Central Coast Council

Asbestos Management Policy

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1. Policy Objectives

1.1. The *Asbestos Management Policy* (Policy) aims to outline:

1.1.1. the role of Council and other organisations in managing asbestos;

1.1.2. Council's legislative powers

1.1.3. Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents;

1.1.4. general advice for residents on renovating homes;

1.1.5. Council's approval process for developments that may involve asbestos and conditions of consent;

1.1.6. Council's waste management and regulation procedures for the Central Coast;

1.1.7. Council's approach to managing asbestos containing materials in Council workplaces; and

1.1.8. sources for further information.

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2. Policy Scope

2.1. This policy applies to the Central Coast Local Government Area.

2.2. The policy provides information for Council workers, the local community and wider public. Part 1 includes the Sections that are likely to be of most interest to the local community and wider public. Part 2 is information that applies to workers associated with Council including employees, contractors, consultants and volunteers (as defined by the NSW Work Health and Safety Regulation 2011). Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

2.3. The policy applies to friable, non-friable (bonded) and naturally occurring asbestos.

2.4. The policy outlines Council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, Council encourages contact with appropriate organisations (contact details are listed in Appendix E).

2.5. The policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material are found in Policy Administration, Related Procedures Documents in section 8; and additional guidance material listed in Appendix B:

2.5.1. *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. SW_34487_22) published by SafeWork NSW.

2.5.2. *Code of practice on how to safely remove asbestos* published by SafeWork NSW (catalogue no. SW_34487_22) published by SafeWork NSW.

2.6. Detailed information on Council's procedures and plans may be found in other documents, which are referenced in Part 2 under Section 10.1.

2.7. The Policy has been prepared in accordance with the *Model Asbestos Policy for NSW Councils November 2015* Further information may be obtained from the Local Government NSW website or phone (02) 9242 4000.

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3. Policy Statement

3.1. Council has a role in minimising exposure of asbestos, as far as reasonably practicable, for both:

3.1.1. residents and the public within the Local Government Area (LGA)

3.1.2. workers (employees and other persons) in Council workplaces.

3.2. This policy was formulated to be consistent with Council's legislative obligations and within the scope of Council's powers and 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.

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

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

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4. Roles and Responsibilities of Council

Educating residents

4.1. Council may assist residents to access appropriate information and advice on:

4.1.1. prohibition on the use and re-use of asbestos containing materials

4.1.2. requirements in relation to development, land management and waste management

4.1.3. risks of exposure to asbestos

4.1.4. safe management of asbestos containing materials

4.1.5. safe removal and disposal of minor quantities of asbestos containing materials.

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

Managing land

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

Managing waste

4.4. Where Council is the appropriate regulatory authority, Council may be responsible for:

4.4.1. issuing Clean-up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the *Protection of the Environment Operations Act* 1997).

4.4.2. issuing prevention or cleanup notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the *Protection of the Environment Operations Act* 1997).

4.4.3. issuing penalty infringement notices for improper transport of asbestos (under the *Protection of the Environment Operations Act* 1997).

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

4.5. Asbestos wastes may be received at the Buttonderry Waste Management Facility and the Woy Woy Landfill.

Regulatory Responsibilities

4.6. Council may have regulatory responsibilities under the following legislation, policies and standards as the appropriate regulatory authority or planning authority:

- *Demolition work code of practice 2019* (catalogue no. SW08289)
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Local Government Act 1993*
- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (General) Regulation 2022*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No. 55 – Remediation of Land.*

4.7. Additional legislation, policies and standards relating to the safe management of asbestos are listed in Appendix G.

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

Table 1: Situations in which Council has a regulatory role in managing asbestos

Issue	Council's role	Section of policy
Contaminated land	• Record known asbestos site contamination on Section 10.7 Planning Certificate or record on Council's asbestos register. • Notify stakeholders of land use planning policy requirements. • Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the *Contaminated Land Management Act 1997*.	Sections 6 and 7
Development assessment	• Assess development applications for approval under the *Environmental Planning and Assessment Act 1979*. • Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. • Ensure compliance with development conditions. • Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in Section 9.	Section 10
Demolition	• Approve demolition under the *Environmental Planning and Assessment Act 1979*. • Council certifiers approve development as complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.	Section 10
Emergencies and incidents	• Regulate the clean up of asbestos waste following emergencies where sites are handed over to the Council or a local resident by an emergency service organisation.	Section 8
Naturally occurring asbestos	• Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos. • Prepare an asbestos management plan for Council workplaces or road works which occur on land containing naturally occurring asbestos.	Section 6
Residential premises	• Respond to any public health risks (risks to Council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. • Respond to service requests 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 10
Waste	• Manage waste facilities in accordance with legislation. • Respond to illegal storage, illegal dumping and orphan waste. • Regulate non-complying transport of asbestos containing materials.	Section 11

Responsibilities to workers

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

4.9.1. general responsibilities

4.9.2. education, training, and information for workers

4.9.3. health monitoring for workers

4.9.4. procedures for identifying and managing asbestos containing materials in Council premises.

4.10. These responsibilities are outlined in Part 2.

Other stakeholders involved in managing asbestos

4.11. Council is committed to working collaboratively with other government agencies and stakeholders to respond to asbestos issues.

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

Part 1 – Asbestos in Local Government Area: Information for the community

5. Naturally occurring asbestos

5.1. Council is not aware of any naturally occurring asbestos in the Central Coast area.

5.2. For information on locations of naturally occurring asbestos, refer to the NSW EPA website.

Responsibilities for naturally occurring asbestos

5.3. Where development applications propose activities that may disturb areas of suspected naturally occurring asbestos, consent conditions may require testing to determine if asbestos is present. Council may verify compliance with environmental planning and assessment legislation, the EPA and SafeWork NSW to coordinate enforcement where non-compliance is suspected.

5.4. Where naturally occurring asbestos may be disturbed, SafeWork NSW is the lead regulator. Requirements for workplaces are summarised in the *Naturally occurring asbestos fact sheet* (06-07-20) published by SafeWork NSW. Where naturally occurring asbestos is part of a mineral extraction process, NSW Department of Industry, Regional Infrastructure is the lead regulator.

Managing naturally occurring asbestos

5.5. Where naturally occurring asbestos is encountered or suspected, the risk from disturbance of the naturally occurring asbestos should be assessed by an occupational hygienist.

5.6. The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with an asbestos management plan. Requirements for risk management, asbestos management plans and provisions for workers are outlined in the *Naturally occurring asbestos fact sheet* (06-07-20) published by SafeWork NSW.

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

Management of naturally occurring asbestos by Council

5.8. Council will aim to prevent the exposure of workers and the public to any naturally occurring asbestos that is known or discovered in the council workplace.

5.9. If naturally occurring asbestos is discovered in the LGA, Council will develop risk controls, an asbestos management plan in relation to the naturally occurring asbestos and provide guidance materials where necessary.

6. Contamination of land with asbestos

6.1. Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A under Sections 2 and 3.

Responsibilities for contaminated land

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

6.3. Under the *Protection of the Environment Operations Act 1997*, Council may:

6.3.1. issue a Clean Up Notice to the occupier of premises at or from which Council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed, and/or

6.3.2. issue Prevention Notice to ensure good environmental practice.

6.3.3. take action to cause compliance with the notice.

6.3.4. take action to recover costs of clean up actions where undertaken by Council.

6.4. During site redevelopment Council may consider contamination with asbestos containing materials in the same way as other forms of contamination. Council may apply the general requirements of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land* and the *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*.

6.5. Council may provide information about land contamination on planning certificates (issued under Section 10.7 of the *Environmental Planning and Assessment Act 1979)* as outlined in Section 7.2.

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

6.7. The management of Council workplaces contaminated with asbestos is outlined in Section 15.4.

Finding out if land is contaminated

6.8. A person may request from Council, a planning certificate containing advice on matters including whether Council has a policy to restrict the use of land due to risks from contamination.

6.9. Certificates may be issued under Section 10.7 of the *Environmental Planning and Assessment Act 1979.*

Duty to report contaminated land

6.10. A person whose activities have contaminated land or a landowner whose land has been contaminated, is required to notify the EPA when they become aware

of the contamination (under Section 60 of *the Contaminated Land Management Act 1997*).

6.11. Situations where this is required are explained in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

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

Derelict buildings

6.13. Concerns regarding potential health risks from derelict properties may be directed to Council.

6.14. Derelict properties include abandoned, fire damaged and otherwise dilapidated buildings. Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, pose a potential risk to public health.

6.15. Council may issue a Clean Up notice, a Prevention Notice and/or a Compliance Cost Notice as noted in Section 7.1.

6.16. Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under Section 121B 2(c) of the *Environmental Planning and Assessment Act 1979)*. An order may require immediate compliance with conditions and if the person fails to comply, Council may act under Section 121ZJ of the *Environmental Planning and Assessment Act 1979*.

6.17. Council may require the asbestos is removed by appropriately licensed removalists.

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7. Responding to emergencies and incidents

7.1. Emergencies and incidents such as major events can cause damage to buildings or land that contain asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

Responsibilities in the clean up after an emergency or incident

7.2. Council may act to ensure asbestos containing materials are cleaned up. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency.

7.3. Council may issue a Clean Up, Prevention, Cost Compliance or Penalty Infringement Notice as outlined in Section 4.3 and Section 7.1.

7.4. Council may act under the *Environmental Planning and Assessment Act 1979* as outlined in Section 7.4 of this policy.

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

7.6. The response may include:

7.6.1. Seeking advice from an occupational hygienist on the likely level of risk and appropriate controls required.

7.6.2. Liaising with or consulting with the appropriate agencies.

7.6.3. Informing emergency personnel of any hazards known to Council as soon as practicable.

7.6.4. Following the Code of practice on how to safely remove asbestos (catalogue no. SW_34487_22) published by SafeWork NSW.

7.6.5. Ensuring any Council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.

7.6.6. Excluding the public from the site.

7.6.7. Informing the public of the potential sources of exposure to asbestos, health risks and emergency management response.

7.6.8. Minimising the risks posed by any remaining structures (see Section 7.4).

7.6.9. Addressing the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in Section 15.6.2) or issuing a cleanup or prevention notice (as outlined in Section 7.4) to ensure asbestos containing materials are removed for disposal.

7.6.10. Ensuring that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).

7.6.11. Ensuring that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste (as outlined in section 11).

Advice to the public regarding clean up after an emergency or incident

7.7. During a clean up after an emergency or incident, the possibility of exposure to asbestos fibres may be low where precautions are taken to minimise the release and inhalation of asbestos dust and fibres.

7.8. As a precautionary measure, Council may consider advising those who may potentially be exposed to:

7.8.1. avoid unnecessary outdoor activity during the clean up

7.8.2. close all external doors and windows and stay indoors during the clean up

7.8.3. avoid using air conditioners that introduce air from outside into the home during the clean up

7.8.4. dispose of any materials that may have been contaminated with asbestos as asbestos waste after the clean up (see Section 11)

7.8.5. use a low-pressure hose on a spray configuration to remove visible dust from pathways after the clean up

7.8.6. wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean up (see Section 11)

7.8.7. take other measures as recommended by an occupational hygienist following assessment of the situation.

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8. Council's process for changing land use

8.1. Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses.

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

8.3. Managing sites contaminated with asbestos material is addressed in Section 7.

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9. Council's process for assessing development

9.1. Section 10 applies to development applications assessed under the Environmental Planning and Assessment Act 1979 and complying development applications assessed under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (see Section 10.5.2). Development includes alterations and additions to buildings, which may include internal work as well as extensions to the existing main structure including changes to outbuildings, sheds or garages.

9.2. The section applies to renovations that do not require development consent or a complying development certificate. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos categorised as exempt development under the *Environmental Planning and Assessment Act 1979*. In these instances, Council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

Responsibilities for approving development

9.3. Council is the consent authority for the majority of development applications in the LGA. The Joint Regional Planning Panel (JRPP) may also be the consent authority for some local or regional development.

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

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

9.6. Demolition of buildings is also required to be undertaken with adequate plans for safe removal and disposal of asbestos. Certifiers may issue a complying development certificate under the Demolition Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and must ensure adequate plans are prepared. Further, information on demolition is provided in Section 10.4.

9.7. Where a private certifier issues a complying development certificate, the certifier is responsibility to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the Environmental Planning and Assessment Regulation 2021 (clause 136E). Compliance is covered in Section 10.7.

Providing advice to homeowners, renovators and developers

9.8. Council may provide information to minimise the risks from asbestos in the LGA:

9.9. Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may be found around the home.

9.10. Key points are:

9.10.1. Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to Section 10.3).

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

9.10.3. If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment.

9.10.4. If asbestos materials cannot be safely contained, they should be removed as outlined in Section 10.4.

9.10.5. For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.

9.11. Anyone who is undertaking renovations them self without a contractor is encouraged to refer to Appendices A and B for more information and contact Council. Anyone engaging an asbestos removal contractor may contact SafeWork NSW for further information.

Identifying asbestos

9.12. Information on common places where asbestos is likely to be found in buildings is provided in Appendix A.

9.13. The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist (a competent person is defined by the NSW *Work Health and Safety Regulation 2011*). Undertaking an inspection is highly advisable before undertaking major renovations to buildings constructed or containing materials from prior to 2004.

9.14. Owners who rent out their properties may be required to identify any asbestos within the building before any work is carried out.

9.15. The *Work Health and Safety Regulation 2011* states that the person conducting a business or undertaking in any building constructed before 31 December 2003 must identify if there is any asbestos in the building.

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

Removing asbestos, refurbishments and demolitions

Removing asbestos from a domestic premises

9.17. If development is undertaken by contractors, site is considered to be at a workplace and regulated by SafeWork NSW under the *NSW Work Health and Safety Regulation 2011*. The Act requires all asbestos that is likely to be disturbed is identified and, so far as reasonably practicable, is removed before other works are commenced.

9.18. Depending on the nature and quantity of asbestos to be removed, a SafeWork NSW licence may be required. The requirements for licenses are outlined below and summarised in the table in Appendix K.

9.19. Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence, except in the case of:

9.19.1. asbestos containing dust associated with non-friable asbestos, or

9.19.2. asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination, (eg material that may be cleaned up in less than one hour)

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

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

9.22. Removal of 10 square metres or less of non-friable asbestos may be undertaken without a licence. Council encourages residents to consider engaging a licensed asbestos removal contractor due to the potential risks.

9.23. If the site is a workplace, the licensed asbestos removalist must inform the following persons before removal work is commenced:

9.23.1. the person who commissioned the work

9.23.2. a person conducting a business or undertaking at the workplace

9.23.3. the owner and occupier of the premises

9.23.4. anyone occupying premises in the immediate vicinity of the workplace (as described in Section 467 of the NSW *Work Health and Safety Regulation 2011*).

9.24. In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace.

9.25. All licensed asbestos removal must be:

9.25.1. supervised by a supervisor named to SafeWork NSW

9.25.2. notified to SafeWork NSW at least five days prior to the work commencing.

9.26. Requirements for the transport and disposal of asbestos waste are covered in Section 11.

Removing asbestos at workplaces

9.27. The NSW *Work Health and Safety Regulation* 2011 specifies requirements for demolition and refurbishment of structures constructed or installed before 31 December 2003.

Obtaining approvals for demolition

9.28. Demolition work is a high-risk construction work in the NSW *Work Health and Safety Regulation 2011* and demolition licenses are required for some work. The *Demolition work code of practice 2015*, provides practical guidance on how to manage the risks associated with the demolition of buildings and structures.

9.29. In cases of demolition of a structure that requires development consent or a complying development certificate, contact with Council is recommended to determine what type of approval is required. Where a development application is required, Council's standard conditions may be applied to ensure that asbestos is managed appropriately.

9.30. A wide range of development, including residential, industrial and commercial development, can be approved for demolition as complying development

under the Demolition Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and the Environmental Planning and Assessment Regulation 2021 provides mandatory conditions for complying development certificate applications.

Exempt or complying development

Exempt development

9.31. 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*.

9.32. Council advises that all asbestos removal work should be carried out in accordance with the Code of practice on how to safely remove asbestos (catalogue no. SW_34487_22).

Complying development

9.33. The *Environmental Planning and Assessment Regulation 2021* (clause 136E) outlines conditions under which a complying development certificate may be issued.

9.34. 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 (refer to Schedule 1 part 2 of the Environmental Planning and Assessment Regulation 2021).

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

9.36. If the contract indicates that asbestos will be removed to a licenced waste management facility, the person having the benefit of the complying development certificate must give the principal certifying authority the consignment number.

9.37. If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should be undertaken in a manner that minimises risks as detailed in the Code of practice on how to safely remove asbestos (catalogue no. SW_34487_22).

9.38. Concerns or service requests may be directed to Council as outlined in Section 12.

9.39. Further requirements to inform other persons of licensed asbestos removal are described in Section 467 of the NSW Work Health and Safety Regulation 2011 as noted in Section 10.4.1 of this policy.

Development applications

9.40. If a proposed development site does not meet the requirements of exempt or complying development, a development application (DA) must be submitted. A DA can only be approved by a Central Coast Council or the JRPP or, the State Government.

9.41. A DA submitted may be assessed in accordance with relevant environmental planning instruments, applicable development standards and any risk assessment.

Pre-development application advice regarding asbestos

9.42. Council provides a range of services to discuss pre- DA matters with proponents including any potential asbestos-related issues that may arise. Council can provide the following:

9.42.1. Council's Asbestos Policy,

9.42.2. Safework NSW codes of practice, guidelines and factsheets on how to safely remove asbestos,

9.42.3. EPA NSW factsheet on asbestos for homeowners and tenants,

9.42.4. Advise if a licensed asbestos removalist is required,

9.42.5. Advise if an asbestos survey and management plan is required to submitted with the DA or Documentation required to be submitted with the DA,

9.42.6. Advise if notification to council and/or neighbours is required prior to removal work,

9.42.7. Advise if a clearance certificate is required to be provided to council at the completion of works or Documentation required to be submitted to council at the completion of works,

Conditions of consent

9.43. Council may impose conditions of consent on any development application where presence of asbestos is suspected, such as:

9.43.1. a clearance certificate to be prepared by a qualified occupational hygienist and provided to council at the completion of works

9.43.2. an asbestos survey and management plan be prepared by a qualified occupational hygienist and submitted to council with the DA

9.43.3. certificate provided to council for imported fill to ensure the soil is not contaminated.

9.43.4. notification of asbestos removal work to council and neighbours in the vicinity of the asbestos removal site

9.43.5. provision of landfill/weigh bridge receipts to council as evidence of proper disposal of asbestos within 14 days of completing demolition works

9.43.6. Provision of IWTS details as evidence of compliant transport and disposal of asbestos

9.43.7. provision to council (prior to any work commencing on site) of a receipt or licence number as evidence of engaging a licensed demolition contractor and asbestos removal contractor

9.43.8. signage and fencing for the site where asbestos removal work will be undertaken

9.43.9. waste management plans for dealing with asbestos waste to be provided to council with the DA.

Compliance and enforcement

Responsibilities for compliance and enforcement

1.1. The controls rely on information being provided and checked by the principal certifying authority which may be either Central Coast Council or a private certifier. Where Council is not nominated as the principal certifying authority for a complying development certificate or development application, the Council may not have any knowledge of the asbestos matter relevant to the site.

1.2. Where Council receives a service request about a development, Council may consider whether Council is the appropriate authority to resolve the matter.

1.3. Where a service request warrants action, action will be investigated in accordance with Council's Regulatory Policy (CCC125).

Compliance strategies

1.4. Illegal works may include:

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

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

1.5. Where Council becomes aware of illegal work involving asbestos or asbestos containing materials, Council may notify SafeWork NSW if the site is a workplace. Council may take the following action:

1.5.1. issue a Clean Up notice under the Protection of the *Environment Operations Act 1997*

1.5.2. commence other Orders procedures.

2. Managing asbestos waste

2.1. Generally asbestos must be managed in accordance with the SafeWork NSW Code of Practice: How to manage and control **asbestos** in the workplace. The Code of Practice is available from the SafeWork NSW website:

2.2. Asbestos material must not be placed in domestic waste bins or attempts made to recycle, reuse, bury or illegally dump.

2.3. Placement of asbestos material in general, unsecure waste skips or bins is a significant public health risks and should not occur. Council may take enforcement action where third-party illegal disposal of asbestos material is detected.

Responsibilities for asbestos waste management

2.4. Council's responsibilities for asbestos waste management are outlined in Section 4.3.

2.5. The EPA regulates premises that have or require an environment protection licence in accordance with the *Protection of the Environment Operations Act 1997*. A licence is required where more than 5 tonnes of asbestos waste is stored or imported to a site.

2.6. All other sites where asbestos waste is stored, that are not a work site requires a development consent from Central Coast Council.

Handling asbestos waste for disposal

2.7. The Code of practice on how to safely remove asbestos (catalogue no. SW_34487_22) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in Section 4.8 of the Code).

Transporting asbestos waste

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

2.8.1. any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and

2.8.2. if the waste consists of bonded asbestos material-it is securely packaged during the transportation, and

2.8.3. if the waste consists of friable asbestos material-it is kept in a sealed container during transportation, and

2.8.4. if the waste consists of asbestos-contaminated soils or mulch - it is wetted down.

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

2.10. Asbestos waste that is transported must be tracked in accordance with the Protection of the Environment Operations (Waste) Regulation 2014. The transport of asbestos waste must be recorded from the place of generation to its final destination.

2.11. The EPA's Integrated Waste Tracking System (IWTS) must be used to track the transport and disposal of all friable asbestos and non-friable asbestos greater than 10 square metres or greater than 100kg.

2.12. Under section 143 of the Protection of the Environment Operations Act 1997) it is an offence to transport or place asbestos waste in a location it that it cannot be lawfully placed.

2.13. Penalty notices may be issued for $7,500 (to individuals) and $15,000 (to corporations) and NSW courts may impose penalties up to $250,000 (for individuals) and $1,000,000 (for corporations) found guilty of committing such offences.

Disposing of asbestos waste at waste facilities

2.14. Asbestos waste may be received at:

2.14.1. the Buttonderry Waste Management Facility located on Hue Hue Road Jilliby, approximately 1.5km north of the Sparks Road intersection.

2.14.2. the Woy Woy Land Fill located at Nagari Road.

Note: current operating hours are advertised on Councils Website.

2.15. Disposal charges will apply to asbestos wastes.

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

2.16.1. all asbestos material must be managed in accordance with the SafeWork NSW Code of Practice: How to manage and control asbestos in the workplace.

2.16.2. a person delivering waste that contains asbestos must make an appointment for disposal of asbestos waste at least 24 hours in advance by calling the facility gatehouse: Buttonderry 4350 1320 or Woy Woy on 4342 5255.

2.16.3. Friable asbestos:

(a) must be kept damp or sealed with PVA glue.
(b) must be double wrapped in 200-micron plastic bags with a maximum size of 1200mm x 900mm and are less than half full with a maximum weight of 25kgs.
(c) must be sealed with a wire tie to prevent rupture on disposal.
(d) must have asbestos identification label attached.

2.16.4. Non-friable asbestos:

(a) must be watered down

(b) must be wrapped with two layers of 200-micron (heavy duty builder's plastic) and sealed with waterproof tape in small packages with a maximum height of 500mm to prevent rupture on disposal.

2.16.5. Asbestos Contaminated Soil

(a) must be wet down for transportation in trucks lined with 200-micron plastic, sealed and covered.

2.16.6. When unloading and disposing of asbestos at a waste management facility, the waste must be unloaded and disposed of in such a manner to prevent the generation of dust or stirring of dust.

2.16.7. Non-compliance with these requirements is an offence under the Protection of the Environment Operations (Waste) Regulation 2014 and offences may attract enforcement procedures as provided in Council's Policy for Compliance & Enforcement.

2.16.8. Situations in which asbestos may be rejected from waste facilities

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

(a) not correctly packaged for delivery and disposal (as per Sections 11.2 and 11.3)
(b) not disclosed by the transporter as being asbestos or asbestos containing materials, or
(c) taken to a waste facility that does not accept asbestos waste.

2.16.9. Where waste is rejected, the waste facility management may inform the transporter of the waste of a waste facility that may receive the waste.

2.16.10. Individuals may be fined $7,500 and corporations may be fined $15,000 under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2014 for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

2.17. Illegal dumping of asbestos waste

2.17.1. Illegal dumping or landfilling or using asbestos material as fill material, with or without the consent of the owner or occupier of the land and without the necessary council or EPA approvals. It may be considered to be illegal dumping and pollution of land.

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

(a) on the spot fines
(b) prosecution for pollution of land
(c) up to $1 million or seven years imprisonment, or both, for an individual.

2.17.3. The responsibility for cleaning up illegally dumped waste remains the responsibility of the person or company that deposited the waste. If the

person responsible for the dumping cannot be identified, the landowner will be held responsible for the clean up.

2.17.4. Central Coast Council is the appropriate regulatory authority for illegal dumping unless:

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

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

2.18. Asbestos remaining on-site

2.18.1. The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long-term management to ensure the material does not produce unacceptable risks to future site activities and occupants.

2.18.2. On site disposal of asbestos material requires development consent. Any approved on-site disposal will be listed on the zoning certificate (Section 10.7 certificate).

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3. Service requests and investigations

3.1. Service Requests and inquiries may be directed to Council about asbestos incidents in public places and private properties.

3.2. Service requests and inquiries regarding a workplace should be directed to SafeWork NSW.

3.3. Service requests and inquiries regarding licensed premises under the Protection of the Environment Operations Act 1997 should be directed to the EPA.

3.4. Council may respond to service requests and inquiries regarding:

3.4.1. Council's requirements in relation to development, land management and waste management

3.4.2. derelict properties

3.4.3. general asbestos safety issues

3.4.4. illegal dumping

3.4.5. safe removal and disposal of minor quantities of asbestos materials

3.4.6. unsafe work at a residential property conducted by a homeowner or tenant.

3.5. Service requests about Council actions in relation to asbestos may be directed to Disclosures and Investigations Coordinator or the NSW Ombudsman.

Part 2 – Management of asbestos risks within Council

4. Rights and responsibilities of workers at the Council workplace

4.1. Duties of Council workers at the Council workplace

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

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

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

4.1.3. Managers are responsible for ensuring workers who report to them have access to the Policy and appropriate information, documentation and training.

4.1.4. Prohibited work activities

Council will not permit the use of the following on asbestos or asbestos containing material:

(a) using high pressured water spray (unless for firefighting or fire protection purposes)
(b) using compressed air
(c) operating a mechanical broom/street sweeper
(d) drilling
(e) cutting
(f) scraping
(g) removing and cleaning-up non-friable asbestos over $10m^2$.
(h) removing or handling any amount of friable asbestos.

(i) any other implements that cause the release of airborne asbestos into the atmosphere.

4.2. Responsibilities of Council-to-Council workers

4.2.1. Council's general responsibilities

Council will:

(a) not use any asbestos containing materials (unless in accordance with part 8.1 (419) of the NSW *Work Health and Safety Regulation 2011)* and will not cause or permit asbestos waste in any form to be reused or recycled

(b) ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable

(c) ensure that the exposure standard for asbestos (defined in Appendix C) is not exceeded in the workplace

(d) notify SafeWork NSW immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air

(e) ensure that any contractors engaged to undertake the removal of asbestos for Council are appropriately licensed

(f) consult with workers as required by the *Work Health and Safety Act 2011*.

(g) ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.

4.2.2. Education, training and information for workers

Council may:

(a) provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of Council business

(b) ensure workers who Council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.

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

4.3. Health monitoring for workers

4.3.1. Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee as a result of that exposure, are covered by the NSW Work Health and Safety Regulation 2011 (clauses 435-444). Council will ensure these employees are kept on the health monitoring program.

5. Identifying and recording asbestos hazards in the Council workplace

Identifying asbestos

5.1. Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person. If a suspected material cannot be identified or accessed, it will be assumed to be asbestos.

Material sampling

5.2. Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where Council arranges sampling of asbestos containing material, it may be undertaken by an appropriately trained and competent Council worker or a competent person will be contracted to undertake the task.

5.3. Analysis of the sample will be carried out by a National Association of Testing Authorities (NATA) accredited laboratory (refer to Appendix E) or a laboratory approved or operated by the regulator.

Indicating the presence and location of asbestos

5.4. Council will indicate the presence and location of any asbestos or asbestos containing material identified or assumed at the workplace.

5.5. Where it is reasonably practicable to do so, Council may indicate the presence and location of the asbestos or asbestos containing material by a label.

Asbestos register

5.6. Council's asbestos registers will be maintained to ensure they list all identified (or assumed) asbestos in the workplace.

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

Suspected asbestos

5.8. If a worker considers there is asbestos in a Council workplace, they are responsible to inform their manager or supervisor. The manager, supervisor or the worker may check the asbestos register for existing asbestos locations and control measures and may arrange for an inspection and sampling of the material (refer to Section 14.1.1).

5.9. If previously unknown asbestos is identified or suspected to be present, the asbestos register will be reviewed and updated as needed with workers appropriately notified.

6. Managing asbestos-related risks in the Council workplace

Asbestos management plan

6.1. Council has the following documents:

6.1.1. WHS Asbestos Management Plans

6.1.2. Environmental Management Procedures

6.1.3. Safe Working Methods Statements.

6.2. Documents are available in Council's document management system.

6.3. Plans are accessible to Council staff and may reviewed and amended as required.

Asbestos management plan for naturally occurring asbestos

6.4. Council is not aware of any naturally occurring asbestos in the workplace.

6.5. If naturally occurring asbestos is suspected or discovered Council will prepare an asbestos management plan in relation to the naturally occurring asbestos in accordance with the NSW Work Health and Safety Regulation 2011 part 8.4 (Management of naturally occurring asbestos).

Management options for asbestos-related risks in the Council workplace

6.6. Council's asbestos management procedures may include decisions and reasons for decisions about the management of asbestos at the workplace.

6.7. Options for managing asbestos-related risks include:

6.7.1. removal of asbestos or asbestos containing materials wherever reasonably practicable

6.7.2. interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person

6.7.3. leaving asbestos containing material in situ (deferring action).

6.8. Council may undertake an asbestos risk assessment, in consultation with workers and/or their representatives, in order to inform decision-making. All asbestos work or asbestos-related work, safe work practices will be implemented.

Sites contaminated with asbestos that are Council workplaces

6.9. Where asbestos is identified as contaminating a workplace, the site will be included in Council's asbestos register and asbestos management plan.

6.10. For asbestos in soil or aggregate, Council will engage suitably qualified specialist, who may include asbestos removalists, for all cases except for minor, non-friable contaminations.

Demolition or refurbishment of Council buildings and assets

6.11. Council will ensure that, before any demolition or refurbishment of a Council structure or plant constructed or installed before 31 December 2003, the asbestos register is reviewed. A copy of relevant information may be provided to the worker undertaking the activity before commencement.

6.12. Council will ensure that any asbestos that is likely to be disturbed is identified and, so far as is reasonably practicable removed.

Asbestos in mulch

6.13. Where mulch has been contaminated with asbestos fragments:

6.13.1. the area will be isolated

6.13.2. asbestos warning signage installed

6.13.3. licensed asbestos assessor or occupational hygienist engaged to conducts a risk assessment.

6.14. Mulch contaminated with asbestos fragments does not need a Class B (non-friable) licensed removalist as the amount of asbestos will be less than $10m^2$.

6.15. Site controllers (owners and occupiers) are responsible for removing mulch from their properties. The NSW Government will be organising the removal on residential and not-for-profit sites. Only mulch media needs to be removed from the identified sites. No soils require removal.

6.16. Removalists of mulch contaminated with asbestos fragments must still do this work according to work health and safety legislation, the code of practice and the minimum standards outlined within the Contaminated Mulch Management Plan (2024).

6.17. Licensed asbestos assessors must be engaged to complete and issue a clearance certificate for contaminated mulch.

Removal of asbestos in the Council workplace

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

6.18.1. NSW *Work Health and Safety Act 2011*

6.18.2. NSW *Work Health and Safety Regulation 2011*

6.18.3. Any *Code of practice on how to safely remove asbestos*

6.19. For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the NSW Work Health and Safety Regulation 2011 including the requirements to:

6.19.1. notify SafeWork NSW at least five days prior to the asbestos removal work commencing

6.19.2. in the case of emergency work, Council may request to SafeWork NSW that the five days period be waived

6.19.3. prepare, supply and keep an asbestos removal control plan

6.19.4. obtain a copy of the asbestos register for the workplace before carrying out asbestos removal work at the workplace (not applicable to residential buildings)

6.19.5. inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace

6.19.6. erect signs and barricades

6.19.7. limit access to the asbestos removal area

6.19.8. properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment

6.19.9. arrange a clearance inspection and clearance certificate.

6.20. Where Council is informed asbestos removal work is to be carried out at the workplace, Council will inform workers, those in the immediate vicinity of the workplace and limit access to the asbestos removal area.

Removal by contractors

6.21. Where Council commissions removal of asbestos at the workplace, Council will ensure the removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work.

6.22. Where Council requires the services of asbestos removalists, Council will require the licence details of asbestos removalists prior to engaging their services and will verify the licence details with SafeWork NSW's Certification Unit. The licenced asbestos removal contractor may be required to provide:

6.22.1. Asbestos removal control plan

6.22.2. Public liability certificate of currency

6.22.3. Workers compensation certificate of currency

6.22.4. SafeWork NSW confirmation details to carry out the removal work

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

6.24. Where Council becomes aware of any breaches by licensed asbestos removalists, Council will report this to SafeWork NSW or commence action according to the Policy for Enforcement and Compliance.

Clearance inspections and certificates

6.25. Where Council commissions any licensed asbestos removal work, Council will ensure that once the licensed asbestos removal work has been completed an appropriate clearance certificate issued before the asbestos removal area is re-occupied.

6.26. The friable asbestos clearance certificate may require visual inspection as well as air monitoring of the asbestos removal site. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor.

6.27. The friable asbestos clearance certificate must indicate if airborne level of less than 0.01 asbestos fibres/ml has been achieved.

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7. Accidental disturbance of asbestos by workers

7.1. In situations where asbestos is accidentally disturbed by Council work or has, or could, become airborne, Council will act to minimise exposure of workers as provided by existing asbestos management procedures.

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8. Council's role in the disposal of asbestos waste

Responding to illegal dumping

8.1. Where Council commissions the removal of illegally dumped asbestos material or suspected asbestos material > $10m^2$, Council will ensure it this is undertaken by asbestos authorised contractors.

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

Transporting and disposing of asbestos waste

8.3. Council will only contract Class A licensed asbestos removalists to transport and dispose of friable asbestos and Class B licensed asbestos removalists to transport and dispose of greater than 10 square meters or greater than 100kg of non-friable asbestos waste in accordance with the legislation and the SafeWork NSW Code of Practice: How to manage and control asbestos in the workplace.

Operating Council's waste facilities licensed to accept asbestos waste

8.4. Waste management facilities will be managed in accordance with the Protection of the *Environment Operations (Waste) Regulation 2014* including clause 80 which specifies that:

8.4.1. a person disposing of asbestos waste off the site at which it is generated must do so at a landfill site that can lawfully receive the waste.

8.4.2. when a person delivers asbestos waste to a landfill site, the person must inform the occupier of the landfill site that the waste contains asbestos.

8.4.3. when a person unloads or disposes of asbestos waste at a landfill site, the person must prevent:

- any dust being generated from the waste, and
- any dust in the waste from being stirred up.
-

8.4.4. The occupier of a landfill site must ensure that asbestos waste disposed of at the site is covered with virgin excavated natural material or (if expressly authorised by an environment protection licence held by the occupier) other material:

(a) initially (at the time of disposal), to a depth of at least 0.15 metre
(b) at the end of each day's operation, to a depth of at least 0.5 metre
(c) to a depth of at least 1 metre (in the case of bonded asbestos material or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.

8.5. Council may charge disposal fees for receiving asbestos waste. The disposal fees will be reviewed annually during the setting of Council's fees and charges policy.

8.6. Council may visually inspect any construction, renovation and demolition waste at entry to the waste disposal site. The inspection may visually screen the incoming loads to minimise asbestos contamination risk.

8.7. The waste management facilities will be managed in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* including Section 42 which specifies that:

8.7.1. asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste

8.7.2. when asbestos waste is delivered to a landfill site, the occupier of the landfill site must be informed by the person delivering the waste that the waste contains asbestos

8.7.3. when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust, and

8.7.4. asbestos waste disposed of at a landfill site must be covered with virgin excavated natural material or other material as approved in the facility's environment protection licence.

8.8. Council will issue a receipt for asbestos waste received at a licensed landfill facility.

Asbestos waste incorrectly presented to the waste management facilities

8.9. Where asbestos waste is taken to a Council managed waste facility and the waste is:

8.9.1. not correctly packaged for delivery and disposal (as per Sections 11.2 and 11.3)

8.9.2. not disclosed by the transporter as being asbestos or asbestos containing materials

8.9.3. taken to a waste facility that does not accept asbestos waste.

8.10. Council may record such details as the:

8.10.1. contact details of the transporter

8.10.2. origin of the asbestos or asbestos containing material

8.10.3. amount and type of asbestos or asbestos containing material

8.10.4. reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste

8.10.5. development consent details

8.10.6. any other relevant information.

8.11. Following collection of the information above, Council may:

8.11.1. reject the asbestos waste from the facility

8.11.2. suggest the transporter re-package the load correctly at the facility

8.11.3. provide a bay for wetting and/or wrapping the asbestos and protective equipment for the transporter eg the option to purchase an asbestos waste handling kit (for non-commercial operators with less than 10 square metres of non-friable asbestos)

8.11.4. provide the transporter with educational material such as SafeWork NSW fact sheets on correct methods for packaging, delivery and disposal of asbestos

8.11.5. question the transporter about the source of asbestos waste

8.11.6. issue a Clean Up or Prevention notice

8.11.7. issue a compliance cost notice

8.11.8. issue a penalty infringement notice for improper transport of asbestos

8.11.9. commence enforcement under the Policy for Enforcement and Compliance

8.12. Where asbestos waste is taken to a waste facility that does not accept asbestos waste, Council may reject the waste and:

8.12.1. complete a rejected-loads register

8.12.2. Council inform the transporter of a waste facility to which the waste may be transported.

8.12.3. Commence enforcement action according to the Policy for Enforcement and Compliance

8.12.4. Advise the transporter they remain responsible for the disposal until it is disposed at a licenced facility

8.12.5. Advise the EPA for tracking purposes.

8.13. Where asbestos waste is illegally dumped at an unstaffed waste station, Council will investigate to identify the identity of the alleged persons responsible.

Recycling Facilities

8.14. Council may screen and inspect incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

8.15. As far as possible, Council will act to prevent use of asbestos containing materials for recycling purposes.

Re-excavation of landfill sites

8.16. As far as possible, Council will not excavate known asbestos disposal areas at licenced waste management facilities.

8.17. Exhumation of waste may occur during maintenance, monitoring, and minor works at former landfill sites in the Central Coast LGA in accordance with Councils approval to exhume waste under clause 110A(3) of the Protection of the Environment Operations (Waste) Regulation 2014.

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9. Advice to tenants and prospective buyers of Council owned property

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

9.2. Council may request that tenants in Council property:

9.2.1. advise Council of any hazards relating to asbestos

9.2.2. minimise damage to asbestos containing material

9.2.3. co-operate with Council in facilitating any risk management work arranged by Council

9.2.4. act on advice from Council to minimise risks from asbestos.

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10. Implementing Council's asbestos Policy

Supporting documents

10.1. All supporting documentation is available via Council's web site, the internal intranet or external web sites as indicated above.

Communicating the policy

10.2. The Policy is available on Council's website.

10.3. Council may communicate the Policy and provide a copy as necessary at:

10.3.1. employee inductions

10.3.2. site inductions as necessary

10.3.3. tenancy agreements

10.3.4. any other relevant event or time.

Non-compliance with the policy

10.4. Failure to adhere to the policy will be considered non-compliance with this policy and enforcement action considered under Council's Regulatory Policy (CCC125).

11. Variations to this policy

11.1. Council may review, vary, or revoke this policy subject to community consultation.

12. Responsibilities

Compliance, monitoring and review

12.1. Responsibilities for implementing this policy are shared between the below staff as follows:

12.1.1. Chief Executive Officer will ensure:Council complies with legislative requirements

(b) adequate resources are available to implement the Policy

12.1.2. Directors, Managers, Supervisors and Team Leaders will ensure:activities where staff are exposed to asbestos are identified

(b) staff, contractors, volunteers and delegates understand and implement the Policy

(c) adequate resources are available to implement the Policy, and

(d) relevant information, training and instruction are provided to workers who may be exposed to asbestos.

12.1.3. All staff, contractors, volunteers and delegates will:comply with the Policy

(b) comply with Council's Asbestos Management Plan

(c) cease works and report any ACM found in the Council workplace.

Records management

12.2. Staff must maintain all records relevant to administering this Policy in accordance with Council's Information and Records Management Policy and the *State Records Act 1998*.

13. Policy Definitions

Definitions are provided in Appendix C.

14. Policy Administration

Business Group	Environment and Planning
Responsible Officer	Unit Manager Environmental Compliance Services
Associated Procedure	Asbestos Management Plan Asbestos Disposal Guidelines
Policy Review Date	
File Number / Document Number	D16229690
Relevant Legislation	This Policy supports Council's compliance with the following legislation: ▪ *Contaminated Land Management Act 1997* ▪ *Environmental Planning and Assessment Act 1979* ▪ *Environmental Planning and Assessment Regulation 2021* ▪ *Local Government Act 1993* ▪ *Protection of the Environment Operations (General) Regulation 2022* ▪ *Protection of the Environment Operations (Waste) Regulation 2014* ▪ *Protection of the Environment Operations Act 1997* ▪ *State Environmental Planning Policy No. 55 – Remediation of Land* ▪ *Work Health and Safety Act 2011* ▪ *Work Health and Safety Regulation 2011*
Link to Community Strategic Plan	Theme 3: Green **Goal E: Environmental resources for the future** G-F3: Improve enforcement for all types of environmental non-compliance including littering and illegal dumping, and encourage excellence in industry practices to protect and enhance environmental health.
Related Policies / Protocols / Procedures / Documents	▪ Information and Records Management Policy ▪ Code of Conduct ▪ Delegations Register ▪ Regulatory Policy

15. Policy Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)
Nil	Define the role of Council and other organisations in managing asbestos.	Environmental and Planning Environmental Health and Systems All staff, contractors, volunteers and delegates

16. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	28 June 2017 (Council Resolution)	New policy adopted
2	TBA	Updated format to align with Council's policy framework

17. Appendices

Appendix A – General information and guidance

1. What is asbestos?

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

There are two major groups of asbestos:

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

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

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

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

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

2. Where is asbestos found?

Asbestos can be found where it occurs naturally and in a variety of materials (from prior to 2004) in residential, commercial and industrial premises and on public and private land.

2.1 Naturally occurring asbestos

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

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. Work processes that have the potential to inadvertently release naturally occurring asbestos into the air include:

- agriculture
- forestry
- landscaping
- mining
- other excavation or construction activities

- pipe works and telecommunications works
- road construction and road works.

Further information can be found in this policy under Section 6 and in the *Naturally occurring asbestos fact sheet* (06-07-20) published by SafeWork NSW, which provides a photograph of naturally occurring asbestos.

2.2 Residential premises

As a general rule, a house built:

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

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

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

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

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

Outside

- backyard garden sheds, carports, garages and dog kennels
- electrical meter boards
- imitation brick cladding
- lining under eaves
- wall and roof materials (flat, patterned or corrugated asbestos sheeting).

Inside

- insulation materials in heaters and stoves
- interior walls and sheeting
- sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors)
- vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splashback.

Asbestos can also be found in:

- angle mouldings (internal and external)
- board around windows and fireplaces
- brake pads and clutch pads to vehicles
- buried and dumped waste materials
- carpet underlay
- ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity and may have moved to wall cavities, cornices and sub-floor areas)
- cement flooring

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

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

2.3 Commercial and industrial premises

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

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

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

2.4 Sites contaminated with asbestos

Contamination of soils from asbestos or asbestos containing materials can present a risk in urban and rural environments if the asbestos can give rise to elevated levels of airborne fibres that people can breathe. Whilst buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air.

Activities such as those listed in Section 3 of this Appendix have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.

2.4.1 Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- industrial land, eg, asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots
- waste disposal or dumping sites, including sites of illegal dumping eg, building waste
- sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes
- buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004)
- land with fill or foundation material of unknown composition

- sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, eg, asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

2.4.2 Significantly contaminated land

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

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

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

3. Potentially hazardous activities

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

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

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

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

Council could inadvertently disturb asbestos through activities such as:

- abovementioned activities
- asset and building maintenance
- certifying

- inspections of sites and premises
- transport and disposal of illegally dumped materials
- collection, transport and disposal of incorrectly disposed of materials.

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

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

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

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

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

4. Health hazards

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

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

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

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

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

If asbestos fibres are in a stable material, for example bonded in asbestos-cement sheeting (such as fibro), and these materials are in good condition they pose little health risk. However, where fibro or other non-friable asbestos sheeting is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos containing materials unsafely can create a hazard.
The occupational standard for asbestos is 0.1fibre/ml of air and the environmental standard is 0.01fibre/ml in air.

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

Appendix B – Further information

Aboriginal communities

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

Asbestos contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages or by contacting the Asbestos & HAZMAT Removal Contractors Association NSW (AHRCA) Phone: (02) 8586 3521.

An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW's Certification Unit on 13 10 50 or visit - https://verify.licence.nsw.gov.au/home/ADL.

Demolition & Contractors Association (DCA) NSW Phone: 1300 653 282.

Asbestos waste

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

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

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

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

Contaminated land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2015. NSW EPA website.

Managing land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning, Housing and Infrastructure and EPA).

Draft Contaminated Land Planning Guidelines, 2018 (Department of Planning, House and Infrastructure)

Environmental risk assessment

Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards, 2012 (Commonwealth of Australia).

Health

Asbestos and health risks fact sheet, 2024 (Ministry of Health).

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

Renovation and development

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

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

The asbestos awareness website, 2021 (Asbestos Education Committee) (and Printable Website Handbook).

Working with asbestos guide, 2008 (SafeWork NSW).

Practical guidance

Code of practice on how to manage and control asbestos in the workplace (catalogue no. SW_34487_22) published by SafeWork NSW.

Code of practice on how to safely remove asbestos (catalogue no. SW_34487_22) published by SafeWork NSW.

Tenants

Tenants rights Fact sheet 26 Asbestos and Lead, 2023 (Tenants NSW).

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW).

Appendix C – Definitions

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

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. SW_34487_22) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. SW_34487_22) published by SafeWork NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2013*
- *Protection of the Environment Operations Act 1997*
- *Waste classification guidelines part 1 classifying waste 2014*
- NSW *Work Health and Safety Act 2011*
- NSW *Work Health and Safety Regulation 2011*

accredited certifier in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the *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:

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

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

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

asbestos-related work means work involving asbestos that is permitted under the *Work Health and Safety Regulation 2011,* 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.

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

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

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

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

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

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

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

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

Complying Development Certificate

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, or
- the removal of power, light or telecommunication poles.

development means:

- the use of land
- the subdivision of land
- the erection of a building
- the carrying out of a work
- the demolition of a building or work

- any other act, matter or thing referred to in Section 26 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument.

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

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

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

exposure standard for asbestos is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.
friable asbestos means material that:
- is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- contains asbestos.

health means physical and psychological health.

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

independent, in relation to clearance inspections and air monitoring means:
- not involved in the removal of the asbestos
- not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.

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

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

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

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

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

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.

Policy for Enforcement and Compliance means the policy adopted by Central Coast Council.

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.

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

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

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

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

waste includes:

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

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

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

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

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

Appendix D – Acronyms

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

Appendix E – Relevant contacts

Asbestos-related disease organisations (non-exhaustive)

Asbestos Diseases Foundation Australia Inc
Phone: (02) 9637 8759
Helpline: 1800 006 196
http://www.adfa.org.au

Asbestos Diseases Research Institute
Phone: (02) 9767 9800
http://www.addri.org.au

Australian Institute of Occupational Hygienists Inc.
Phone: (03) 9338 1635
http://www.aioh.org.au

Asbestos Hazmat Removal Contractors Association NSW
Email: email@ahrcansw.asn.au
http://www.ahrcansw.asn.au

Dust Diseases Board
Phone: (02) 8223 6600
Toll Free: 1800 550 027
https://www.icare.nsw.gov.au/injured-or-ill-people/work-related-dust-disease/dust-diseases-board-research-grants/about-us

Environment Protection Authority
Phone: 131 555
Email: info@epa.nsw.gov.au
http://www.epa.nsw.gov.au

Licensed Asbestos Contractors

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

Asbestos Hazmat Removal Contractors Association NSW
Email: email@ahrcansw.asn.au
http://www.ahrcansw.asn.au

Verification of an asbestos removal contractor's licence can be checked by contacting:
WorkCover NSW's Certification Unit Ph: 131 050

Civil Contractors Federation
Phone: (02) 9009 4000
https://ccfnsw.com/

Key Government Agencies

Local Government NSW
Phone: (02) 9242 4000
http://lgnsw.org.au

NSW Ombudsman
Phone: 1800 451 524
http://www.ombo.nsw.gov.au

SafeWork NSW
SafeWork NSW Information Centre Phone: 13 10 50
Asbestos Hotline Phone: 1800 ASBESTOS (1800 272 378)
http://www.safework.nsw.gov.au

Training Providers (non-exhaustive)

TAFE NSW
Phone: 131 601
http://www.tafensw.edu.au

Housing Industry Association
Phone: 1300 650 620
http://hia.com.au

Masters Builders Association (MBA)
Phone: (02) 8586 3588
http://www.mbansw.asn.au

Asbestos Hazmat Removal Contractors Association NSW
Email: email@ahrcansw.asn.au
http://www.ahrcansw.asn.au

Appendix F – Waste management facilities that accept asbestos wastes

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

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

The waste management facilities may accept asbestos wastes. The facility should be contacted for further information.

The Central Coast Council asbestos licenced facilities are available and located as indicated in section 10.4 of the Policy.

Waste management facilities in other areas that accept asbestos wastes

An additional list of licensed landfills is available at the EPA website:

http://www.epa.nsw.gov.au/Your-environment/Household-building-and-renovation/dealing-with-housegold-asbestos/facilities-accept-household-asbetsos

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

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

Appendix G – Asbestos-related legislation, policies and standards

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. SW_34487_22) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. SW_34487_22 1) published by SafeWork NSW
- *Code of Practice Demolition work 2019* (catalogue no. SW08289) published by SafeWork NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Local Government (General) Regulation 2021*
- *Local Government Act 1993*
- NSW *Work Health and Safety Act 2011*
- NSW *Work Health and Safety Regulation 2011*
- *Protection of the Environment Operations (General) Regulation 2022*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *Workers' Compensation (Dust Diseases) Act 1942*

Appendix H – Agencies roles and responsibilities

NSW organisations

Department of Planning, Housing and Infrastructure (DPH&I)

DHP&I's primary role in the management of asbestos relates to administration of State Environmental Planning Policies and the *Environmental Planning and Assessment Act 1979* (and associated Regulation).

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

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

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* enables exempt and complying development across the state. While this includes demolition and the removal of asbestos, the *Environmental Planning and Assessment Regulation 2021* specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Dust Diseases Authority (DDB)

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

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

Environment Protection Authority (EPA)

EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. Clause 42 of the *Protection of the Environment Operations (Waste) Regulation 2014* sets out the special requirements relating to the transportation and disposal of asbestos waste.

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

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

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

Heads of Asbestos Coordination Authorities (HACA)

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

- Department of Planning, Housing and Infrastructure
- Department of Industry
- Dust Diseases Board
- Environment Protection Authority
- Local Government and Shires Association of NSW
- Ministry for Police and Emergency Services
- NSW Health
- NSW Ombudsman (observer status).

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

Local Government NSW (LGNSW)

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

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

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

NSW Department of Industry

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

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

The NSW Department of Industry also has responsibilities for:

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

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

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

NSW Ministry of Health

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

NSW Ombudsman

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

SafeWork NSW

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

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

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at SafeWork website.

http://www.safework.nsw.gov.au/hazards-a-z/asbestos

National organisations

Asbestos Safety and Eradication Agency

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

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

The agency administers the National Asbestos Exposure Register which was created to record the details of members of the community who may have been exposed to asbestos. Registration forms are online at https://www.asbestossafety.gov.au/national-asbestos-exposure-register.
The agency also maintains a national database for asbestos disposal facilities, which members of the public can search to identify their nearest facility that accepts asbestos waste, available online at https://www.asbestossafety.gov.au/search-disposal-facilities

Councils interested in finding out more about the agency, updating information listed on the disposal database, or receiving information, flyers or brochures for distribution within the LGA should contact the agency at enquiries@asbestossafety.gov.au.

National Association of Testing Authorities (NATA)

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT
Phone: (02) 9736 8222
National Toll Free: 1800 621 666
www.nata.com.au

Environmental Health Committee (enHealth)

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

Safe Work Australia

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

SafeWork NSW Information Centre Phone: 13 10 50
Asbestos Hotline Phone: 1800 ASBESTOS (1800 272 378)
http://www.safework.nsw.gov.au

Appendix I – Scenarios illustrating which agencies lead a response in NSW

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

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

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

Emergency management

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

Naturally occurring asbestos

Scenario	Lead organisation	Other regulators
Naturally occurring but will be disturbed due to a work process including remediation work	SafeWork NSW	Local Council EPA *(Protection of the Environment Operations Act 1997* Scheduled Activities Public Authorities)
Naturally occurring asbestos part of a mineral extraction process	Department of Trade and Investment, Regional Infrastructure and Services SafeWork NSW	Local Council EPA *(Protection of the Environment Operations Act 1997* Scheduled Activities Public Authorities)
Naturally occurring but will remain undisturbed by any work practice	Local Council	EPA *(Protection of the Environment Operations Act 1997* Scheduled

Scenario	Lead organisation	Other regulators
		Activities Public Authorities) SafeWork NSW (workers)
Soil contaminated with asbestos waste and going to be disturbed by a work practice	SafeWork NSW	EPA *(Protection of the Environment Operations Act 1997* Scheduled Activities Public Authorities, declared contaminated land sites)
Soil contaminated with asbestos waste but will remain undisturbed by any work practice	Local Council	EPA *(Protection of the Environment Operations Act 1997* Scheduled Activities Public Authorities, declared contaminated land sites) SafeWork NSW (workers on site)
Potential for exposure on public land	EPA *(Protection of the Environment Operations Act 1997* Scheduled Activities Public Authorities	Local Council SafeWork NSW (workers on site)
Soil contaminated with asbestos waste but at a mine site	Department of Trade and Investment, Regional Infrastructure and Services EPA *(Protection of the Environment Operations Act 1997* Scheduled Activities Public Authorities)	Local Council

Residential settings

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

Site contamination

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

Waste

Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and Local Council (non-worksites)	
Waste transported by vehicle	EPA	SafeWork NSW
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid Council development consent	Local Council (consent required to dispose onsite) (Section 10.7 property certificate and development assessment process)
Waste going to landfill site	EPA (advice)	Local Council (if managing licensed landfill)
Waste to be transported interstate	EPA	
Waste for export	Australian Customs and Border Protection Service	SafeWork NSW Department of Education, Employment and Workplace Relations

Workplaces

Scenario	Lead organisation	Other regulators
Asbestos installed/supplied after 2003 (illegally)	SafeWork NSW	Australian Customs and Border Protection Service Australian Competition and Consumer Commission (Imported Goods)
Risks to the health of workers	SafeWork NSW	
Asbestos management and asbestos going to be removed	SafeWork NSW Department of Trade and Investment, Regional Infrastructure and Services (mine sites)	
Risks to the health of the public from worksites	SafeWork NSW (Risks to workers) Local Council (Risks to the wider public) Department of Planning and Infrastructure (part 3A approvals) EPA *(Protection of the Environment Operations Act 1997* licensed sites)	
Waste stored temporarily on-site at worksites	SafeWork NSW	
Transport or waste disposal issues	EPA	SafeWork NSW Local Council
Asbestos contaminated clothing going to a laundry	SafeWork NSW	EPA Local Council
Contaminated land not declared under the *Contaminated Land Management Act 1997*	Local Council	EPA
'Significantly contaminated' land declared under the *Contaminated Land Management Act 1997*	EPA	Local Council

Appendix J – Asbestos containing materials

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

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

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

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

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

A

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

B

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

C

Cable penetration insulation bags (typically Telecom)
Calorifier insulation
Car body filters (uncommon)
Caulking compounds, sealant and adhesives
Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas)
Cement render
Chrysotile wicks in kerosene heaters
Clutch faces
Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings
Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D
Door seals on ovens

E
Electric heat banks – block insulation
Electric hot water services (normally no asbestos, but some millboard could be present)
Electric light fittings, high wattage, insulation around fitting (and bituminised)
Electrical switchboards see Pitch-based
Exhausts on vehicles

F
Filler in acetylene gas cylinders
Filters: beverage wine filtration
Fire blankets
Fire curtains
Fire door insulation
Fire-rated wall rendering containing asbestos with mortar
Fire-resistant plaster board, typically on ships
Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry
Flexible hoses
Floor vinyl sheets
Floor vinyl tiles
Fuse blankets and ceramic fuses in switchboards

G
Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)
Gaskets: chemicals, refineries
Gaskets: general
Gauze mats in laboratories/chemical refineries
Gloves: asbestos

H
Hairdryers: insulation around heating elements
Header (manifold) insulation

I
Insulation blocks
Insulation in electric reheat units for air conditioner systems
Insulation in ceilings, which may have spread to wall cavities, cornices and sub-floor areas

L
Laboratory bench tops
Laboratory fume cupboard panels
Laboratory ovens: wall insulation
Lagged exhaust pipes on emergency power generators
Lagging in penetrations in fireproof walls
Lift shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations
Limpet asbestos spray insulation
Locomotives: steam, lagging on boilers, steam lines, steam dome and gaskets

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

Mortar

P

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

R

Refractory linings
Refractory tiles
Rubber articles: extent of usage unknown

S

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

T

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

V

Valve and pump insulation

W

Welding rods
Woven asbestos cable sheath

Sources:

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

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

Appendix K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	Can remove any amount or quantity of asbestos or asbestos containing material, including: • any amount of friable asbestos or asbestos containing material • any amount of asbestos containing dust • any amount of non-friable asbestos or asbestos containing material.
Class B	Can remove: • any amount of non-friable asbestos or asbestos containing material **Note**: A Class B licence is required for removal of more than 10 m^2 of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m^2 of non-friable asbestos or asbestos containing material. • asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. **Note**: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m^2 of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m^2 of non-friable asbestos or asbestos containing material.

No licence required	Can remove:
	• up to 10 m^2 of non-friable asbestos or asbestos containing material
	• asbestos containing dust that is:
	  ○ associated with the removal of less than 10 m^2 of non-friable asbestos or asbestos containing material
	  ○ not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on 13 10 50 or by visiting https://verify.licence.nsw.gov.au/home/ADL.