

Dealing with Asbestos – Part 2 Further Information

Asbestos in the Local Government Area

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

Council is not aware of any naturally occurring asbestos in the Wollondilly Shire LGA. If naturally occurring asbestos is discovered in the LGA, Council will develop appropriate risk controls, and provide guidance materials where necessary.

2. Contamination of land 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 on site construction and excavation activities, fires and/or storms have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.

Situations where asbestos contamination may occur include:

- Industrial land, e.g., asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots;
- Waste disposal or dumping sites, including sites of illegal dumping e.g., building waste;
- Sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes;
- Buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004);
- Land with fill or foundation material of unknown composition;
- Sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, e.g., asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite;
- Sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004);

Disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

Significantly contaminated land

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

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.

Further Information can be found at: [Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997](#)

Responsibilities for contaminated land

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

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

Council may also issue prevention notices (under Part 4.3 of the [Protection of the Environment Operations Act 1997](#)) to ensure good environmental practice. If a person does not comply with a prevention notice given to the person, Council employees, agents or contractors may take action to cause compliance with the notice.

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

During site redevelopment Council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the [Environmental Planning and Assessment Act 1979](#). That is, Council will apply the general requirements of [State Environmental Planning Policy \(SEPP\) No. 55 - Remediation of Land](#) and [Planning Guidelines SEPP 55 - Remediation of Land](#)

Council provides information about land contamination on planning certificates (issued under section 149 of the [Environmental Planning and Assessment Act 1979](#)).

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.

Finding out if land is contaminated

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

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

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

Duty to report contaminated land

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

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](#).

3. Derelict Buildings

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

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

Council may issue a clean up notice or prevention notice and compliance cost notice.

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

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

4. Responding to Emergencies and Incidents

Emergencies and incidents arising from fires, storms, vandalism or criminal activity can cause damage to buildings or land that contains asbestos. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos.

Responsibilities in the clean up after an emergency or incident

Councils may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency. Council may issue a clean up, prevention, cost compliance or penalty infringement notice or alternatively, may act under the [Environmental Planning and Assessment Act 1979](#).

Council, in conjunction with the appropriate Combat Agency/s will determine an appropriate response depending on the nature of the situation.

This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required
- Liaise with or consult the appropriate agencies
- Inform emergency personnel of any hazards known to Council as soon as practicable
- Follow the [Code of Practice - How to safely remove asbestos](#)
- Ensure that any Council workers attending the site have appropriate training and are wearing appropriate personal protective equipment
- Exclude the public from the site
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response

- Minimise the risks posed by any remaining structures
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist or issuing a clean up or prevention notice to ensure asbestos containing materials are removed for disposal
- Ensure that the site is kept damp, or sprayed with PVA glue, at all times, particularly while debris is being removed where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water)
- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation

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

During a clean up after an emergency or incident, the possibility of neighbours being exposed to asbestos fibres may be very low if precautions are taken to minimise the release and inhalation of asbestos dust and fibres.

As a precautionary measure, where Council is involved in a clean up, Council may consider advising those in neighbouring properties to:

- Avoid unnecessary outdoor activity and do not put any laundry outside during the clean up
- Close all external doors and windows and stay indoors during the clean up
- Consider avoiding using air conditioners that introduce air from outside into the home during the clean up
- Dispose of any laundry that may have been contaminated with asbestos as asbestos waste after the clean up (advice on disposing of asbestos waste is provided on Page 9)
- Use a low pressure hose on a spray configuration to remove visible dust from pathways after the clean up
- Wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean up
- Any other measures recommended by an occupational hygienist following assessment of the situation

5. Councils Process for Changing Land Use

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

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

6. Councils Process for Assessing Development

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

This section also covers renovations that do not require development consent or a complying development certificate. Development consent is not required to maintain an existing structure. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but does not constitute development under the [Environmental Planning and Assessment Act 1979](#). In these instances, Council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

Responsibilities for approving development

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

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

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

This also applies to the demolition of buildings. Certifiers are able to issue a complying development certificate under the Demolition Code of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

When a private certifier issues a complying development certificate and is appointed as the Principal Certifying Authority for the development it is the certifiers responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the [Environmental Planning and Assessment Regulation 2000](#) (Clause 136E).

Providing advice to home owners, renovators and developers

Council is committed to providing information to minimise the risks from asbestos in the LGA. Information is provided below and contacts for further information can be found in in Appendix A.

The key points to note are:

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

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

If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment. If asbestos materials cannot be safely contained, they should be removed as outlined on Page 6.

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

Anyone who is undertaking renovations themselves without a contractor is encouraged to refer to Part 1 of this guide and Appendix B for more information or contact Council where they require further advice or clarification.

Anyone engaging an asbestos removal contractor may contact SafeWork NSW with any queries as SafeWork NSW regulates asbestos removal by workers. The contact number for SafeWork NSW is 13 10 50.

Identifying asbestos

Information on common places where asbestos is likely to be found in residential, commercial and industrial premises built prior to 2004 is provided in Part 1 of this guide.

A person may apply to Council for a planning certificate (called a section 149 certificate) for the relevant land. Council may provide information on a planning certificate including whether Council has a policy to restrict the use of land due to risks from asbestos contamination, as outlined in Section 7.2.

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

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

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

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

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

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

Removing asbestos at domestic premises

If development is undertaken by contractors, as is the case with a lot of home renovations, then the work is considered to be at a workplace and is regulated by SafeWork NSW under the NSW [Work Health and Safety Regulation 2011](#). This requires that a person conducting a business or undertaking who is to carry out refurbishment or demolition of residential premises must ensure that all asbestos that is likely to be disturbed by the refurbishment or demolition is identified and, so far as reasonably practicable, is removed before the refurbishment or demolition is commenced.

Depending on the nature and quantity of asbestos to be removed, a licence may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix G. SafeWork NSW is responsible for issuing asbestos licences.

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

Asbestos containing dust associated with the removal of non-friable asbestos; or

Asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (which is when the asbestos contamination is incidental and can be cleaned up in less than 1 hour).

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

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

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

All asbestos removal must be undertaken in accordance with the [Code of Practice - How to safely remove asbestos](#)

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

- The person who commissioned the work;
- A person conducting a business or undertaking at the workplace;
- The owner and occupier of the residential premises; and
- Anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the NSW [Work Health and Safety Regulation 2011](#)).

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

- Supervised by a supervisor named to SafeWork NSW; and
- Notified to SafeWork NSW at least 5 days prior to the work commencing.
- Requirements for the transport and disposal of asbestos waste are covered on Page 9.

Removing asbestos at workplaces

The NSW [Work Health and Safety Regulation 2011](#) specify requirements for demolition and refurbishment at a workplace with structures or plants constructed or installed before 31 December 2003. SafeWork NSW is the lead agency for regulating the safe management of asbestos at workplaces.

Obtaining approval for demolition

Demolition work must comply with [Australian Standard AS 2601 – 2001: The demolition of structures](#). In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to Council as to whether and what type of approval is required. Where a development application is required Council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to on Page 8.

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

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

8. Exempt or Complying Development

Exempt development

Exempt development does not require any planning or construction approval if it meets the requirements of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#). This means that there is no ability for Council or a private certifier to impose safeguards for the handling of asbestos through conditions of development consent. However, Council advises that all asbestos removal work should be carried out in accordance with the [Code of Practice - How to safely remove asbestos](#).

Complying development

The [Environmental Planning and Assessment Regulation 2000](#) (Clause 136E) outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

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

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

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

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the [Code of Practice - How to safely remove asbestos](#). In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then SafeWork NSW would not be the agency responsible for regulating this activity and any concerns or complaints may be directed to Council.

The [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) outlines the requirements for the applicant to notify their neighbours that works may include asbestos removal. Further requirements to inform other persons of licensed asbestos removal are described in section 467 of the [NSW Work Health and Safety Regulation 2011](#).

Development Applications (DAs)

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

Pre-DA advice regarding asbestos

Council's pre-DA service enables proponents to discuss asbestos-related issues with Council prior to lodging a DA, if the issue is raised. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos including those with building materials from prior to 2004.

Conditions of consent

Any demolition works involving asbestos removal must comply with all legislative requirements as prescribed by the Code of Practice - How to Safely Remove Asbestos, SafeWork NSW and NSW Department of Environment and Climate Change (DECC).

Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures including provision for;

- Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works.
- Induction training for onsite personnel.
- Management of asbestos contamination and other hazardous materials.
- Dust control.
- Disconnection of gas and electrical supply
- The demolition shall not hinder pedestrian or vehicle mobility in the locality.

Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Compliance and enforcement

Responsibilities for compliance and enforcement

The controls rely on information being provided and checked by the principal certifying authority which may be either the local council or a private certifier. A private certifier has powers under the [Environmental Planning and Assessment Act 1979](#) to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections. Councils will not always be the principal certifying authority. When a council is not nominated as the principal certifying authority for a complying development certificate or development application, the council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between the council and the private certifier will be required.

Council may take action on any development for which Council has issued the development consent, even when not appointed as the principal certifying authority to ensure enforcement. Where Council receives a complaint about a development for which Council is not the principal certifying authority, a determination will be made as to whether Council is the appropriate authority to resolve the matter. Complaints that warrant action by councils because of their greater enforcement powers include:

Urgent matters, for example, a danger to the public or a significant breach of the development consent or legislation; and

- Matters that are not preconditions to the issue of the occupation/subdivision certificate.
- Compliance strategies
- Illegal works include:
- Works that are undertaken without a required development consent or complying development certificate; and

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

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

The [Environmental Planning and Assessment Act 1979](#) empowers Council to issue orders to direct specific work be undertaken to comply with a development consent.

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

Council may also issue a clean up notice or prevention notice under the [Protection of the Environment Operations Act 1997](#).

Council may audit asbestos-related demolition works which Council has recently approved by using a legal notice under section 192 of the [Protection of the Environment Operations Act 1997](#) to require developers to provide information and records regarding disposal of their asbestos waste.

9. Managing Asbestos as a Waste

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

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

Responsibilities for asbestos waste management

The handling and, where appropriate, temporary storage of asbestos waste at worksites is regulated by SafeWork NSW. The EPA regulates premises that have or require an environment protection licence in accordance with the [Protection of the Environment Operations Act 1997](#). A licence is required where more than 5 tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

Handling asbestos waste for disposal

The [Code of Practice - How to safely remove asbestos](#) provides details on waste containment and disposal and controls applicable to all types of asbestos removal.

Transporting asbestos waste

The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under the [Protection of The Environment Operations \(Waste\) Regulation 2014](#) Clause 78:

- Non-friable asbestos material must be securely packaged at all times;
- Friable asbestos material must be kept in a sealed container;
- Asbestos-contaminated soils must be wetted down; and
- All asbestos waste must be transported in a covered, leak-proof vehicle.

Any load containing more than 100 kilograms of asbestos waste or more than 10 square metres of asbestos sheeting must be tracked in accordance with the [Protection of The Environment Operations \(Waste\) Regulation 2014](#). This requires transporters of asbestos to record information about the movement of loads of asbestos waste from the site of generation to the final disposal point. To make this easy, the EPA has developed an online system called WasteLocate.

If you are involved with the transport or disposal of asbestos waste in NSW, or arranging the transport of asbestos waste in NSW, you need to register for WasteLocate. The [WasteLocate page](#) has more information on this new tool and explains how it affects the asbestos industry.

Disposing of asbestos waste at waste facilities

There are no waste facilities in the Wollondilly LGA licensed to accept asbestos waste. A list of waste management facilities that do accept asbestos waste can be found in Appendix C. Persons delivering waste to a landfill site must comply with the following requirements:

A person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste; and

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

Non-compliance with these requirements is an offence under the [Protection of The Environment Operations \(Waste\) Regulation 2014](#) and these offences attract strong penalties.

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

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

Where waste is rejected, the waste facility must inform the transporter of the waste that the waste must be transported, to a waste facility at which the waste can be legally accepted (as required by the [Protection of The Environment Operations \(Waste\) Regulation 2014](#)).

It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under section 143 of the [Protection of the Environment Operations Act 1997](#)). Penalty notices may be issued for \$4,000 (to individuals) and \$8,000 (to corporations).

Illegal dumping of asbestos waste

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

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

- On the spot fines of up to \$8000;
- Prosecution for pollution of land of up to \$1 million for a corporation and \$120,000 for each day the offence continues (under section 142A of the [Protection of the Environment Operations Act 1997](#)); or
- Up to \$1 million, or 7 years imprisonment, or both for an individual (under section 119 of the [Protection of the Environment Operations Act 1997](#)).

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

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

- The activity was part of the carrying on of an activity listed in Schedule 1 of the [Protection of the Environment Operations Act 1997](#);
- The activity was carried out by a public authority or the State; or
- The site is regulated by a different authority such as the Minister for Planning and Infrastructure.

A handbook to assist Aboriginal communities to prevent and arrange the clean up of illegal dumping is noted in Appendix A.

Asbestos remaining on-site

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

10. Complaints and Investigations

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

Council will respond to complaints and inquiries regarding:

- Council's requirements in relation to development, land management and waste management
- Derelict properties
- General asbestos safety issues
- Illegal dumping
- Safe removal and disposal of minor quantities of asbestos materials
- Unsafe work at a residential property conducted by a homeowner or tenant
- Complaints about Council in relation to asbestos may be directed to the NSW Ombudsman.

11. Councils Role in the Disposal of Asbestos Waste

Responding to illegal dumping

Where Council commissions the removal of illegally dumped asbestos material or suspected asbestos material, Council will ensure this is undertaken in accordance the applicable legislative requirements of the day.

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

Council's waste management facility at Bargo

Council's waste management facility at Bargo is not licensed to accept asbestos waste. Construction, renovation and demolition waste presented to the site may be high risk for asbestos materials. Incoming loads are screened and procedures have been developed to minimise the risk of asbestos contamination in material intended for resource recovery.

Asbestos waste incorrectly presented to Council's waste facility

Council will inform the transporter of a waste facility at which the waste can be legally accepted (as required by the [Protection of The Environment Operations \(Waste\) Regulation 2014](#)).

Where waste is rejected, Council should complete a rejected loads register (a template is available from SafeWork NSW).

If Council suspects that there is a risk of illegal dumping of the rejected waste, Council will inform Council's rangers or Council's compliance officers.

Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and at a later date the transporter will need to demonstrate to Council that the waste has been appropriately disposed.

Where asbestos waste is illegally dumped at an unstaffed waste station, management options for Council include to:

- Undertake surveillance via video cameras to issue fines or deter dumping

- Provide targeted education to neighbouring landholders to ensure that they do not allow access to the waste station

Recycling facilities

Council screens and inspects incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

To prevent contamination of recycled products and to manage situations where contamination has occurred, Council adheres to the guide: [Management of asbestos in recycled construction and demolition waste](#).

Re-excavation of landfill sites

The re-excavation of a Council landfill site where significant quantities of asbestos waste are deposited will only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate regulatory authority under the [Protection of the Environment Operations Act 1997](#)).

12. Advice to Tenants and Prospective Buyers of Council Owned Property

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

- Advise Council of any hazards relating to asbestos
- Minimise damage to asbestos containing material
- Co-operate with Council in facilitating any risk management work arranged by Council
- Act on advice from Council to minimise risks from asbestos.

Appendix A – Further Information

Aboriginal communities

Illegal Dumping Prevention and Clean-up. Handbook for Aboriginal Communities, 2008 (EPA)

www.environment.nsw.gov.au/waste/illdumpabcommshandbook.htm

Asbestos contractors

Choosing an Asbestos Consultant Fact Sheet (SafeWork NSW, Catalogue Number 4547)

www.SafeWorkNSW.nsw.gov.au/formspublications/publications/Pages/Choosinganasbestosconsultant.aspx

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or by contacting the Asbestos Removal Contractors Association NSW

www.arca.asn.au 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.

Demolition & Contractors Association (DCA) NSW <http://demolitioncontractorsassociation.com.au>

Asbestos waste

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

www.environment.nsw.gov.au/resources/waste/asbestos/09235Asbestos.pdf

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

www.environment.nsw.gov.au

Contaminated land

Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997, 2009 (EPA).

Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land, 1998 (Department of Planning and Infrastructure and EPA)

www.planning.nsw.gov.au/assessingdev/pdf/gu_contam.pdf

Environmental risk assessment

Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia)

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

Health

Asbestos and Health Risks Fact Sheet, 2007 (Ministry of Health)

http://www.health.nsw.gov.au/factsheets/environmental/asbestos_fs.html

Further advice concerning the health risks of asbestos can be obtained from your local public health unit. Contact details for public health units may be found at: www.health.nsw.gov.au/publichealth/infectious/plus.asp

Renovation and development

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

[http://www.health.gov.au/internet/main/publishing.nsf/Content/7383C46948F649B7CA2579FA001AA20E/\\$File/asbestos-02-web-\(8may12\).pdf](http://www.health.gov.au/internet/main/publishing.nsf/Content/7383C46948F649B7CA2579FA001AA20E/$File/asbestos-02-web-(8may12).pdf)

Choosing and Working with a Principal Certifying Authority: A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board)

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

Think Asbestos Website, 2011 (Asbestos Education Committee) (and *Printable Website Handbook*)

<http://www.asbestosawareness.com.au>

Working with Asbestos Guide, 2008 (SafeWork NSW)

<http://www.SafeWorkNSW.nsw.gov.au/formspublications/publications/Pages/Workingwithasbestosguide.aspx>

Practical guidance

[Code of Practice: How to Manage and Control Asbestos in the Workplace](#) (SafeWork NSW, Catalogue Number WC03560)

[Code of Practice: How to Safely Remove Asbestos](#) (SafeWork NSW, Catalogue Number WC03561)

Tenants

Tenants Rights Factsheet 26 Asbestos and Lead, 2010 (Tenants NSW)

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

Tenants - Housing NSW tenants

Asbestos Fact Sheet, 2010 (Housing NSW) <http://www.housing.nsw.gov.au/NR/rdonlyres/F4E1131F-2764-4CB1-BC07-98EB6C594085/0/Asbestos.pdf>

Appendix B – Relevant Contacts

Airsafe – Occupational Hygienists
Phone: (02) 9555 9034
Email: info@airsafe.net.au
Website: www.airsafe.net.au

Asbestos-related disease organisations (non-exhaustive)
Asbestos Diseases Research Institute
Phone: (02) 9767 9800
Email: info@adri.org.au
Website: www.adri.org.au

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

Asbestos Removal Contractors Association NSW (ARCA)
Phone: (02) 9642 0011
Website: www.arca.asn.au

Australian Institute of Occupational Hygienists Inc.
Phone: (03) 9336 2290
Email: admin@aioh.org.au
Website: www.aioh.org.au

Bargo Waste Management Facility
Anthony Rd Bargo
(P) 0419 490 599
Email: council@wollondilly.nsw.gov.au

Dust Diseases Board
Phone: (02) 8223 6600
Toll Free: 1800 550 027
Email: enquiries@ddb.nsw.gov.au
Website: www.ddb.nsw.gov.au

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

Licensed Asbestos Contractors
Choosing an Asbestos Consultant Fact Sheet (SafeWork NSW):
www.SafeWorkNSW.nsw.gov.au/formspublications/publications/Pages/Choosinganasbestosconsultant.aspx

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website: www.yellowpages.com.au or contact the Asbestos Removal Contractors Association NSW (ARCA)
Phone: (02) 9642 0011
Email: info@arca.net.au
Website: www.arca.asn.au

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

Civil Contractors Federation (CCF)
Phone: (02) 9009 4000
Email: mtearle@civilcontractors.com

Website: www.civilcontractors.com

Demolition & Contractors Association (DCA) NSW

Phone: (02) 8586 3555

Email: demolitionassn@bigpond.com

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

Local Government and Shires Associations of NSW (LGSA)

Phone: (02) 9242 4000

Email: lgsa@lgsa.org.au

Website: www.lgsa.org.au

NSW Ombudsman

Phone: (02) 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Website: www.ombo.nsw.gov.au

Training providers (non-exhaustive)

TAFE NSW

Phone: 1300 131 499

Website: www.tafensw.edu.au

Housing Industry Association (HIA)

Phone: (02) 9978 3333

Website: <http://hia.com.au/>

Local Government Training Institute

Phone: (02) 4922 2333

Website: www.lgti.com.au

Comet Training

Phone: (02) 9649 5000

Website: www.comet-training.com.au/site

Masters Builders Association (MBA)

Phone: (02) 8586 3521

Website: www.masterbuilders.com.au

SafeWork NSW

SafeWork NSW Information Centre Phone: 13 10 50

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

Website: www.SafeWorkNSW.nsw.gov.au

Appendix C – Waste Management Facilities that Accept Asbestos Waste

There are no waste management centres in the Wollondilly LGA that accept asbestos waste from the public. A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at: <http://www.environment.nsw.gov.au/waste/asbestos/index.htm>

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

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

Appendix D –Asbestos Related Legislation, Policies and Standards

- [Australian Standard AS 2601 – 2001: The demolition of structures](#)
- [Contaminated Land Management Act 1997](#)
- [Code of Practice: How to Manage and Control Asbestos in the Workplace](#)
- [Code of Practice: How to Safely Remove Asbestos](#)
- [Demolition Work Code of Practice](#)
- [Environmental Planning and Assessment Act 1979](#)
- [Environmental Planning and Assessment Regulation 2000](#)
- [Local Government Act 1993](#)
- [Local Government \(General\) Regulation 2005](#)
- [Protection of the Environment Operations \(General\) Regulation 2009](#)
- [Protection of The Environment Operations \(Waste\) Regulation 2014](#)
- [Protection of the Environment Operations Act 1997](#)
- [State Environmental Planning Policy No. 55 - Remediation of Land](#)
- [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#)
- NSW [Work Health and Safety Act 2011](#)
- NSW [Work Health and Safety Regulation 2011](#)
- [Workers' Compensation \(Dust Diseases\) Act 1942](#)

Appendix E – Agencies Roles and Responsibilities

NSW organisations

Department of Planning and Environment (DP&E)

The DP&E'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 the DP&E 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 2000](#) specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

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

Dust Diseases Board (DDB)

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

- Payment of compensation benefits to eligible workers and dependants;
- Co-ordination and payment of medical and related health care expenses;
- Medical examination of workers exposed to dust in the workplace; and
- Information and education

Environment Protection Authority (EPA)

The EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the [Protection of the Environment Operations Act 1997](#) and the [Protection of the Environment Operations \(Waste\) Regulation 2005](#). Part 7 Clause 78 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 and Infrastructure
- Department of Trade and Investment, Regional Infrastructure and Services
- Division of Local Government
- Dust Diseases Board
- Environment Protection Authority
- Local Government and Shires Association of NSW
- Ministry for Police and Emergency Services
- Ministry of Health

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

Local Government and Shires Associations of NSW (LGSA)

The Local Government Association of NSW and the Shires Association of NSW represent 152 general purpose councils as well as about 13 special purpose councils. Regions of NSW Aboriginal Land Council are also eligible to be members.

The Associations represent the views of these councils by:

- Presenting councils views to governments;
- Promoting Local Government to the community; and
- Providing specialist advice and services.

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

In 2012, the Associations commenced a project funded by SafeWork NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: <http://www.lgnsw.org.au/search/site/asbestos>

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: <http://www.SafeWork NSW.nsw.gov.au/search?query=asbestos&btnSearch=Submit>

National organisations

National Association of Testing Authorities (NATA)

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

NSW (Head Office) and ACT

Phone: (02) 9736 8222

National Toll Free: 1800 621 666

Website: www.nata.asn.au

Environmental Health Committee (enHealth)

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

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

Safe Work Australia

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

Phone: (02) 6121 5317

Email: info@safeworkaustralia.gov.au

Website: www.safeworkaustralia.gov.au

Appendix F – Scenarios Illustrating which Agencies Lead a Response in NSW

The tables below 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 at <http://www.SafeWork NSW.nsw.gov.au/search?query=haca>

Emergency management

Scenario	Lead Organisation	Other Regulators
Emergency response	Emergency Service / Combat Agencies	Fire and Rescue / NSW Rural Fire Service (Hazmat) SafeWork NSW
Handover to Local Council, owner of property or NSW Police – crime scene following a minor incident	Local Council	-
Handover to Recovery Controller (State or Local)	Relevant Recovery Controller	Emergency Management or Recovery Committee Local Council EPA SafeWork NSW
Handover to Recovery Committee following a significant incident	Recovery Committee	Emergency Management or Recovery Committee 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 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: <ul style="list-style-type: none"> • identification • in situ management • removal requirements • disposal requirements 	Local Council Private Certifiers	SafeWork NSW EPA
Site contaminated due to past uses	Local Council	SafeWork NSW EPA
Licensed removal work required	SafeWork NSW	Local Council Private Certifiers
Removal does not require a licensed removalist	Local Council Private Certifiers	SafeWork NSW (workers)
Transport or waste disposal issues	Local Council	EPA
Derelict property with fibro debris	Local Council Or Multi- agency	Multi- agency

Site contamination

Scenario	Lead organisation	Other regulators
Asbestos illegally dumped	Local Council	EPA SafeWork NSW
Site contain legacy asbestos waste from a previous era	Local Council	EPA SafeWork NSW
Site contamination at commercial premises.	See Workplaces	
Site contamination at residential premises.	See Residential settings	

Waste

Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and Local Council (non-worksites)	-
Waste transported by vehicle	EPA	SafeWork NSW
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid Council development consent	Local Council (consent required to dispose onsite) (section 149 property certificate and development assessment process)
Waste going to landfill site	EPA (advice)	Local Council (only if managing a licensed landfill facility)
Waste to be transported interstate	EPA (advice)	-
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 G – Asbestos Licencing

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

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