for disposal.

It is illegal to:

- Dispose of asbestos waste in domestic garbage bins and general waste skip bins.
- Recycle, reuse, bury, or dump asbestos waste.

Note: There have been instances where third parties have placed asbestos into unsecured skip bins.
Secure your skip bin!

Note: Council does not own or operate any waste facility.

7.1 Responsibilities for Asbestos Waste Management

The handling and (temporary) storage of asbestos waste at worksites is regulated by SafeWork NSW.

Premises that have (or require) an Environment Protection Licence (EPL) are regulated by the EPA.

Note: An EPL is required where more than 5 tonnes of asbestos waste is stored on a premises at any time.

All other sites where asbestos waste is stored are regulated by Council. See **Section 2.3** for further discussion.

7.2 Transportation and Management of Asbestos Waste, including the Disposal of Asbestos Waste

The transport and management of asbestos waste, including the disposal of asbestos waste, is regulated by the EPA under the *Protection of the Environment Operations (Waste) Regulation 2014*, which is accessible here:

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2014-0666>

The requirements for transport and management of asbestos waste (including the disposal of asbestos waste) are provided in **Part 7 Transportation and management of asbestos waste** of the *Protection of the Environment Operations (Waste) Regulation 2014*.

The landfill at which asbestos waste is disposed must be lawfully able to receive asbestos waste.

Transporters and facilities that handle asbestos waste in NSW must report to WasteLocate, the EPA online tool, if they move:

- 100kg or more of asbestos waste
- 10m² or more of asbestos sheeting (i.e. non-friable asbestos or asbestos containing material)

The householder must engage a licensed asbestos removal contractor to remove, transport and dispose asbestos if there is more than 10 m² of non-friable asbestos or asbestos containing material (ACM).

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

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

For further information or clarification of a particular issue, please contact the EPA, SafeWork NSW, or Council.

Note: Non-compliance with the regulation carries heavy penalties for individuals and corporations.

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WasteLocate

NSW EPA has developed WasteLocate, an online system for tracking asbestos waste (and waste tyres) in NSW.

Waste consignors and transporters (such as licensed asbestos removal contractor) are required to register to use the Waste Locate online tool, and then upload and use a QR code scanning app on their smartphone or tablet device.

Information about WasteLocate is available here:

www.epa.nsw.gov.au/your-environment/waste/transporting-asbestos-waste-tyres

<https://wastelocate.epa.nsw.gov.au/>

www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wasteregulation/150575wastelocateasbestos.pdf

For additional information or clarification of a particular issue with respect to transport and disposal of asbestos waste, contact the EPA or Council.

7.3 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 occurs where waste is used as fill material with the consent of the owner or occupier of the land but without the necessary Council or EPA approvals, and 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.
- Prosecution (of individuals and/or corporations) for pollution of land.

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** or **occupier** becomes the responsible party.

Council is the regulatory authority for illegal dumping, unless:

- The activity was part of the carrying-on of a scheduled activity listed in Schedule 1 of the POEO Act.
- The activity was carried-out by a public authority or the State of NSW.
- The site is regulated by a different authority such as the EPA.

7.4 On-Site Containment of Asbestos

On-site Containment of Asbestos that has been Generated at the Site

In certain circumstances, the on-site containment of asbestos waste (e.g. fill material containing ACM and ACM itself) that has been generated at the site may be permitted under planning legislation and the *Contaminated Land Management Act 1997*. In such circumstances specific information and documentation is required according to guidelines made or approved by the EPA. A long term Environmental Management Plan is required and the existence of the onsite containment system is registered on the title of the land. Approval of the onsite containment system is required from the relevant consent authority, which is Council, or the EPA in certain circumstances.

Note: Although the on-site containment of asbestos waste (i.e. that has been generated at the site) may be permissible, Council may **actively discourage** such an activity because, in particular:

- It is difficult for Council to enforce and monitor the implementation of the long-term Environmental Management Plan (EMP) that will be required.

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- The necessary long-term management, which is the land owner's responsibility, often does not occur.
- It limits use of the land including redevelopment options, until such time as the contained waste is remediated or removed.

Note: Council may seek advice from the EPA and require any issues raised by the EPA to be suitably addressed, or require detailed site investigation then preparation of a Site Audit Statement (SAS) and Site Audit Report (SAR) prepared by a Contaminated Site Auditor Accredited by NSW EPA to determine that the land is suitable for use as outlined in **Section 5**.

On-site Containment of Asbestos Waste that has been Imported to a Site

As indicated in **Section 7.3**:

- The transport of asbestos waste to a site where no licence and planning approval exists to permit such waste to be accepted, is **illegal**.
- The acceptance of asbestos waste at a site where no licence and planning approval exists to permit such waste to be accepted, is **illegal**.
- Imported "fill material" that contains asbestos is asbestos waste and its importation is **illegal**.
- The containment on-site of imported asbestos waste is **illegal**.
- The burying on-site of asbestos waste that has been illegally dumped at the site is **illegal**.
- The re-use of asbestos waste is **illegal**.

If any of the activities listed above occur, the responsibility for cleaning-up the waste lies with the person that undertook the activity and/or the owner of the waste. If those persons cannot be identified, the relevant **landowner** or **occupier** becomes the responsible party.

8. Complaints and Inquiries

Complaints and inquiries regarding a workplace should be directed to SafeWork NSW; complaints and inquiries regarding premises licensed under the POEO Act should be directed to the EPA.

All other complaints and inquiries can, in the first instance, be directed to Council.

For example:

- Inquiries regarding Council's requirements in relation to development, land management, and waste management
- Inquiries regarding general asbestos safety issues.
- Inquiries regarding the safe removal and disposal of small quantities of ACM.
- Complaints regarding unsafe work at a residential property conducted by a homeowner or tenant.
- Complaints regarding derelict properties.
- Illegal dumping.

Complaints about Council itself, can be directed to the NSW Ombudsman.

9. 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 contains, or may contain, asbestos.

Council expects tenants of Council property to:

- Advise Council promptly of any hazards, recently arisen or otherwise, relating to asbestos.
- Not damage any asbestos containing material present within the property.
- Co-operate with Council in facilitating any risk management work arranged by Council.
- Act on advice from Council to minimise any exposure risks from asbestos.

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AUTHORISED BY

Council Resolution

EFFECTIVE FROM

APRIL 2021

DEPARTMENT RESPONSIBLE

Infrastructure and Environment

REVIEW DATE

Three years after the date of the adoption of this policy.

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1	Adopted by Council	Not applicable	14 DEC 2016	256220.2016
2	Reviewed	Review and legislation	APRIL 2021	128826.2021

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

City Presentation
Corporate Services (Governance and Legal Services)
Corporate Services (Work Health and Safety)
Planning and Growth
Business Improvement
Economic Development
Community and Culture
Property and Commercial Development

Appendices

Appendix A – Contact Details for Relevant Organisations

Liverpool City Council

Phone: 1300 362 170

Email: lcc@liverpool.nsw.gov.au

Website: www.liverpool.nsw.gov.au

Environment Protection Authority (EPA)

Phone: 131 555

Environment Line: www.epa.nsw.gov.au/about-us/contact-us/environmentline

Email: info@epa.nsw.gov.au

Website: www.epa.nsw.gov.au

SafeWork NSW

Phone: 13 10 50

Contact: www.safework.nsw.gov.au/contact-us

Website: www.safework.nsw.gov.au

Local Government NSW (LGNSW)

Phone: (02) 9242 4000

Email: lgnsw@lgnsw.org.au

Website: www.lgnsw.org.au

NSW Ombudsman

Phone: (02) 9286 1000

Email: nswombo@ombo.nsw.gov.au

Website: www.ombo.nsw.gov.au

Asbestos Removal Contractors Association NSW (ARCA)

Email: email@arcansw.asn.au

Website: www.ahrcansw.asn.au

Civil Contractors Federation (CFF) NSW

Phone: (02) 9009 4000

Email: cffnsw@cffnsw.com

Website: www.ccfnsw.com

Australian Institute of Occupational Hygienists Inc. (AIOH)

Phone: (03) 9338 1635

Email: admin@aioh.org.au

Website: www.aioh.org.au

Australian Contaminated Land Consultants Association (ACLCA) NSW

Phone: 0432 604 024

Email: nsw@aclca.com.au

Website: www.aclca.org.au/nsw-home

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Asbestos-Related Disease Organisations (non-exhaustive)

Asbestos Diseases Foundation of Australia Inc. (ADFA)

Phone: (02) 9637 8759

Helpline: 1800 006 196

Website: www.adfa.org.au

Asbestos Diseases Research Institute (ADRI)

Phone: (02) 9767 9800

Email: info@adri.org.au

Website: www.adri.org.au

Dust Diseases Care – Workers’ Compensation (Dust Diseases) Authority

On 1 September 2015, the **Dust Diseases Board** became the **Dust Diseases Authority** and is now part of **Insurance and Care NSW** (icare).

Phone:(02) 8223 6600

Toll Free:1800 550 027

Email: DDAenquiries@icare.nsw.gov.au

Website: www.icare.nsw.gov.au

Information regarding Dust Diseases Care is available at:

www.icare.nsw.gov.au/injured-or-ill-people/work-related-dust-disease/make-an-application#gref
www.icare.nsw.gov.au/dust-disease-application

Appendix B – Additional Sources of Information

Aboriginal Communities

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

<http://www.epa.nsw.gov.au/resources/illegaldumping/080425-aboriginal-communities.pdf>

Asbestos Waste

Crackdown on Illegal Dumping: Handbook for Local Government.

www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/illegaldumping/080045-illegal-dumping.pdf

Safely disposing of asbestos waste from your home.

www.epa.nsw.gov.au/your-environment/household-building-and-renovation/dealing-with-household-asbestos

www.epa.nsw.gov.au/-/media/epa/corporate-site/applications/asbestos/factsheet/19p1498-AA-factsheet-homeowners.pdf

<http://www.epa.nsw.gov.au/resources/managewaste/130342-asbestos.pdf>

NSW Asbestos Waste Strategy

www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/waste/19p1900-nsw-asbestos-waste-strategy-2019-21.pdf

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

www.epa.nsw.gov.au

www.epa.nsw.gov.au/your-environment/litter-and-illegal-dumping

Contaminated Land

Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997, September 2015 (EPA).

www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/150164-report-land-contamination-guidelines.pdf

Managing Land Contamination: Planning Guidelines, SEPP 55 – Remediation of Land, 1998⁵.

https://www.environment.nsw.gov.au/resources/clm/gu_contam.pdf

Emergency Management

Guidance Material: Asbestos and Fire-damaged Buildings

https://lg.nsw.org.au/common/Uploaded%20files/PDF/Managing_asbestos_when_buildings_are_damaged_by_small_scale_fires.pdf

Health

Fact Sheet: Asbestos and Health Risks, 2017 (NSW Government 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 the NSW Ministry of Health.

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

⁵ The NSW Department of Planning Industry and Environment (DPIE) commenced review in 2018 of planning guidelines with an intended effect of establishing a new Remediation of Land SEPP. To date the review has not concluded. The current SEPP 55 and the companion planning document “Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land” (NSW Department of Urban Affairs and Planning (DUAP), NSW Environment Protection Authority, 1998) remain the default planning guidelines for remediation of contaminated land in NSW.

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Tenants

Tenants Rights Fact Sheet 26: Asbestos and lead, 2010 (Tenants NSW).

<https://www.tenants.org.au/factsheet-26-asbestos-and-lead>
<https://files.tenants.org.au/factsheets/fs26.pdf>

Communities & Justice

Asbestos Fact Sheet.

<https://www.facs.nsw.gov.au/housing/living/health-safety-savings/asbestos>

Practical Guidance and Information

SafeWork NSW regulates work health and safety laws to prevent harm, manage risk and improve the safety culture in NSW workplaces. SafeWork NSW also administers and provides advice on both the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2017*.

Codes of Practice administered by SafeWork NSW are approved documents under the NSW *Work Health and Safety Act 2011*

www.safework.nsw.gov.au

Codes of practice relevant to asbestos management are:

How to Manage and Control Asbestos in the Workplace: Code of Practice (August 2019)

www.safework.nsw.gov.au/_data/assets/pdf_file/0014/50081/How-to-manage-and-control-asbestos-in-the-workplace-COP.pdf

How to Safely remove Asbestos in the Workplace: Code of Practice (August 2019)

www.safework.nsw.gov.au/_data/assets/pdf_file/0015/50082/How-to-safely-remove-asbestos-COP.pdf

Demolition Work: Code of Practice (August 2019)

www.safework.nsw.gov.au/_data/assets/pdf_file/0015/52161/Demolition-work-COP.pdf

Housing & Property: Renovation and Development

Asbestos safety for householders and home renovators (Australian Government)

www.asbestossafety.gov.au/sites/default/files/documents/2020-08/Asbestos%20safety%20for%20householders%20and%20home%20renovators.pdf

General Information to Homeowners and Tenants

<https://www.asbestos.nsw.gov.au/homeowners-tenants>
<https://www.asbestos.nsw.gov.au/sites/default/files/2019-10/19p1498-AA-factsheet-homeowners.pdf>

Guide to the Building Approvals Process (Building Professionals Board).

<http://bpb.nsw.gov.au/sites/default/files/public/Finalbuildingapproch.pdf>

Asbestos Education Committee.

<http://www.asbestosawareness.com.au>
<https://asbestosawareness.com.au/asbestos-in-the-home/>

Information about Building and Renovation

<https://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating>

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Information about Loose Fill Asbestos Insulation (LFAI)

<https://www.fairtrading.nsw.gov.au/housing-and-property/loose-fill-asbestos-insulation>

Other

General Information about Asbestos in NSW

www.asbestos.nsw.gov.au/

<https://www.safework.nsw.gov.au/hazards-a-z/asbestos/asbestos-resources-and-networks>

Australian Government: Asbestos Safety and Eradication Agency

<https://www.asbestossafety.gov.au/>

Asbestos Blueprint: A guide to roles and responsibilities for government agencies in NSW (Safework NSW, December 2017).

https://www.safework.nsw.gov.au/_data/assets/pdf_file/0009/328752/asbestos-blueprint-SW08797.pdf

The NSW State-wide Asbestos Plan: A plan to secure the safe management of asbestos in NSW (SafeWork NSW).

http://www.safework.nsw.gov.au/_data/assets/pdf_file/0014/50072/2013-statewide-asbestos-plan-3760.pdf

State-wide Asbestos Plan: Implementation plan (SafeWork NSW).

http://www.safework.nsw.gov.au/_data/assets/pdf_file/0012/50034/state-wide-asbestos-plan4886.pdf

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Appendix C – Definitions

Terms used in this document are defined below and are consistent with the definitions in the:

How to Manage and Control Asbestos in the Workplace: Code of Practice (SafeWork¹ NSW).

How to Safely Remove Asbestos: Code of Practice (SafeWork¹ NSW).

Contaminated Land Management Act 1997

Environmental Planning and Assessment Act 1979

Emergency Pollution and Orphan Waste Clean-Up Program, Guidelines for applying for Environmental Trust funds towards clean-up costs 2008

Protection of the Environment Operations Act 1997

NSW EPA Waste Classification Guidelines – Part 1: Classifying of Waste 2014

NSW Work Health and Safety Act 2011

NSW Work Health and Safety Regulation 2017

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

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

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

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

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

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

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

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

asbestos removal work means:

- work involving the removal of asbestos or asbestos containing material
- 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.

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bonded asbestos containing material (bonded ACM) is equivalent to non-friable asbestos

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

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

Class A asbestos removal work means the removal of friable asbestos which must be licensed under clause 485 of the NSW *Work Health and Safety Regulation 2017*. (Note: This does not include the removal of ACD that is associated with the removal of non-friable asbestos, or, the removal of 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 as defined by NSW *Work Health and Safety Regulation 2017* means: a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

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

complying development is a fast track, 10-day approval process where a building meets all of the predetermined standards established in either a state or local council planning document. A *complying development certificate* can be issued by either a local council or an accredited certifier.

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

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

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

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

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

development means:

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

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

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emergency service organisation includes any of the following:

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

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

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

friable asbestos means material that:

- is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry, and
- contains asbestos.
- **Note:** fibrous asbestos (FA) and asbestos fines (AF) defined in the NEPM are equivalent to friable asbestos

health means physical and psychological health.

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

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

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

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

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

- to carry out air monitoring during Class A asbestos removal work
- to carry out clearance inspections of Class A asbestos removal work
- to issue clearance certificates in relation to Class A asbestos removal work, or

in the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or

in the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.

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

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

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

loose filled asbestos insulation means loose-fill asbestos that is raw crushed asbestos which was installed as ceiling insulation in an unknown number of pre-1980s NSW homes.

NATA means the National Association of Testing Authorities, Australia.

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

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

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

- **Note:** Non-friable asbestos may become friable asbestos through deterioration; see definition of friable asbestos).

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

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

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

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

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

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

respirable asbestos fibre means an asbestos fibre that:

- is less than three micrometres wide
- more than five micrometres long
- has a length to width ratio of more than 3:1.
- **Note:** 1 micrometre (μm) = 1 millionth (10^{-6}) of a metre, or 1 thousandth (10^{-3}) of a millimetre

specified VET course means:

- in relation to Class A asbestos removal work – the following VET courses:

remove non-friable asbestos

remove friable asbestos, or

- in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
- in relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

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

- buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- any component of a structure
- part of a structure

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- volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

waste includes:

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

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

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

- an employee, or
- a contractor or subcontractor, or
- an employee of a contractor or subcontractor, or
- an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- an outworker, or
- an apprentice or trainee, or
- a student gaining work experience, or
- a volunteer, or
- a person of a prescribed class.

workplace: a workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.

Appendix D – General Information and Guidance Relating to Asbestos

D1. What is Asbestos?

Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials.

If asbestos is disturbed it can release asbestos fibres. Breathing in asbestos fibres can cause asbestosis, lung cancer, and mesothelioma.

There are two groups of asbestos:

- The serpentine group – which contains chrysotile (white asbestos).
- The amphibole group – which contains crocidolite (blue asbestos), amosite (brown asbestos), anthophyllite, actinolite, and tremolite.

Further information about the different types of asbestos can be found in *Management of asbestos in the non-occupational environment* (The Department of Health, 2005).

<http://www.health.gov.au/internet/main/publishing.nsf/Content/health-pubhlth-publicat-environ.htm>

<https://www1.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 – yet asbestos legacy materials still exist in many homes, buildings, and other assets. It is estimated that one in three Australian homes contains building materials with asbestos.

Where the material containing asbestos is in a non-friable form (or bonded), undisturbed, and painted or otherwise sealed, it may remain safely in place.

However, where the asbestos containing material (ACM) is broken, damaged, disturbed or mishandled, fibres can become loose and airborne, posing a risk to human 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 any doubt, it is best to assume that the material contains asbestos and to take appropriate precautions.

The best way to find out if a material contains asbestos is to have it inspected by a person competent⁶ in the identification and assessment of asbestos, such as an occupational hygienist.

D2. Where is Asbestos Found?

Asbestos:

- Occurs naturally. See **Section D2.1** for further discussion.
- Is found in a variety of materials within residential, commercial, and industrial premises – and also, on public and private land. See **Sections D2.2, D2.3, and D2.4** for further discussion.

D2.1 Naturally Occurring Asbestos

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

There is no known naturally occurring asbestos within the Liverpool LGA.

⁶ A competent person is defined by the NSW *Work Health and Safety* Regulation 2017.

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D2.2 Residential Premises

As a general rule, a house built:

Before the mid 1980s – is **highly likely** to contain asbestos containing products.

Between the mid 1980s and 1990 – is **likely** to contain asbestos containing products.

After 1990 – is unlikely to contain asbestos containing products.

However, some houses built in the 1990s and early 2000s may still have used asbestos cement materials until the total ban on any activity involving asbestos products became effective on 31 December 2003.

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

Fibre cement sheeting, commonly known as 'fibro', 'asbestos sheeting', or 'AC sheeting' (i.e. Asbestos Containing sheeting), is the most commonly found legacy asbestos material in residential premises. However, other asbestos containing materials were also used in 'fibro' houses – and are also found in brick and timber houses from that period. (Note: Asbestos materials were sold under a range of commercial names.)

As previously indicated:

- If you are in any doubt, it is best to assume that the building contains asbestos and to take appropriate precautions.
- The best way to find out if a building contains asbestos is to have it inspected by a person competent in the identification and assessment of asbestos, such as an occupational hygienist.

Common places where asbestos is likely to be found inside a residential property include within:

- Insulation materials in heaters and stoves.
- Interior walls and ceilings.
- Sheet materials in wet areas (e.g. within walls, ceilings, and floors of bathrooms, toilets, and laundries).
- Vinyl floor tiles, the backing to cushion vinyl flooring, and within underlay sheeting for ceramic tiles, including kitchen splash-backs.

Common places where asbestos is likely to be found outside (and around) a residential property include within:

- Backyard garden sheds, carports, garages, and dog kennels.
- Electricity meter boards.
- Imitation brick cladding.
- Lining under eaves.
- Wall and roof materials (flat, patterned or corrugated asbestos sheeting).
- Roof sheeting (corrugated asbestos sheeting).
- Fencing materials (flat, patterned or corrugated asbestos sheeting).

Asbestos can also be found in:

- Angle mouldings (internal and external).
- Boarding 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.

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- External toilets.
- Fencing.
- Guttering, downpipes, and vent pipes.
- Inside appliances (e.g. irons and white goods).
- Gable ends.
- Outbuildings.
- Ridge capping.
- Swimming pools – reinforcing marble swimming pools.
- Ventilators – internal and external.

Other places where asbestos can be found are listed in **Appendix H**.

D2.3 Commercial and Industrial Premises

In commercial and industrial premises, asbestos may be found in the places mentioned in **Section D2.2** and also within:

- Asbestos rope or fabric in expansion joints (e.g. exhaust flues) and insulation.
- Bituminous waterproof membrane on flat roofs.
- Cloth, tapes, ropes, and gaskets for packing.
- Electricity switchboards and duct heater units.
- Fillers.
- 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 where asbestos can be found are listed in **Appendix H**.

D2.4 Sites Contaminated with Asbestos

Previous activities at a site may have resulted in:

- The ground surface becoming contaminated with asbestos and/or asbestos containing materials (ACM).
- The subsurface (i.e. the soil in the ground) becoming contaminated with asbestos and/or ACM.
- Fill material containing asbestos and/or ACM being used at the site. For example, for landscaping, to form a road, to fill a depression, to fill a pond, and to raise the land.
Note: Such material could have been imported to the site or generated on the site.
- Asbestos and/or ACM being buried within the ground.
- Asbestos, fill material containing asbestos, and demolition waste containing asbestos, being stockpiled on the land.
Note: Such material could have been illegally dumped at the site or generated on the site.

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Such asbestos and ACM can present:

- A risk of harm to human health. For example, if asbestos fibres are present on the ground surface and become airborne, the fibres can be breathed-in.
- A potential risk of harm to human health. For example, if asbestos fibres and/or ACM are present below the ground surface and are disturbed, asbestos fibres can be released and become airborne, and be breathed-in.

Such sites are not restricted to urban areas. In other words, such sites are also present in rural areas – including sites where you may not expect to find asbestos (e.g. forested land and farm land).

Situations where asbestos contamination may occur include, but are not limited to:

- Land that has been used for industrial purposes.
- Land where material has been dumped.
- Land where buildings or structures have been damaged by fire or storm; particularly if the buildings were constructed before the mid-1980s.
- Land that has been filled or reworked in any form.
- Land where buildings or structures (including sheds, garages, water tanks, etc.) have been constructed from ACM or where asbestos has been used during construction or fit-out.
- Land where demolition waste has been buried on-site.
- Land where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking – particularly if the buildings were constructed before the mid-1980s.

It should also be noted that asbestos can be associated with in-ground services such as sewerage, water, irrigation, electricity, and telephone.

As indicated in **Section 3.3**, a person whose activities have contaminated land or a landowner whose land has been contaminated, may be required to duly inform the EPA in accordance with Section 60 of the *Contaminated Land Management Act 1997* (CLM Act).

Situations where the EPA **must** be informed of the contamination are explained in the document: *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* (September 2015).

Note: The EPA will then inform Council of contaminated land matters relating to the LGA, as required under Section 59 of the CLM Act.

The EPA maintains a searchable database of:

- Orders made under Part 3 of the CLM Act.
- Approved voluntary management proposals under the CLM Act that have not been fully carried out and where the approval of the EPA has not been revoked.
- Site Audit Statements provided to the EPA under section 53B of the CLM Act that relate to significantly contaminated land.
- Where practicable, copies of anything formerly required to be part of the public record.
- Actions taken by EPA under Section 35 or 36 of the Environmentally Hazardous Chemicals Act 1985 (EHC Act).

A link to the relevant EPA webpage is:

<http://www.epa.nsw.gov.au/clm/aboutclmrecord.htm>

See also Section D3, which discusses activities that 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.

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D3. Potentially Hazardous Activities

A number of activities can cause asbestos to be unintentionally disturbed and in doing so, create a health risk.

Before undertaking activities such as those listed below, it should be considered whether asbestos (including ACM) may be present.

If asbestos is present:

- An activity may be illegal.
- Certain precautions may be required.
- An appropriately licensed person may be required to undertake the activity.

Asbestos (including ACM) can be unintentionally disturbed through activities such as:

- Renovations, refurbishments, and repairs – particularly activities involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials.
- Sealing, painting, brushing, and cleaning asbestos cement products.
- Demolishing (including dismantling) homes and other structures (e.g. a garage, a lean-to carport, and a garden shed).
- Relocating a house, building or structure.
- Blasting (or similar) ACM with water or compressed air.
- Cleaning gutters on asbestos cement roofs (e.g. weathering can result in pieces of ACM breaking free from the roof and being captured by the gutter).
- Handling asbestos cement conduits or boxes.
- Maintenance work such as plumbing and electrical work on, or adjacent to, asbestos containing materials (e.g. walls, ceilings, and floors of bathrooms, toilets, and laundries).
- Maintenance or servicing of materials from vehicles, plant or equipment.
- Excavating foundations for a new building – and other excavation activities for other purposes (e.g. installing an irrigation system and landscaping).
- Constructing a road or driveway within asbestos contaminated land.
- Vehicle movements across asbestos contaminated land.

Natural processes can also create a risk of exposure to asbestos fibres. For example, due to:

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

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

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D4. Health Hazards

Asbestos fibres can pose a risk to human health if airborne, as the fibres can be breathed-in. Breathing in asbestos fibres can cause asbestosis, lung cancer, and mesothelioma.

(Note: Individual asbestos fibres are invisible to the naked eye.)

The risk of contracting these diseases increases with the number of fibres inhaled. Furthermore, the risk of contracting **lung cancer** from inhaling asbestos fibres is greatly increased if you smoke.

People who are most at risk are those who have been exposed to high levels of asbestos fibres for a long period of time – although this is not necessarily so for **mesothelioma**.

Typically, the symptoms of these diseases do not appear for many 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 fibres over a period of many years. Typically, it has a latency period of 15 to 30 years. It results in breathlessness that may lead to disability and, in some cases, death.

Lung cancer can be contracted from being exposed to asbestos fibres. As indicated above, the risk of contracting lung cancer increases: (i) with the number of fibres inhaled; (ii) if you smoke. Commonly occurs after prolonged exposure to asbestos and typically has a latency period of 20 to 30 years.

Mesothelioma is a cancer of the thin membranes lining the chest (pleura m.) and abdominal (peritoneal m.) cavities. Almost all cases are linked to asbestos. Typically, it has a (long) latency period of up to 40 years – although some cases do appear to have resulted from only low and short exposure.

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

Note: Inhalation is the primary pathway by which asbestos enters the body and is considered to be the only significant exposure mechanism. Although asbestos can be ingested, current data indicates that exposure to asbestos via ingestion does not present a hazard to human health.

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D5. Identifying Asbestos Containing Material (ACM) in Buildings



Asbestos cement corrugated sheeting (roofing).
Commonly found as roofing on older buildings and occasionally as wall sheeting.
Also known as Super Six, these materials typically contain 10-15% asbestos.



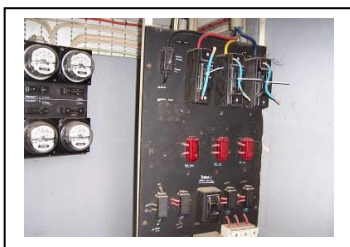
Asbestos cement flat panel sheeting (ceiling).
Commonly used in older buildings as “false” or suspended ceilings. Usually manufactured in 1.0 m wide sheets, with nail or fixing points usually recognisable at 1.0 m intervals.
Also known as Hardifex, Hardiplank and Villaboard, these materials typically contain 10-15% asbestos.



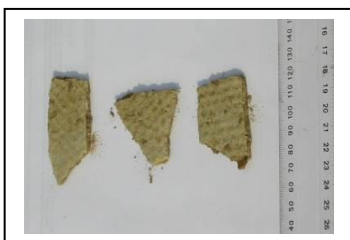
Asbestos cement flat panel sheeting (walls).
Used in older buildings as cladding for external walls and to form internal partition walls. Usually manufactured in 1.0 m wide sheets, with nail or fixing points usually recognisable at 1.0 m intervals.
Also known as Hardifex, Hardiplank and Villaboard, these materials typically contain 10-15% asbestos.



Vinyl floor finishes.
Commonly used throughout older buildings, usually as small tiles. Sometimes known as Corlon.
Asbestos was used as a reinforcing agent for both the vinyl and the reinforced backing of linoleum.
Not all vinyl floor tiles contain asbestos and sometimes quantities of asbestos can be too low to detect.



Electricity insulation boards.
Commonly found on older electricity meter panels and switch/fuse boards. Sometimes labelled as Zelemite, Lebah or Ausbestos and commonly black in colour.
The boards are used for mounting electricity meters and, as a hinged panel, for mounting fuses and switchgear.
Asbestos is bonded into the matrix of the material, unless the material is abraded, damaged or disturbed (e.g. when installing a new circuit).



Fibrous cement debris.
Imported fill material (e.g. soil imported for landscaping) is frequently found to contain fragments of ACM.
Also, occasionally, ACM containing buildings and structures that previously existed on the land have been buried in the ground following demolition.

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D6. Asbestos Containing Material (ACM) Information Sheet

Common Types of Asbestos Containing Materials

Asbestos Cement: The most commonly used asbestos containing material (ACM). In particular, corrugated sheeting (used as roofing) and flat panel sheeting (used for walls and ceilings) – but also frequently for other purposes (e.g. flue pipes). Flat panel sheeting has been used extensively in eaves (as a lining), ceilings, internal walls, and external walls.

The asbestos fibres are held in a cement bound matrix and have a low potential to be released, unless the material is abraded, damaged, or disturbed.



Resinous Asbestos Insulation Board: Typically, these are found as panels behind and in front of electricity meters and circuits.

The asbestos fibres are held in a bonded matrix and have a low potential to be released, unless the material is abraded, damaged or disturbed (e.g. when installing a new circuit).



Vinyl Floor Tiles / Sheets: Vinyl materials can contain a small quantity of asbestos (typically less than 7%). The asbestos is held in a stable matrix. Typically, wear & tear does not give rise to fibre release at concentrations considered to pose a significant health risk.

Asbestos may be found: (i) in the vinyl body of the tile or sheet; (ii) as a fibrous backing under the tile or sheet; and (iii) as a fibrous adhesive used to fix the tile.



Sprayed Asbestos Insulation: Sometimes referred to as "limpet". Sprayed asbestos was applied: (i) as a thermal and anti-condensation insulation material on the underside of roofs; and (ii) as a fire protection material on steel and concrete reinforced beams/columns and on the underside of floors. Over-spray of target areas is common. Spray coatings usually contain 55-85% asbestos. Generally not applied after the 1970s.

Sprays have a high potential for fibre release if unsealed.



Thermal Insulation: Used as insulation of pipes, boilers, pressure vessels, calorifiers etc, containing up to 85% asbestos. Often, asbestos insulation will be encapsulated with calico and painted – although these may be easily damaged.

If damage has occurred, the risk of fibre release is high.



Paper/Card and Textiles: Paper and card products used for: (i) electrical / heat insulation of electrical equipment, wiring and plant; and (ii) lining for other products, can contain asbestos. If not encapsulated or bonded, these materials can easily become damaged and release fibres.

Asbestos ropes were often used as heat resistant lagging and seals and as electrical flash guards in fuses. Cutting such ropes can increase the risk of fibre release, along with degradation over time.



Health Risks Associated with Asbestos

Asbestos fibres can pose a risk to human health if airborne, as the fibres can be breathed-in. Breathing in asbestos fibres can cause **asbestosis**, **lung cancer**, and **mesothelioma**.

The risk of contracting these diseases increases with the number of fibres inhaled. Furthermore, the risk of contracting **lung cancer** from inhaling asbestos fibres is greatly increased if you smoke.

People who are most at risk are those who have been exposed to high levels of asbestos fibres for a long period of time – although this is not necessarily so for **mesothelioma**.

Typically, the symptoms of these diseases do not appear for many years after the first exposure to asbestos.

Asbestos Fibres

There are two groups of asbestos:

The serpentine group – which contains chrysotile (**white asbestos**).

The amphibole group – which contains crocidolite (**blue asbestos**), amosite (**brown asbestos**), anthophyllite, actinolite, and tremolite.

Fibre Release

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 (ACM) is broken, damaged, disturbed or mishandled, fibres can become loose and airborne, posing a risk to human health. Disturbing or removing asbestos unsafely can create a health hazard.

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Appendix E – Asbestos Related Legislation, Codes, and Standards

- *Australian Standard AS 2601 – 2009: The demolition of structures*
- *Contaminated Land Management Act 1997*
- *Demolition Work Code of Practice (SafeWork¹ NSW, 2016)*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *How to Manage and Control Asbestos in the Workplace: Code of Practice (SafeWork¹ NSW, 2016).*
- *How to Safely Remove Asbestos: Code of Practice (SafeWork¹ NSW, 2019).*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2017*
- *Waste Classification Guidelines – Part 1: Classifying of Waste 2014*
- *Workers' Compensation (Dust Diseases) Act 1942*

Appendix F – Roles and Responsibilities of Pertinent Entities

F1. NSW Organisations (as at October 2020)

Department of Planning Infrastructure & Environment (DPIE)

The department's role in the management of asbestos primarily relates to administration of State Environmental Planning Policies (SEPPs) and the *Environmental Planning and Assessment Act 1979* (and associated Regulation). Whilst the department 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, *State Environmental Planning Policy No. 55 – Remediation of Land*⁷ imposes obligations on developers and consent authorities in relation to remediation of the land and the assessment and monitoring of its effectiveness.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* enables exempt and complying development across the state.

Whilst this includes the removal of asbestos, the *Environmental Planning and Assessment Regulation 2000* specifies particular conditions that must be contained in a complying development certificate issued under the SEPP, in relation to the handling and lawful disposal of both friable and non-friable asbestos material.

Building Professionals Board

The Building Professionals Board (BPB) is an independent NSW Government authority created under the *Building Professionals Act 2005*. Through its accreditation scheme, the BPB authorises more than 1,600 accredited certifiers to issue development certificates in NSW. The BPB also investigates the professional conduct of certifiers to ensure they comply with legislative requirements.

Statutory functions

The BPB has the following statutory functions:

- Accrediting certifiers for the purposes of the *Environmental Planning and Assessment Act 1979* and the regulations under that Act.
- Promoting and maintaining standards of building and subdivision certification and design in NSW.
- Investigating complaints and taking disciplinary action against accreditation holders.
- Investigating certifying authorities, accredited certifier directors, and building professionals.
- Prosecuting offences against the *Building Professionals Act 2005* or the *Building Professionals Regulation 2007*, or any offence under the *Environmental Planning and Assessment Act 1979* or the regulations under that Act that relates to accredited certifiers, certifying authorities or building professionals.
- Reviewing the accreditation scheme under the *Building Professionals Act 2005*.
- Investigating matters referred to it by its governing Minister.
- Providing advice to its governing Minister with respect to any other matter in connection with the administration of the *Building Professionals Act 2005*.

⁷ The NSW Department of Planning Industry and Environment (DPIE) commenced review in 2018 of planning guidelines with an intended effect of establishing a new Remediation of Land SEPP. To date the review has not concluded. The current SEPP 55 and the companion planning document "Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land" (NSW Department of Urban Affairs and Planning (DUAP, NSW Environment Protection Authority, 1998) remain the default planning guidelines for remediation of contaminated land in NSW. At the date of this document, there is an on-going major review of SEPP 55 and the Planning Guidelines.

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- Other functions that are conferred or imposed on it by or under the *Building Professionals Act 2005* or any other Act.

The BPB's role involves providing 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.

Dust Diseases Authority

Note: On 1 September 2015, the **Dust Diseases Board** became the **Dust Diseases Authority** and is now part of **Insurance and Care NSW** (icare).

The Dust Diseases Authority provides financial compensation and support to people who have had work-related exposure to harmful dust in NSW.

Along with compensation, it also funds on-going assistance to improve quality-of-life. This can include mobility aids, personal care, and medication and treatment from health professionals – as well as general assistance such as domestic support and respite care for families.

NSW Environment Protection Authority

The NSW Environment Protection Authority (EPA), which was established in 1991 under the *Protection of the Environment Administration Act 1991*, is the primary environmental regulator for New South Wales. Its purpose is to improve environmental performance and waste management for NSW and it aims to achieve this through a wide variety of programs and initiatives.

The EPA works with the community, business, industry, and government to maintain a balance between protecting the environment, managing competing demands on the environment, and supporting sustainable growth.

The EPA:

- Provides information and guidance about a broad range of environmental issues and activities.
- Engages with the community and uses social research to inform its priorities, policies, and programs.
- Publishes scientific research and monitors trends in the state of the environment.
- Offers advice and incentives to help business and industry improve their environmental performance.

The EPA's role includes regulating the classification, storage, transport, and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*.

(Note: **Part 7** of the *Protection of the Environment Operations (Waste) Regulation 2014* sets out the special requirements relating to the **transportation and management of asbestos waste**.)

The EPA:

- Is the appropriate regulatory authority for activities that: (i) require an environment protection licence (EPL); or (ii) are carried out by public authorities such as local Councils.

Note: 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.

- Is responsible for assisting Councils in fulfilling their regulatory responsibilities.
- Maintains the regulatory framework (i.e. the *Contaminated Land Management Act 1997*) for the remediation of contaminated land and actively regulates land that is declared to be 'significantly contaminated' under the Act.

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Heads of Asbestos Coordination Authorities

The Heads of Asbestos Coordination Authorities (HACA) works to improve the management, monitoring, and response to asbestos issues in NSW by developing coordinated prevention programs.

These programs include:

- A state-wide plan for asbestos.
- An Asbestos Blueprint on the role and responsibilities of state and local government staff.
- A *Model Asbestos Policy* for local councils.
- Information on property hazards after a bushfire.
- A public awareness campaign to: (i) promote the safe handling of asbestos during home renovations and maintenance; and (ii) help prevent asbestos related diseases.

The Asbestos Blueprint sets out the roles and responsibilities of government organisations and provides information on the identification and management of:

- Asbestos in the workplace.
- Asbestos in residential settings.
- Transport and disposal of asbestos.
- Asbestos in the ground and site contamination.
- Emergency management.
- Prohibitions on the manufacture and supply of asbestos.

The HACA is chaired by SafeWork NSW, with representatives from several government departments.

The HACA is governed by the arrangements set out in the *Heads of Asbestos Coordination Authorities Charter* and provides an overarching framework for communication between government agencies and local councils in the safe management of asbestos.

Local Government NSW

Local Government NSW (LGNSW) is the peak industry association that represents the interests of NSW general purpose Councils, NSW special purpose Councils, and the NSW Aboriginal Land Council.

LGNSW's objective is to strengthen and protect an effective, democratic system of Local Government across NSW by supporting and advocating on behalf of member Councils and delivering a range of relevant, quality services.

LGNSW aims to achieve this by:

- Actively and persuasively representing the views of Local Government to the NSW and Australian Governments.
- Providing effective, responsive, and accountable leadership to member Councils.
- Providing a comprehensive range of high-quality services and policy advice to its members.
- Increasing the capacity of Local Government to deliver quality services and meet the needs of local communities across NSW.
- Enhancing the profile and building community trust in, and awareness of, Local Government.

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NSW Ministry of Health

The NSW Ministry of Health 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 and fact sheets.)

The NSW Ministry of Health:

- Does not have any express statutory responsibilities for managing asbestos-related risks and incidents in NSW.
- With regard to asbestos, has issued *Fact Sheet: Asbestos and Health Risks*, 2007.

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

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog body. It watches over most public sector and many private sector agencies and their staff. Its role is to make sure that these agencies and their staff do their jobs properly, meeting their responsibilities to the community. It is the State's Parliamentary Ombudsman under the *Ombudsman Act 1974*.

Loosely translated, the word 'ombudsman' means 'the citizen's defender' or 'representative of the people'.

SafeWork NSW

SafeWork NSW is the State's workplace health and safety regulator.

SafeWork NSW:

- Offers advice on improving work health and safety.
- Provides licences and registration for potentially dangerous work.
- Investigates workplace incidents and enforces work health and safety laws in NSW.

With regard to asbestos, it is responsible for the issuing and control of the licences that are issued to all asbestos removal and demolition contractors.

F2. National Organisations

Asbestos Safety and Eradication Agency

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

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

National Association of Testing Authorities

The National Association of Testing Authorities (NATA) is the authority that provides independent assurance of technical competence through a network of best practice industry experts for customers who require confidence in the delivery of their products and services. NATA provides assessment, accreditation, and training services to laboratories and technical facilities.

Environmental Health Standing Committee

The Environmental Health Standing Committee (enHealth) is responsible for providing agreed environmental health policy advice, implementation of the *National Environmental Health Strategy 2012-2015*, consultation with key stakeholders, and the development and coordination of research, information, and practical resources on environmental health matters at a national level.

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The development of national advice by enHealth is based on significant collaboration and consultation with Federal and state and territory agencies, departments, and organisations that deal with environmental health matters.

Safe Work Australia

Safe Work Australia – an Australian Government statutory agency – leads the development of national policy to improve work health and safety and workers' compensation arrangements across Australia.

Appendix G – When an Agency leads a Response in NSW

For the six Scenario Maps listed below, the tables provided further below indicate which agency is responsible for regulating the identified sub-scenario.

- Scenario Map 1: Asbestos in the workplace
- Scenario Map 2: Asbestos in residential settings
- Scenario Map 3: Transport and disposal of asbestos
- Scenario Map 4: Asbestos in the ground
- Scenario Map 5: Site contamination
- Scenario Map 6: Emergency management

The information was obtained from the *Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government*, 2011 (HACA), which should be consulted if additional information / clarification is required.

Scenario Map 1: Asbestos in the workplace

Sub-Scenario	Lead organisation	Other regulators
Asbestos installed / supplied after 2003.	SafeWork NSW	Australian Customs & Border Protection Service Australian Competition and Consumer Commission (Imported Goods)
A risk to workers' health from asbestos.	SafeWork NSW	
Asbestos going to be removed.	SafeWork NSW	
Offsite risks to the public.	SafeWork NSW (workers) Council (residents) EPA (POEO licensed sites)	
Transport or waste disposal issues.	EPA	SafeWork NSW Council
Asbestos contaminated clothing going to a laundry.	SafeWork NSW	EPA Council

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Scenario Map 2: Asbestos in residential settings

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

Scenario Map 3: Transport and disposal of asbestos waste

Sub-Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site.	SafeWork NSW (worksites) EPA (non-worksites)	Council (non-worksites)
Waste to be transported by vehicle.	EPA	SafeWork NSW
Waste disposed of on-site.	EPA (advice)	Council
Waste going to landfill site.	EPA (advice)	Council (if managing landfill)
Waste to be transported interstate.	EPA (advice)	
Waste for export.	Australian Customs & Border Protection Service	SafeWork NSW Department of Education, Employment and Workplace Relations

Scenario Map 4: Asbestos in the ground

Sub-Scenario	Lead organisation	Other regulators
Soil contaminated with asbestos waste and going to be disturbed by a work practice.	SafeWork NSW	EPA
Soil contaminated with asbestos waste but will remain undisturbed by any work practice.	Council	EPA SafeWork NSW
Potential for exposure on public land.	EPA	Council SafeWork NSW (workers on-site)

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Scenario Map 5: Site contamination

Sub-Scenario	Lead organisation	Other regulators
Asbestos illegally dumped.	Council	EPA SafeWork NSW
Site contains legacy asbestos waste from a previous era.	Council EPA (database) SafeWork NSW (workplace asbestos register)	
Site contamination at commercial premises.	See Scenario Map 1	
Site contamination at residential premises.	See Scenario Map 2.	

Scenario Map 6: Emergency management

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

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Appendix H – Asbestos Containing Materials

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

Asbestos Containing Material	Approximate supply dates
Cement sheets	Imported goods supplied from 1903, locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903, locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s to 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 to 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbletone decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s to 1981
'Versilux' building board	Available from 1960s to 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s to 1981
Loose-fill, fluffy asbestos ceiling insulation	During the 1960s and 1970s, pure loose-fill asbestos was sold as ceiling insulation for residential and commercial premises. A Canberra based company known as 'Mr Fluffy' installed insulation in at least 1,000 homes in the ACT and is also understood to have installed insulation into homes in NSW
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown, but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s to 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

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

Asbestos Containing Materials that may be found in various settings (non-exhaustive)

A

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

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 used as form-work when pouring concrete

Asbestos cement internal flues and downpipes

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

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

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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 demountables

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 electrical switchboards”)

Exhausts on vehicles

F

Filler in acetylene gas cylinders

Filters: beverage wine filtration

Fire blankets and 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 and concrete

Flexible hoses

Floor vinyl sheets

Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

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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 for lining the shaft 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 (e.g. Zelemite, Ausbestos, and Lebah) electrical switchboard

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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 (e.g. millboard between heater and wall).

Trains: Harris cars (e.g. sprayed asbestos between steel shell and laminex)

V

Valve and pump insulation

W

Welding rods

Woven asbestos cable sheath