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**ITEM 32 - ADOPTION OF CABONNE COUNCIL ASBESTOS MANAGEMENT
POLICY AND PLAN**

REPORT IN BRIEF

Reason For Report	To seek council resolution to adopt the draft policy and strategy following the public exhibition of the draft documents
Policy Implications	Adoption of the policy will be in line with the State Model Policy and guidelines
Budget Implications	Nil for adoption of policy. Recognising that the policy establishes commitments for further actions to ensure adequate implementation of the strategies, and this may require subsequent budget allocation considerations.
IPR Linkage	4.5.3.d. Manage contaminated lands
Annexures	1. Draft Asbestos Policy 2. Draft Asbestos Policy Plan February 2016
File Number	\\OFFICIAL RECORDS LIBRARY\\ENVIRONMENTAL MANAGEMENT\\POLICY\\PROTECTION OF THE ENVIRONMENT POLICIES - 758523

RECOMMENDATION

THAT Council adopt the Cabonne Council Asbestos Management Policy and Plan 2016.

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

Council at its meeting of 23 February 2016 considered the draft Asbestos Management Policy and Plan and resolved as follows:

'That:

- 1. The draft Cabonne Council Asbestos Management Policy and Plan 2016 be placed upon public exhibition for a period of not less than 28 days; and*
- 2. A further report be submitted to council following conclusion of the exhibition period for consideration of submissions and for further consideration/adoption of the final policy documents.'*

Upon conclusion of the public consultation phase no submissions had been received by council. It is now appropriate for council to consider adoption of the policy and plan which has been prepared based upon the Model Asbestos Policy for NSW councils that was developed by Local Government NSW to

promote a consistent local government approach to asbestos management across NSW.

Section 23A of the Local Government Act "Council decision making during merger proposal periods" requires Council to consider these guidelines and assess any impact upon a determination. The guidelines have been considered and the proposed development and determination for the support of determination is not contrary to the guidelines.

**ITEM 33 - PLANNING PROPOSAL TO AMEND CABONNE LOCAL
ENVIRONMENTAL PLAN 2012 - REZONING OF LAND BEING LOT 2 IN DP
794456 AND KNOWN AS 1099 OPHIR ROAD, SUMMER HILL**

REPORT IN BRIEF

Reason For Report	To obtain Council resolution to proceed with the making of the LEP amendment for Lot
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.b. Maintain strong relationships and liaise effectively with all relevant government agencies and other councils
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\LAND USE AND PLANNING\\PLANNING\\AMENDMENT 4 TO LEP 2012 - LOT 2 DP794456 NO 1099 OPHIR RD SUMMER HILL CREEK - 758550

RECOMMENDATION

THAT pursuant to section 59 of the Environmental Planning & Assessment Act 1979, council forward the Planning Proposal to the Department of Planning and Infrastructure for the Minister to make a Local Environmental Plan to rezone Lot 2 DP 794456 being land known as 1099 Ophir Road, Summer Hill from zone RU1 Primary Production to R5 Large Lot Residential.

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

Council at its meeting of 27 October 2015 resolved as follows:

'THAT:

- 1. Receive and note the Planning Proposal for the rezoning of land identified as Lot 2 DP 794456 and located within the Strategy Area 4 (SA4 – Spring Glen) as described in the Blayney Cabonne Orange Sub Regional Rural and Industrial Land Use Strategy July 2008.*

2. Forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

3. A further report be presented to council following the public exhibition period to provide details of any submissions received during the exhibition process.'

Council may recall that the proposal seeks to rezone a 95.9ha rural holding owned by Gwenda Sandrin. The subject land is currently zoned RU1 Primary Production and it is proposed to rezone the land to RU5 Large Lot Residential (amending LEP map sheet LZN_004 and LZN_004D), and to amend the Cabonne LEP 2012 Lot Size Map (Sheet LSZ-004 and LSZ-004D) to permit a minimum lot size of 5ha.

It is proposed to create 14 large lot residential allotments ranging in area from 5ha to 10ha. A centrally located access road off Ophir Road would be constructed to service the proposed subdivision. Building envelopes will be nominated for each lot to minimise removal of vegetation, optimise on-site waste water disposal options and ensure adequate bushfire protection is provided. Water supply for residential purposes would be from rain water tanks supplemented by on-site farm storages and provision of several bores. Electricity and telephone connections are to be provided to the site by extension of existing infrastructure.

The proposal was forwarded to the department on 6 November 2015. A Gateway Determination was issued by the department on 1 December 2015 and required agency consultation with the Rural Fire Service occur prior to authorization being given by the planning department to proceed to the public exhibition of the planning proposal. Consultation was undertaken and the department advised. Accordingly, approval to exhibit the planning proposal was received by council from the department of planning on 24 February 2016.

In accordance with the Gateway Determination the Planning Proposal was placed upon public exhibition for a period of 28 days. During the exhibition period the Planning Proposal and all relevant documents were publically available at the council's Molong office and through council's web site. Notification was made through public advertisement placed in the Central Western Daily newspaper. Written notification was provided to adjacent and nearby landowners of the subject land.

By the close of the exhibition period no submissions had been received by council.

It is suggested that council proceed with the rezoning proposal and submit the Planning Proposal and relevant documentation to the Department of Planning and Infrastructure for the Minister to make a Local Environmental Plan to rezone the land to which this report applies. To facilitate the lodgment of the amending LEP, council will first need to obtain Parliamentary Counsel Opinion

that the plan can be legally made, and seek Department of Planning input to the drafting of the final version amending plans.

Section 23A of the Local Government Act "Council decision making during merger proposal periods" requires Council to consider these guidelines and assess any impact upon a determination. The guidelines have been considered and the proposed development and determination for the support of determination is not contrary to the guidelines.

**ITEM 34 - DA 2016/0085 UPGRADE OF EXISTING SPORTS GROUND ON
LAND DESCRIBED AS LOT 30 SECTION A DP 977127 & LOTS 31-35 DP
1089785, CORNER BETTS ST & DEAN STREET, MOLONG**

REPORT IN BRIEF

Reason For Report	For Council to determine the development application for transparency purposes as the land is owned by Council, the upgrade will be a Council asset and the project is to be managed by Council.
Policy Implications	Nil
Budget Implications	Funds have partially been allocated to assist with the project.
IPR Linkage	4.5.3.a. Assess and determine development applications, construction certificate applications and Onsite Sewerage Management Systems (OSMS) to meet agreed service levels
Annexures	1. Draft Conditions of Consent
File Number	\\Development Applications\\DEVELOPMENT APPLICATION\\2016\\03-2016-0085 - 758735

RECOMMENDATION

THAT Development Application 2016/0085 for upgrade of existing sports ground on Lot 30 Section A DP 977127 & Lots 31-35 DP 1089785, corner Betts & Dean Streets, Molong, be granted consent subject to the conditions attached.

SENIOR TOWN PLANNER'S REPORT

ADVISORY NOTES

Record of voting

In accordance with s375A of the Local Government Act 1993, a division is required to be called when a motion for a planning decision is put at a meeting of Council or a Council Committee. A division under s375A of the Act is required when determining this planning application.

Political Disclosures

In accordance with s147(4) of the Environmental Planning and Assessment Act 1979, a person making a planning application to Council is required to disclose political donations and gifts made within 2 years prior to the submission of the application and concluding when the application is determined.

In accordance with s147(5) of the Environmental Planning and Assessment Act 1979, a person making a public submission to Council in relation to a planning application made to Council is required to disclose political donations and gifts made within 2 years prior to the submission being made and concluding when the application is determined.

Political donations and gifts (if any) to be disclosed include:

- All reportable political donations made to any local councillor or Council,
- All gifts made to any local councillor or employee of the Council.

Nil planning application disclosures have been received.

Nil public submission disclosures have been received.

SUMMARY

The following report provides an assessment of the development application submitted for Recreation area (upgrade to existing sports ground) on land described as Lot 30 Section A DP 977127 & Lots 31-35 DP 1089785, corner Betts Street and Dean Street, Molong. The proposal is for the upgrade of the existing hockey ground with an all-weather synthetic surface which will have the ability to be used for a number of other sports such as netball, tennis, croquet, touch football, soccer and cricket. The upgrade also includes the construction of fencing and lighting.

The application is not advertised development however due to the nature of the proposal, the application was neighbor notified for a period of 14 days. One (1) submission was received by the close of the exhibition phase. Issues raised in the submission(s) include the potential impact of lighting and their location on the nearest residential receptors and where a dwelling is to be constructed. No design details were supplied at the time of DA submission. Should the project proceed and lighting be considered as a part of this proposal then the applicant will be required by conditions of consent to provide detail plans for further analysis to ensure impact on residential receptors are not adversely impacted.

Council agreed to the construction of this facility at its December 2015 Ordinary Council Meeting. The application (for transparency purposes) has been referred to the Council for determination as the land is owned by Council with the project also managed being managed by Council. The application has been assessed in accordance with the provisions of the Cabonne Local Environmental Plan and the provisions of DCP 10 – Flood Prone Land in Molong. The land is

identified as community land and is not in contravention to any known Plan of Management or council policy. It is recommended that the application be approved subject to conditions of consent.

Applicant: Molong Advancement Group (MAG) & Cabonne Council

Owner: Cabonne Council

Proposal: Upgrade of existing sports ground

Location: Lot 30 Section A DP 977127 & Lots 31-35 DP 1089785, corner
Betts & Dean Streets, Molong

Zone: RE1 Public Recreation

Section 23A of the Local Government Act "Council decision making during merger proposal periods" requires Council to consider these guidelines and assess any impact upon a determination. The guidelines have been considered and the proposed development and determination for the support of determination is not contrary to the guidelines.

THE PROPOSAL

It is proposed to construct a fully fenced multi- purpose sporting area with a synthetic surface (area of approximately 98.6m x 62.2m). The area will be an all-weather playing surface used for hockey (full sized field) to replace the existing grass field currently in use and for a training facility for a number of other community sports such as hockey, netball, tennis, croquet, touch football, soccer and cricket. It is anticipated lighting may also form part of the project.

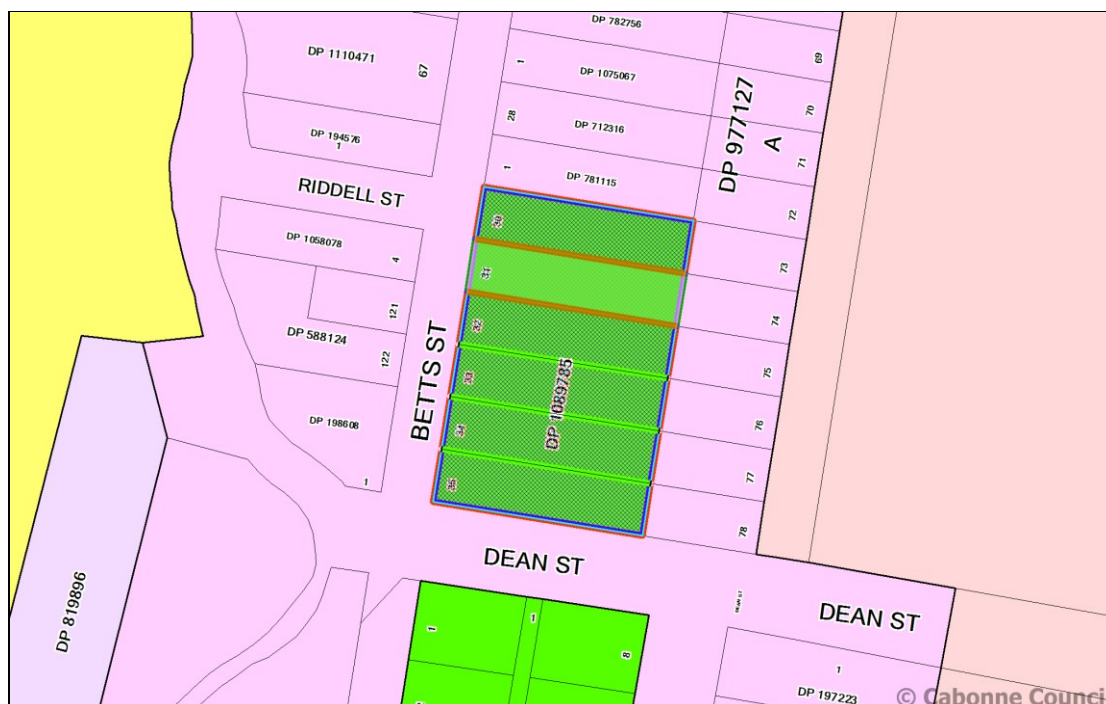
No details provided of fencing or proposed lighting for the proposal.

Essential services are in the locality.

On street parking is currently available in Betts & Dean Streets.



Site Map





Background

Council at its Ordinary Meeting in December 2015 resolved to advise Molong Advancement Group (MAG) of its agreement to allow the construction of a multi-purpose synthetic sporting facility on Lot 30 Section A DP 977127 & Lots 31-35 DP 1089785, Betts Street Molong and of the proposed management and funding arrangements.

Funding for the 2015/16 Clubgrants Category 3 Sport and Recreation was progressed to the final round which required substantial information regarding the details of the project, including plans, estimated costs of works, project time frame in addition to the submission and approval of a development application (if needed). Development consent was deemed to be required for the project and a development application was submitted to Council for assessment.

MATTERS FOR CONSIDERATION

Section 79C of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s79C(1)(a)(i)

Clause 1.2 Aims of the Plan

The broad aims of the LEP are as follows:

(a) to encourage development that complements and enhances the unique character and amenity of Cabonne, including its settlements, localities, and rural areas,

(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Cabonne in a manner that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,

(c) to facilitate and encourage sustainable growth and development that achieves the following:

- (i) contributes to continued economic productivity, including agriculture, business, tourism, industry and other employment opportunities,
- (ii) allows for the orderly growth of land uses while minimising conflict between land uses within the relevant zone and land uses within adjoining zones,
- (iii) encourages a range of housing choices and densities in planned urban and rural locations that is compatible with the residential and rural environment and meets the diverse needs of the community,
- (iv) promotes the integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand,
- (v) protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy,
- (vi) avoids or minimises adverse impacts on drinking water catchments to protect and enhance water availability and safety for human consumption,
- (vii) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places,
- (viii) protects and enhances environmentally sensitive areas, ecological systems, and areas that have the potential to contribute to improved environmental, scenic or landscape outcomes.

Clause 1.9A Suspension of covenants, agreements and instruments

This clause provided that covenants, agreements or other similar instruments that restrict the carrying out of development upon the subject land do not apply unless such are:

- Covenants imposed or required by council
- Prescribed instruments under s183A of Crown Lands Act 1989
- Any conservation agreement under National Parks and Wildlife Act 1974
- Any trust agreement under the Nature Conservation Trust Act 2003
- Any property vegetation plan under the Native Vegetation Act 2003
- Any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995
- Any planning agreement made under Division 6 of Part 4 of the Environmental Planning & Assessment Act 1979

Mapping

The subject site is identified on the LEP maps in the following manner:

Land zoning map	Land zoned RE1 Public Recreation
Lot size map	Minimum lot size N/A
Heritage map	Not a heritage item or conservation area

Terrestrial Biodiversity Map	No biodiversity sensitivity on the subject land
Flood planning map	Is within a flood zone
Natural resource – karst map	Not within a karst area
Drinking water catchment map	Not within a drinking water catchment area
Riparian land and watercourse map, groundwater vulnerability map	Not affected by riparian, watercourse or groundwater vulnerability
Land reservation acquisition map	

These matters are addressed in the report following.

Cabonne Local Environmental Plan 2012

The subject land is zoned RU1 Primary Production by the Cabonne Local Environmental Plan 2012. A recreation area is permissible within this zone, subject to Council's development consent.

A *recreation area* means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) A children's playground, or
- (b) An area used for community sporting activities, or
- (c) A public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

The proposal is for the upgrade of the existing sports ground. The proposal is consistent with the standard definition.

Objectives of the RE1 Public Recreation zone

The proposal is not contrary to the aims of the LEP or the objectives of the RE1 zone. The development relates to and is consistent with the zone objectives which seek to

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

Part 2 – Permitted or prohibited development

The proposed development for upgrades to an existing recreation area is a permissible land use in the RE1 zone subject to development consent.

Part 4 – Principal development Standards

No principal development standards apply to the development.

Part 5 – Miscellaneous provisions

No miscellaneous provisions apply to the development.

Part 6 – Additional local provisions

Clause 6.1 Flood planning

The objectives of the clause are to:

- (a) To minimize the flood risk to life and property associated with the use of the land,
- (b) To allow development on land that is compatible with the lands flood hazard, taking into account projected changes as a result of climate change,
- (c) To avoid significant adverse impacts on flood behavior and the environment.

The proposal is not contrary to the clause. The upgrade of the sports ground will not have an adverse effect upon risk to life and/or property with the development not being incompatible to flood hazard.

Clause 3 requires further assessment by the authority to ensure the consent authority is satisfied with the proposed development and is compatible with the flood hazard of the land; does not adversely affect flood behavior; incorporates measures to manage risk to life from flood; will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or water courses; and is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

It is considered that the proposal is not contrary to the provisions of the clause. The proposal will be required to have the finished surface ground level not any higher than the existing ground level for which current flood modelling is known. The proposed fencing is to be designed in accordance with DCP 10 – Flood Prone Land in Molong and be flood compatible.

Clause 6.8 Essential services

Essential services are available either on site or within the surrounding locality. Any upgrades required for the development will be at the expense of the developer and should be investigated further prior to the commencement of any works.

REGIONAL ENVIRONMENTAL PLANS

There are no Regional Environmental Plans that apply to the subject land.

STATE ENVIRONMENTAL PLANNING POLICIES

No state environmental planning policies are applicable to the proposed development.

**PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING
INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s79C(1)(a)(ii)**

There are no draft environmental plans that relate to the subject land or proposed development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s79C(1)(a)(iii)

Development Control Plan No. 10 Flood Prone land in Molong applies to the subject land and the proposed development.

Part of the land is identified as being within the flood fringe (1 in 100 year event) and part within the possible inundation awareness zone (1 in 300 year event). An assessment undertaken by the Development Engineer has indicated that the finished surface ground level is not to be any higher than the existing ground level for which current flood modelling is known. This alleviates the need to undertake any further flood impact study of the development on the known existing parameters.

The proposal also includes perimeter fencing of the sporting ground. The fencing will be sited within the Molong Floodway as identified in the Molong Floodplain Management Study. A condition of any consent will require the applicant to submit for approval detailed plans showing the design of the perimeter fencing in accordance with the provisions of DCP 10 Flood Prone Land in Molong.

PROVISIONS PRESCRIBED BY THE REGULATIONS s79C(1)(a)(iv)

The proposal does not contravene the relevant provisions of the regulations.

THE LIKELY IMPACTS OF THE DEVELOPMENT s79C(1)(b)

Siting /location

The proposed location of the development sits over six (6) deposited plans. The subject land is sited within a residential area with additional sports fields and tennis courts in close proximity to the site.

Visual amenity

The upgrade of the sports ground will change the how the site looks with proposed fencing and lighting included as a part of the proposal. The proposal however, is consistent with what is normally associated with a sports facility.

No design details were supplied at the time of DA submission for either lighting or the proposed fencing. Should the project proceed and lighting be considered as a part of this proposal then the applicant will be required by conditions of consent to provide detailed plans for further analysis to ensure impact on residential receptors are not adversely impacted. Additionally, detailed plans will also be required for any proposed fencing.

Access and traffic

There is no onsite parking for the current ground. Existing provisions for parking rely upon off street parking in Betts Street and Dean Street. Whilst the ground surface for the sports ground is being upgraded, the number of sports grounds are not being increased to warrant additional demand for onsite parking when on street parking suffices.

It is considered the sports ground will be utilized more frequently by including a variety of sports that has the potential to use the ground and as such traffic generation is expected to increase. It is however considered that there is ample on street parking available in both Betts and Dean Streets.

Plan of Management

The subject land is identified as community land and is not in contravention to any known Plan of Management or council policy.

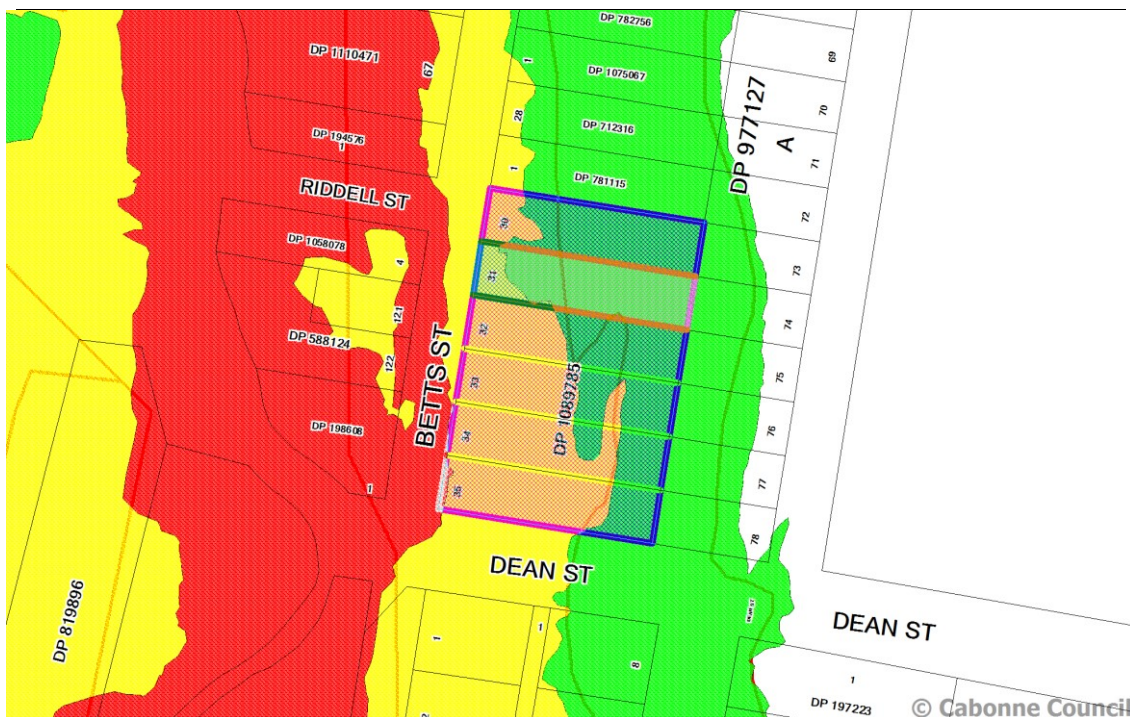
THE SUITABILITY OF THE SITE s79C(1)(c)

Physical Attributes and Hazards

The subject land is affected by flooding and bushfire hazards. An assessment of the impact of the development has been carried out and the following comments are provided in relation to the proposed development.

Part of lots 30 to 35 are identified as being located within the Flood Fringe (1 in 100 year event) and the remaining part of the lots is identified as being within the Possible Inundation Awareness Zone 91 in 300 year event). The proposal relates to the upgrade of the existing sports ground to allow for an all-weather surface for hockey and other sports to utilize the upgrades. Due to the location of the land and its identifiable hazards (flood), the Development Engineer will require the that the new finished surface level is to be constructed no higher than the existing ground level so as not to impact on current known flood modelling.

Compliance with the provisions of DCP 10 Flood Prone Land in Molong will be required for any construction works.



The land is also identified as being bush fire prone land. No additional measures are required as the land will be used for recreation purposes.



DEVELOPMENT CONTRIBUTIONS

No contributions apply to the development.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s79C(1)(d)

The proposed development is not advertised development; however due to the nature of the proposal the application the proposal was neighbor notified for a period of fourteen (14) days.

One (1) submission was received by the close of the exhibition phase. Issues raised in the submission(s) include the potential impact of lighting and their location on the nearest residential receptors and where a dwelling is to be constructed. No design details were supplied at the time of DA submission. Should the project proceed and lighting be considered as a part of this proposal then the applicant will be required by conditions of consent to provide detail plans for further analysis to ensure impact on residential receptors are not adversely impacted.

PUBLIC INTEREST s79C(1)(e)

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts.

CONCLUSION

The proposed development for the upgrade to an existing sport ground is permissible with the consent of Council. The development complies with the relevant aims, objectives and provisions of the LEP. Section 23A of the Local Government Act "Council decision making during merger proposal periods" requires Council to consider these guidelines and assess any impact upon a determination. The guidelines have been considered and the proposed development and determination for the support of determination is not contrary to the guidelines. A section 79C assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.



Asbestos Policy

1 Document Information

Version Date <i>(Draft or Council Meeting date)</i>	Draft document – January 2016
Author	Director Environmental Services
Owner <i>(Relevant director)</i>	Director Environmental Services
Status – <i>Draft, Approved, Adopted by Council, Superseded or Withdrawn</i>	Draft
Next Review Date	
Minute number <i>(once adopted by Council)</i>	

2 Summary

Cabonne Council has a significant role in reducing risk to the community posed by asbestos, including the legacy of asbestos in building materials and land contaminated with asbestos, as well as naturally occurring asbestos.

Using the Model Asbestos Policy developed by the Local Government and Shires Association of NSW on behalf of the Heads of Asbestos Coordination Authorities Working Group, a draft Asbestos Policy has been prepared for Cabonne

The document applies to council employees, councillors, contractors and members of the community.

3 Approvals

Title	Date Approved	Signature

3 History

Minute No.	Summary of Changes	New Version Date

4 Reason

Council is required by the Department of Local Government to develop and adopt an Asbestos Policy based on the NSW Model Policy.

The policy provides guidance and information to council employees and the local community regarding health and safety issues relating to management of asbestos.

5 Scope

The Asbestos Policy identifies how Cabonne Council will manage asbestos and provide information to the community.

The policy addresses the environmental management recommended for the following forms of asbestos that may occur in the council area:

- Naturally occurring asbestos
- Asbestos products in buildings and other infrastructure
- Asbestos contamination resulting from disturbance of the above (including illegal dumping of building materials)

The Asbestos policy applies to all Cabonne Council employees, councillors, contractors and sub contractors, volunteers, tenants, and persons attending council buildings and sites.

6 Associated Legislation

Model Asbestos Policy for NSW councils (Office of Local Government) 2012

Work Health and Safety Act 2011

Work Health and Safety Regulations 2011

Contaminated Land Management Act 1997

Local Government Act 1993

Environmental Planning and Assessment Act 1979

7 Definitions

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

- (a) Actinolite asbestos
- (b) Grunerite (or amosite) asbestos (brown)
- (c) Anthophyllite asbestos
- (d) Crysotile asbestos (white)
- (e) Crocidolite asbestos (blue)
- (f) Tremolite asbestos
- (g) A mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f)

Friable asbestos means material that is in powder form or can be crumbled, pulverised or reduced to a powder by hand pressure when dry, and which contains asbestos

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)

8 Responsibilities

8.1 General Manager

The General Manager is responsible for overall control and implementation of the policy.

8.2 Directors and Managers

Directors and Managers are responsible for the control of the policy and procedures within their area of responsibility.

8.3 Supervisors

Supervisors are responsible to ensure all employees under their control are aware of and comply with the provisions of this policy and the associate Asbestos Management Policy

8.4 Employees

Employees have a duty of care to raise with their manager or supervisor any situation to which this policy or the associated Asbestos Management Policy may apply.

8.5 Others

Contractors and sub contractors

All contractors and sub contractors engaged to perform work on council premises of property are required to comply with council's policy and procedures, and to observe directions from designated officers of council on health and safety protocol

Councillors and visitors to council buildings and sites

All councillors and visitors to council premises or sites are required to comply with council's policies and procedures, and to observe any directions from designated officers of council on health and safety protocol.

9 Related Documents

Document Name	Document Location
Cabonne Asbestos Management Policy	Document ID 726207

10 Policy Statement

Cabonne Council acknowledges the serious health hazard to the community from exposure to asbestos. Council has a significant role in minimising exposure to asbestos, as far as is reasonably practical, for residents and the public within the Cabonne Council local government area.

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

- As a responsible employer
- Contaminated land management
- Council land, building and asset management

- Emergency response
- Land use planning (including development approvals and demolition)
- Management of naturally occurring asbestos
- Regulation of activities (non-work sites)
- Waste management and regulation

This policy and the associated Asbestos Management Policy aims to outline:

- The role of council and other organisations in managing asbestos
- Council's relevant regulatory powers
- Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- General advice for residents on renovating homes that may contain asbestos
- Council's development approval process for developments that may involve asbestos and conditions of consent
- Waste management and regulatory procedures for asbestos waste in the Cabonne Council local government area
- Council's approach to managing asbestos containing materials in council workplaces
- Sources of further information.

The Asbestos Policy and Management Policy provide information for council workers, the local community and the wider public. The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the Cabonne Council local government area and outlines council's commitment and responsibilities in relation to safely managing asbestos.

Cabonne Council
Draft Asbestos Management Policy
2016

Administrative information

File number or Policy number (council may wish to assign a number to the policy based on any record keeping system)	File number / Policy number
Document status	Draft / Final
Version number	Version number
Date last modified or Amendment history	9 February 2016
Created by	Director Environmental Services
Approved by (It may be appropriate to remove this once policy has been adopted by council)	Staff member who approved the policy
Date policy first adopted by council	Insert date
Effective date	Insert date
Review period	This policy will be reviewed at the time of any relevant legislative changes, or may be reviewed at a minimum, every three years.
Review date	Insert date
Responsibility for review	Director Environmental Services
Date presented to the Work Health and Safety Committee	Insert date
Document distribution	Internal / External
Document owner	Staff member/s responsible for maintaining the accuracy of the document
Contact person for further information	Name, position, contact details of person/s who may be contacted by staff members and members of the public for more information

Council disclaimer

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

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

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

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1. Introduction

Cabonne Council acknowledges the serious health hazard of exposure to asbestos.

In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos.

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

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

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

- residents and the public within the Local Government Area (LGA)
- workers (employees and other persons) in council workplaces.

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

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

1.1 Purpose

This policy aims to outline:

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

1.2 Scope

This policy applies to all of the Cabonne Council LGA within council's jurisdiction.

The policy provides information for council workers, the local community and wider public. Part 1 of the policy 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.

The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the LGA.

The policy outlines council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact council or the appropriate organisation (contact details are listed in Appendix E).

The policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by WorkCover NSW.
- *Code of practice on how to safely remove asbestos* published by WorkCover NSW (catalogue no. WC03561) published by WorkCover NSW.
- Additional guidance material listed in Appendix B.

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

2. Definitions

Definitions are provided in Appendix C.

3. Roles and responsibilities of council

3.1 Educating residents

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

- prohibition on the use and re-use of asbestos containing materials
- requirements in relation to development, land management and waste management
- risks of exposure to asbestos
- safe management of asbestos containing materials
- safe removal and disposal of minor quantities of asbestos containing materials.

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

3.2 Managing land

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

3.3 Managing waste

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

- Issuing clean up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the *Protection of the Environment Operations Act 1997*).
- Issuing prevention or clean up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the *Protection of the Environment Operations Act 1997*).
- Issuing penalty infringement notices for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).
- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 149 certificates) where on-site disposal is permitted.
- Operating landfill facilities that accepts asbestos waste.

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

3.4 Regulatory responsibilities

Council has regulatory responsibilities under the following legislation, policies and standards in situations where council is the appropriate regulatory authority or planning authority:

- *Demolition work code practice 2015 Australian Standard AS 2601 – 2001: The demolition of structures (catalogue no. WC03841)*
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Local Government Act 1993*
- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No. 55 – Remediation of Land.*

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

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

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

Issue	Council's role	Section of policy
Contaminated land	<ul style="list-style-type: none"> Record known asbestos site contamination on section 149 certificates where practicable and for council workplaces, record on council's asbestos register. Notify stakeholders of land use planning policy requirements relating to contamination. Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of WorkCover). 	Sections 5 and 6
Development assessment	<ul style="list-style-type: none"> Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. Ensure compliance with development conditions. Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9. 	Section 9
Demolition	<ul style="list-style-type: none"> Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>. Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. 	Section 9
Emergencies and incidents	<ul style="list-style-type: none"> Regulate the clean up of asbestos waste following emergencies where sites are handed over to the council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of Safework NSW). Council may consider the need to issue a clean up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i>. 	Section 7
Naturally occurring asbestos	<ul style="list-style-type: none"> 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 5
Residential premises	<ul style="list-style-type: none"> Respond to any public health risks (risks to council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW). Respond to public health risks posed by derelict properties or asbestos materials in residential settings. 	Section 9
Waste	<ul style="list-style-type: none"> Manage waste facilities in accordance with environmental protection legislation. 	Section 10

- | | | |
|--|--|--|
| | <ul style="list-style-type: none">• Respond to illegal storage, illegal dumping and orphan waste.• Regulate non-complying transport of asbestos containing materials. | |
|--|--|--|

3.5 Responsibilities to workers

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

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

These responsibilities are outlined in part 2.

4. Other stakeholders involved in managing asbestos

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

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

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

5. Naturally occurring asbestos

Asbestos is found as naturally occurring mineral in the following locations in the LGA:

- in proximity to the geological feature known as the Godolphin fault, being certain land located in the eastern section of the shire including the Guyong, Byng and Lewis Ponds areas. Tremolite has been detected in Ordovician Byng Volcanic rocks. Small scale mining of asbestos is understood to have occurred in the Byng / Lewis Ponds area in the early part of the 20th century.
- Chrysotile has the potential to occur within serpentinite rock belts located to the south east of the Clifton Grove rural residential development near Orange.
- Geology associated with andesite generally distributed throughout the eastern and central areas of the shire may also have some limited potential for identification of the mineral.

Geological mapping of known areas and areas with potential for naturally occurring asbestos in NSW can be viewed at www.workcover.nsw.gov.au

Naturally occurring asbestos only poses a health risk when elevated levels of fibres are released into the air, either by human activities or by natural weathering and these fibres are breathed in by people. Information on naturally occurring asbestos, work processes that have the potential to release naturally occurring asbestos fibres into the air and known locations of naturally occurring asbestos in NSW is provided in Appendix A under section 2.1. This information is indicative, and not a complete picture of all naturally occurring asbestos in NSW.

5.1 Responsibilities for naturally occurring asbestos

For naturally occurring asbestos that will remain undisturbed by any work practice, council is the lead regulator.

Where development applications propose activities that may disturb areas of naturally occurring asbestos (such as excavation), any consent or approval should contain conditions requiring: testing to

determine if asbestos is present, and the development of an asbestos management plan if the testing reveals naturally occurring asbestos is present. Council will verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW will coordinate enforcement where non-compliance is suspected.

Where naturally occurring asbestos will be disturbed due to a work process, including roadwork, excavation and remediation work, SafeWork is the lead regulator. Requirements for workplaces are summarised in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. Where naturally occurring asbestos is part of a mineral extraction process, Department of Industry is the lead regulator.

5.2 Managing naturally occurring asbestos

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

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* (catalogue no. WC03728) published by WorkCover.

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

5.2.1 Management of naturally occurring asbestos by council

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.

Council will develop an asbestos management plan for the naturally occurring asbestos in the council workplace.

6. Contamination of land with asbestos

Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A under sections 2 and 3. The nature of asbestos contamination of land can vary significantly and there can be a number of different mechanisms available to address this contamination depending upon its source and extent.

6.1 Responsibilities for contaminated land

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

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

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

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

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

Assessment Act 1979. That is, council will apply the general requirements of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land* and the *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*.

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

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

The management of council workplaces contaminated with asbestos is outlined in section 14.4.

6.2 Finding out if land is contaminated

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

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

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

Council may issue notices to land owners or occupiers requiring information about land it has reason to believe may be contaminated by asbestos using section 192 and section 193 of the *Protection of the Environment Operations Act 1997*.

6.3 Duty to report contaminated land

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

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

6.4 Derelict buildings

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

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

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

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

section 121ZJ of the *Environmental Planning and Assessment Act 1979* to give effect to the terms of the order, including the carrying out of any work required by the order.

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

7. Responding to emergencies and incidents

Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. This may include working with state agencies in accordance with the NSW Asbestos Emergency Plan and the Disaster Assistance Guidelines. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

7.1 Responsibilities in the clean up after an emergency or incident

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency.

Council may issue a clean up, prevention, cost compliance or penalty infringement notice as outlined in section 3.3 and section 6.1.

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

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

This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to council as soon as practicable.
- Follow the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by WorkCover NSW.
- Ensure that any council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures (see section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensure that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).
- 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.

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

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

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

- avoid unnecessary outdoor activity and do not put any laundry outside during the clean up
- close all external doors and windows and stay indoors during the clean up
- consider avoiding using air conditioners that introduce air from outside into the home during the clean up
- dispose of any laundry that may have been contaminated with asbestos as asbestos waste after the clean up (advice on disposing of asbestos waste is provided in section 10)
- use a low pressure hose on a spray configuration to remove visible dust from pathways after the clean up
- wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean up (advice on disposing of asbestos waste is provided in section 10)
- any other measures recommended by an occupational hygienist following assessment of the situation.

8. Council's process for changing land use

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

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

Managing sites contaminated with asbestos material is addressed in section 6.

9. Council's process for assessing development

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

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

9.1 Responsibilities for approving development

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

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

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

This also applies to the demolition of buildings. Certifiers are able to issue a complying development certificate under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Further information on demolition is provided in section 9.4.

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

9.2 Providing advice to home owners, renovators and developers

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

The key points are:

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

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

9.3 Identifying asbestos

Information on common places where asbestos is likely to be found in residential, commercial and industrial premises with materials from prior to 2004 on the premises is provided in Appendix A.

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

Council aims to ensure that records are, as far as possible, accurate. In some instances, council may not have up-to-date information about asbestos for a property. Council may be able to provide general

advice on the likelihood of asbestos being present on the land based on the age of the buildings or structures on the land. A general guide to the likelihood of asbestos presence based on building age is provided in Appendix A under section 2.2.

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

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

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

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

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

9.4 Removing asbestos, refurbishments and demolitions

9.4.1 Removing asbestos at domestic premises

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

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

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

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

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

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

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

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

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

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

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

All licensed asbestos removal must be:

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

Requirements for the transport and disposal of asbestos waste are covered in section 10.

9.4.2 Removing asbestos at workplaces

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

9.4.3 Obtaining approval for demolition

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

In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to council as to whether and what type of approval is required. Where a development application is required council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in section 9.6.

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

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

9.5 Exempt or complying development

9.5.1 Exempt development

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

This means that there is no ability for council or a private certifier to impose safeguards for the handling of asbestos through conditions of development consent. However, council advises that all asbestos

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

9.5.2 Complying development

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

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

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

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

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561). In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then SafeWork NSW would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to council as outlined in section 11.

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

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

9.6 Development applications

If a proposed building does not meet the requirements of exempt or complying development then the alternative planning approval pathway is a 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 requirements of the relevant environmental planning instruments and the development standards established by council. Council may undertake a site inspection as part of the DA assessment.

9.6.1 Pre-development application advice regarding asbestos

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

9.6.2 Conditions of consent

Conditions of consent may be included in any development consent issued by council in relation to an application that involves existing asbestos material:

9.7 Compliance and enforcement

9.7.1 Responsibilities for compliance and enforcement

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

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

- urgent matters, for example, a danger to the public or a significant breach of the development consent or legislation
- matters that are not preconditions to the issue of the occupation/subdivision certificate.

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

9.7.2 Compliance strategies

Illegal works include:

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

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

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

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

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

Council 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.

10. Managing asbestos as a waste

It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse, bury or illegally dump asbestos waste. Asbestos must not be placed in general waste 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.

10.1 Responsibilities for asbestos waste management

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

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

The EPA regulates premises that have or require an environment protection licence in accordance with the *Protection of the Environment Operations Act 1997*. A licence is required where more than 5 tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

10.2 Handling asbestos waste for disposal

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

10.3 Transporting asbestos waste

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

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

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*. The transport of asbestos waste in NSW must be recorded from the place of generation to its final destination. The waste tracking system is administered by the EPA. Operators that use the EPA's WasteLocate system will be in compliance with these requirements.

www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm

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 \$7,500 (to individuals) and \$15,000 (to corporations). NSW courts may impose penalties up to \$250,000 (for individuals) and \$1,000,000 (for corporations) found guilty of committing this offence.

10.4 Disposing of asbestos waste at waste facilities

Council accepts small amounts of asbestos waste at the Manildra, Canowindra, and Eugowra landfill facilities.

- Manildra and, Canowindra facilities are open to the public each Wednesday and Sunday (except Christmas Day) from 10.00am -1.00pm and 2.00pm -5.00pm
- The Eugowra landfill facility is open each Tuesday and Saturday (except Christmas Day) from 10.00am- 1.00pm and 2.00pm to 5.00pm.,

- To book the delivery of asbestos material to council's landfill facilities please contact council's Environmental Services Department on 02 6392 3247 during business hours. Please note that additional fees and charges apply for site access outside the scheduled opening hours of the landfill sites. A minimum of 24 hours notice is required for all asbestos loads exceeding 10 square metres capacity.

Council does not accept asbestos material at the Cargo Transfer Station or the Yeoval Transfer Station. Cumnock may accept asbestos material being <10m².

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.
- 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.

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

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

- not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials, 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 of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2005*).

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.

10.5 Illegal dumping of asbestos waste

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

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

- on the spot fines of up to \$15,000
- prosecution for pollution of land of up to \$1 million for a corporation and \$120,000 for each day the offence continues (under section 142A of the *Protection of the Environment Operations Act 1997*), or
- up to \$1 million, or seven years imprisonment, or both for an individual (under section 119 of the *Protection of the Environment Operations Act 1997*).

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

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

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

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.

10.6 Asbestos remaining on-site

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

11. Complaints and investigations

Complaints and inquiries may be directed to council about incidents in public places and private properties. Complaints and inquiries regarding a workplace should be directed to SafeWork NSW. 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.

Part 2 – Management of asbestos risks within council

12. Rights and responsibilities of workers at the council workplace

12.1 Duties of council workers at the council workplace

12.1.1 The General Manager

The General Manager 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*. This includes taking reasonable steps to ensure that council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

12.1.2 Workers

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

- must comply with this policy and any reasonable instruction or procedure relating to health and safety at the workplace
- must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able
- 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
- should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation (refer to Appendix G).

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

12.1.3 Prohibited work activities

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

- high pressured water spray (unless for fire fighting or fire protection purposes), or
- compressed air.

Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is controlled in accordance with the *NSW Work Health and Safety Regulation 2011*:

- power tools
- brooms (note brooms are allowed for use on vinyl floor tiles), or
- any other implements that cause the release of airborne asbestos into the atmosphere.

12.2 Responsibilities of council to council workers

12.2.1 Council's general responsibilities

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

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

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

12.2.2 Education, training and information for workers

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

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

Any workers who are involved in any activity listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of this policy and information and training suitable to their role and the activity.

Workers may be required to sign a statement to the effect that they acknowledge they have received, read and understood a copy of council's Asbestos Policy and any relevant procedures, or alternatively workers may note this in council's electronic record keeping system.

Council may also provide information and training to council employees who may need to respond to asbestos issues related to renovations and developments as outlined in section 9.

Topics training may cover are outlined in the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561). Training will include training in the hazards and risks associated with naturally occurring asbestos for workers who carry out work where naturally occurring asbestos is likely to be found.

Education and training will only be provided by appropriately accredited individuals. Education and training may include both initial induction and ongoing reinforcement on a regular basis. Methods of delivery of education and training will include tool box meetings and may include general in-house training.

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

A list of workers who have received the appropriate training to respond to asbestos hazards is available. This information can be accessed via council's records management system.

12.2.3 Health monitoring for workers

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

The health monitoring will be consistent with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) and meet the requirements of the NSW *Work Health and Safety Regulation 2011* (part 8.5 Division 1).

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

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

Council will develop a health monitoring plan/ procedures based on the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) and part 8.5 Division 1 of the NSW *Work Health and Safety Regulation 2011*.

13. Identifying and recording asbestos hazards in the council workplace

This section outlines how council will identify and record asbestos hazards in the workplace. This section does not cover naturally occurring asbestos which is addressed in section 5 or illegal dumping which is addressed in section 10.5.

13.1 Identifying asbestos

Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person (as defined by the *NSW Work Health and Safety Regulation 2011*). If a material cannot be identified or accessed, it will be assumed to be asbestos. This does not apply if council has reasonable grounds to believe that asbestos or asbestos containing material is not present.

13.1.1 Material sampling

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

13.2 Indicating the presence and location of asbestos

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

13.3 Asbestos register

Council will prepare an asbestos register and keep it at the workplace.

Council's asbestos register will be maintained to ensure the register lists all identified (or assumed) asbestos in the workplace and information in the register is up to date. The asbestos register will be accessible, reviewed, revised and otherwise managed as mandated by the *NSW Work Health and Safety Regulation 2011* (clauses 425 – 428).

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

13.4 Suspected asbestos

If a worker suspects there is asbestos in a council workplace, they should inform their manager or supervisor. A competent worker should check the asbestos register for existing asbestos locations and control measures and may need to arrange for an inspection and sampling of the material (refer to section 13.1.1). If it is likely that asbestos or suspected asbestos is present, the asbestos register will be updated and workers will be notified of any newly identified asbestos locations.

Council may need to manage the suspected asbestos as outlined in section 14. If the suspected asbestos has been disturbed and has, or could, become airborne, council may need to respond immediately as outlined in section 15.

14. Managing asbestos-related risks in the council workplace

14.1 Asbestos management plan

Council will prepare an asbestos management plan for asbestos in the council workplace.

The asbestos management plan will be accessible, reviewed, revised and otherwise managed as mandated by the *NSW Work Health and Safety Regulation 2011* clause 429.

14.2 Asbestos management plan for naturally occurring asbestos

Council will develop an asbestos management plan for naturally occurring asbestos in the workplace, in accordance with the NSW Work Health and Safety Regulation 2011 part 8.4 (Management of naturally occurring asbestos).

14.3 Management options for asbestos-related risks in the council workplace

Council's asbestos management plan will include decisions and reasons for decisions about the management of asbestos at the workplace.

Options for managing asbestos-related risks include:

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

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

For all asbestos work or asbestos-related work, safe work practices will be in place and suitable personal protective equipment will be used. If asbestos or asbestos containing products are identified, a risk assessment must be undertaken using Council's Pulse Risk Management Module. No work removing the asbestos or asbestos containing material is to be undertaken unless suitably qualified staff is used and adequate/appropriate controls are in place.

14.4 Sites contaminated with asbestos that are council workplaces

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

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

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

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

Further details on managing land contaminated with asbestos may be found in section 6.

14.5 Demolition or refurbishment of council buildings and assets

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

14.6 Removal of asbestos in the council workplace

Removal of asbestos or asbestos containing materials in the council workplace will be undertaken in accordance with the:

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

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

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

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

Where council is informed that asbestos removal work is to be carried out at the workplace, council will inform workers and those in the immediate vicinity of the workplace and limit access to the asbestos removal area as per the *NSW Work Health and Safety Regulation 2011*.

14.6.1 Removal by council employees

Council will ensure that before any council employee undertakes asbestos (or suspected asbestos) removal work they are:

- appropriately trained
- adequately supervised
- provided with appropriate personal protective equipment and clothing
- provided access to this policy
- provided with information about the health risks and health effects associated with exposure to asbestos and the need for, and details of, health monitoring.

14.6.2 Removal by contractors

Where council commissions the removal of asbestos at the workplace, council will ensure asbestos removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the *NSW Work Health and Safety Regulation 2011* that a licence is not required.

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's Certification Unit prior to entering a contract or agreement with the licensed asbestos removalists.

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

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

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

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

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

14.6.3 Clearance inspections and certificates

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

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

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

15. Accidental disturbance of asbestos by workers

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

It may be appropriate that council:

- stop works in the vicinity of the asbestos immediately
- inform the site supervisor immediately, inform necessary workers and record the incident
- evacuate the area
- provide personal protective equipment and briefing to appropriately trained workers who will respond to the incident
- restrict access to the area and ensure only appropriately trained and equipped council workers attend the site
- exclude the public from the site and provide information to the public if in a public area
- wet surfaces to reduce the dust levels
- prevent the spread of contamination by using wash down facilities
- provide information, training and supervision to all workers potentially at risk
- contact SafeWork NSW to report the disturbance. SafeWork NSW must be immediately notified if persons are likely to be effected by asbestos fibres or if an air monitoring process records a level above 0.02 fibres/ml of air
- implement an air monitoring program to assess asbestos exposure levels and specific risk control measures.

- liaise with or consult the appropriate agencies
- seek advice from an occupational hygienist
- follow the Code of practice on how to safely remove asbestos (catalogue no. WC03561)
- ensure that asbestos materials are disposed of at a facility licensed to accept asbestos materials, and where contractors have been engaged to dispose of asbestos waste, sight proof of appropriate disposal through weighbridge dockets or similar documentation
- update the asbestos register and notify workers of any newly identified asbestos locations.

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

16.1 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 with section 14.6.2.

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

16.2 Transporting and disposing of asbestos waste

Council will transport and dispose of waste in accordance with the legislation and as outlined in section 10.

16.3 Operating council's waste facilities

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

- (1) A person disposing of asbestos waste off the site at which it is generated must do so as a landfill site that can lawfully receive the waste.
- (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.
- (3) When a person unloads or disposes of asbestos waste at a landfill site, the person must prevent:
 - (a) Any dust being generated from the waste, and
 - (b) Any dust in the waste from being stirred up.
- (4) The occupier of a landfill site must ensure that asbestos waste disposed of at a site is covered with virgin excavated natural material or (if expressly authorised by an environmental protection licence held by the occupier) other material:
 - (a) Initially (at the time of disposal), to a depth of at least 0.15 metre, and
 - (b) At the end of each day's operation, to a depth of at least 0.5 metre, and
 - (c) Finally, 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.

Council will develop a charging policy for receiving asbestos waste, which reflects the actual cost of managing the asbestos waste, plus any applicable levies.

When council is receiving construction, renovation and demolition waste, council should visually screen and may also inspect incoming loads to minimise asbestos contamination risk as this waste may be high risk for asbestos materials.

Council may issue a receipt for asbestos waste received at a landfill facility. The receipt provided may note the time, date and location of disposal, weight of asbestos containing material disposed, method of disposal (note on handling) and a receipt number. This information must be recorded by the facility, regardless of whether a receipt is issued.

16.3.1 Asbestos waste incorrectly presented to council's waste facilities

This section applies to situations where asbestos waste is taken to a council waste facility and the waste is:

- not correctly packaged for delivery and disposal (as per sections 9.2 and 9.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials
- taken to a waste facility that does not accept asbestos waste.

In these situations, council may record relevant details such as the:

- contact details of the transporter
- origin of the asbestos or asbestos containing material
- amount and type of asbestos or asbestos containing material
- reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste
- development consent details (if applicable).

Where asbestos waste is not correctly packaged for delivery and disposal, or is not disclosed by the transporter as being asbestos or asbestos containing materials, council may:

- reject the asbestos waste from the facility
- suggest the transporter re-package the load correctly at the facility
- 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)
- provide the transporter with educational material such as SafeCover fact sheets on correct methods for packaging, delivery and disposal of asbestos
- question the transporter about the source of asbestos waste
- issue a clean up notice or prevention notice under the *Protection of the Environment Operations Act 1997*
- issue a compliance cost notice under the *Protection of the Environment Operations Act 1997*
- issue a penalty infringement notice for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).

Where asbestos waste is taken to a waste facility that does not accept asbestos waste, council may reject the waste. Where waste is rejected, council should complete a rejected loads register (a template is available from SafeWork). Council will also inform the transporter of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*). 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.

16.4 Recycling facilities

Council should screen and inspect 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 should adhere to the guide: *Management of asbestos in recycled construction and demolition waste*.

16.5 Re-excavation of landfill sites

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

17. Advice to tenants and prospective buyers of council owned property

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

Council may request that tenants in council property:

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

18. Implementing council's asbestos policy

18.1 Supporting documents

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

- complaints handling procedures
- Council's existing risk assessment
- incident report form
- maintenance and inspection schedules for council owned assets
- risk register
- safe work method statements/ procedures for asbestos handling and removal for council employees
- site specific safety management plans
- training registers/ records (relevant to identifying, handling and removing of asbestos materials).

Council will develop the following documents to support this policy: :

- asbestos inquiries and complaints response flowchart and checklist

- asbestos management plan
- conditions of development consent
- community education strategy.

18.2 Communicating the policy

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

- Council's administration office, 99-101 Bank Street, Molong, NSW, 2866
- Council's website www.cabonne.nsw.gov.au
- Council's electronic record keeping system

All employees shall receive information about the policy at induction from council's Human Resources Officer.

Any workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public) who are involved in any activity or activities listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of this policy and relevant supporting documents. This includes any workers involved in commencing, arranging, undertaking, regulating, inspecting or supervising a potentially hazardous activity or activities. Managers are responsible for ensuring workers who report to them have access to the policy and appropriate information, documentation and training in asbestos awareness (as per the NSW *Work Health and Safety Regulation 2011*) prior to planning the activity or activities. Further information about training is noted in section 12.2.2 of this policy.

Council shall incorporate a statement regarding compliance with this policy in all relevant contracts and agreements with workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public).

In the case of any substantive revisions to the policy, the revisions will be approved by the General Manager and the General Manager will notify all persons who may have cause to undertake, arrange or supervise any activities listed in Appendix A under section 3 on behalf of, or for, council.

18.3 Non-compliance with the policy

Failure by workers to adhere to the policy and failure by managers to adequately inform relevant workers of this policy shall be considered non-compliance with this policy.

The appropriate supervisor, manager, director, or the General Manager, shall take action in the case on non-compliance with the policy and this may include providing education and training, issuing a verbal or written warning, altering the worker's duties, or in the case of serious breaches, terminating the worker's services. Each case shall be assessed on its merits with the aim of achieving a satisfactory outcome for all parties.

Workers should approach their supervisor or manager if they are experiencing difficulties in understanding or implementing the policy or if they are concerned that other workers are not complying with the policy.

19. Variations to this policy

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

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), 2005, *Asbestos: A guide for householders and the general public*, Australian Health Protection Principal Committee, Canberra, 2013 (available at: www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

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

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

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

2. Where is asbestos found?

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

2.1 Naturally occurring asbestos

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

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. The map provided in Appendix L gives an indication of areas in NSW known to have naturally occurring asbestos. Council is aware of areas of naturally occurring asbestos within the LGA, being land in the Guyong, Byng and Lewis Ponds area of the shire associated with the Godolphin fault line. High risk areas are indicated by the mapping in Appendix L. Small scale mining of asbestos is known to have occurred in the Guyong/Lewis Ponds area in the early part of the 20th century. Naturally occurring asbestos was identified on land proposed for a hard rock quarry at East Guyong (2010). An Asbestos Management Plan, additional asbestos mapping, asbestos monitoring has been undertaken

by Hanson Construction Material Pty Ltd as required by the environmental management conditions of the East Guyong Quarry Project Approval 06_0193.

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 5 and in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeCover, which provides a photograph of naturally occurring asbestos.

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.

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 measureable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: www.epa.nsw.gov.au/clm/publiclist.htm

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

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

3. Potentially hazardous activities

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

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

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

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

Council could inadvertently disturb asbestos through activities such as:

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

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

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

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

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

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

4. Health hazards

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

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

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

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

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

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

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

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

Appendix B – Further information

Aboriginal communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA)
www.environment.nsw.gov.au/waste/illdumpabcommshandbook.htm

Asbestos contractors

Choosing an asbestos consultant fact sheet (catalogue no. WC04547) (WorkCover NSW)
www.workcover.nsw.gov.au/formspublications/publications/Pages/Choosinganasbestosconsultant.aspx

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or by contacting the Asbestos Removal Contractors Association NSW (ARCA) www.arca.asn.au Phone: (02) 8586 3521.

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

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

Asbestos waste

Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 (EPA)
www.environment.nsw.gov.au/resources/warr/200845IllegalDumping.pdf

Management of asbestos in recycled construction and demolition waste, 2010 (WorkCover NSW)
<http://www.workcover.nsw.gov.au/formspublications/publications/Pages/asbestoswaste.aspx>

Safely disposing of asbestos waste from your home, 2009 (EPA and WorkCover 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).
www.environment.nsw.gov.au/resources/clm/09438gldutycontclma.pdf

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/phus.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 (WorkCover NSW)
<http://www.workcover.nsw.gov.au/formspublications/publications/Pages/Workingwithasbestosguide.aspx>

Practical guidance

Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by WorkCover NSW
<http://www.workcover.nsw.gov.au/formspublications/publications/Documents/how-to-manage-control-asbestos-workplace-code-of-practice-3560.pdf>

Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by WorkCover NSW
<http://www.workcover.nsw.gov.au/formspublications/publications/Documents/how-to-safely-remove-asbestos-code-of-practice-3561.pdf>

Tenants

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

Tenants – Housing NSW tenants

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

Appendix C – Definitions

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

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

- a. actinolite asbestos
- b. grunerite (or amosite) asbestos (brown)
- c. anthophyllite asbestos
- d. chrysotile asbestos (white)
- e. crocidolite asbestos (blue)
- f. tremolite asbestos
- g. 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:

- a. work involving the removal of asbestos or asbestos containing material, or
- b. 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. a certification in relation to the specified VET course for asbestos assessor work, or
- b. 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:

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

development means:

- a. the use of land
- b. the subdivision of land
- c. the erection of a building
- d. the carrying out of a work
- e. the demolition of a building or work

- f. 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:

- a. the Ambulance Service of NSW
- b. Fire and Rescue NSW
- c. the NSW Rural Fire Service
- d. the NSW Police Force
- e. the State Emergency Service
- f. the NSW Volunteer Rescue Association Inc
- g. the NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*
- h. 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:

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

- a. not involved in the removal of the asbestos
- b. 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:

- a. to carry out air monitoring during Class A asbestos removal work
- b. to carry out clearance inspections of Class A asbestos removal work
- c. 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.

respirable asbestos fibre means an asbestos fibre that:

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

specified VET course means:

- a. in relation to Class A asbestos removal work – the following VET courses:
 - remove non-friable asbestos
 - remove friable asbestos, or
- b. in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- c. in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
- d. 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:

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

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

workplace 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
Email: info@adfa.org.au
Website: www.adfa.org.au

Asbestos Diseases Research Institute

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

Australian Institute of Occupational Hygienists Inc.

Phone: (03) 9336 2290
Email: admin@aioh.org.au
Website: www.aioh.org.au

Dust Diseases Board

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

Environment Protection Authority (EPA)

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

Licensed Asbestos Contractors

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

Asbestos Removal Contractors Association NSW (ARCA)

Phone: (02) 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 WorkCover 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

Asbestos Removal Contractors Association NSW (ARCA)

Phone: (02) 9642 0011
Website: www.arca.asn.au

SafeWork NSW

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

Appendix F – Waste management facilities that accept asbestos wastes

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

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

Waste management facilities in other areas that accept asbestos wastes

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

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

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

Appendix G – Asbestos-related legislation, policies and standards

- *Contaminated Land Management Act 1997*
- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Code of practice for demolition work* published by Safe Work Australia, 2012
- *Demolition work code of practice 2015* (catalogue no. WC03841)
- *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 H – Agencies roles and responsibilities

NSW organisations

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

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

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

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

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

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

Local Government and Shires Associations of NSW (LGSA)

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

The Associations represent the views of these councils by:

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

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

In 2012, the Associations commenced a project funded by SafeWork NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: www.lgsa.org.au/key-initiatives/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 is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. SafeWork 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 administers work health and safety, injury management, return to work and workers compensation laws, and manage the workers compensation system. SafeWork'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 website provides a wide range of asbestos resources, support networks and links at: www.workcover.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspx

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 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
- work places.

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) WorkCover 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 WorkCover NSW
Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local council EPA WorkCover NSW
Remediation not requiring a licensed removalist	Local council	Principal Certifying Authority WorkCover 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	Department of Industry	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring asbestos part of a mineral extraction process	Department of Trade and Investment, Regional Infrastructure and Services WorkCover NSW	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities) WorkCover NSW (workers)
Soil contaminated with asbestos waste and going to be disturbed by a work practice	SafeWork NSW	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites)
Soil contaminated with asbestos waste but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites) WorkCover NSW (workers on site)
Potential for exposure on public land	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local council WorkCover NSW (workers on site)
Soil contaminated with asbestos waste but at a mine site	Department of Trade and Investment, Regional Infrastructure and Services EPA (<i>Protection of the Environment Operations Act 1997</i> 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	WorkCover NSW EPA
Site contaminated due to past uses	Local council	WorkCover NSW EPA
Licensed removal work required	SafeWork NSW	Local council Private Certifiers
Removal does not require a licensed removalist	Local council Private Certifiers	WorkCover 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 WorkCover 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 (worksites) EPA and Local council (non-worksites)	
Waste transported by vehicle	EPA	WorkCover
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid council development consent	Local council (consent required to dispose onsite) (section 149 property certificate and development assessment process)
Waste going to landfill site	EPA (advice)	Local council (if managing licensed landfill)
Waste to be transported interstate	EPA	
Waste for export	Australian Customs and Border Protection Service	WorkCover NSW Department of Education,

		Employment and Workplace Relations
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Workplaces

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

Appendix J – Asbestos containing materials

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

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite'
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite'
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	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	Supplied from 1968 – 1978 by a Canberra contractor and believed to be generally restricted to houses in the Australian Capital Territory with some materials supplied to the Queanbeyan area and some south coast towns
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

Ceiling insulation(which may have moved into wall cavities, cornices and sub-floor area)

Insulation in ceilings, which may have spread to wall cavities, cornices and sub floor areas

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)

http://www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Asbestos_Taskforce_Report.pdf (accessed October, 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
Cement render
Chrysotile wicks in kerosene heaters
Clutch faces
Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings
Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D

Door seals on ovens

E

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

F

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

Floor vinyl sheets

Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

G

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

Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

H

Hairdryers: insulation around heating elements

Header (manifold) insulation

I

Insulation blocks

Insulation in electric reheat units for air conditioner systems

L

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

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

Limpet asbestos spray insulation

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

M

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes

Mortar

P

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

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings

Pipe insulation including moulded sections, water-mix type, rope braid and sheet

Plaster and plaster cornice adhesives

Pipe insulation: moulded sections, water-mix type, rope braid and sheet

Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

R

Refractory linings

Refractory tiles

Rubber articles: extent of usage unknown

S

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts

Sealant or mastik on windows

Sealants and mastik in air conditioning ducting joints

Spackle or plasterboard wall jointing compounds

Sprayed insulation: acoustic wall and ceiling

Sprayed insulation: beams and ceiling slabs

Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels

Stoves: old domestic type, wall insulation

T

Tape and rope: lagging and jointing

Tapered ends of pipe lagging, where lagging is not necessarily asbestos

Tilux sheeting in place of ceramic tiles in bathrooms

Trailing cable under lift cabins

Trains: country – guards vans – millboard between heater and wall

Trains – Harris cars – sprayed asbestos between steel shell and laminex

V

Valve and pump insulation

W

Welding rods

Woven asbestos cable sheath

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

http://www.health.vic.gov.au/environment/downloads/hs523_notes2_web.pdf

Appendix K – Asbestos licences

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

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



DRAFT CONDITIONS OF CONSENT**1. DEVELOPMENT IN ACCORDANCE WITH PLANS****Objective**

To ensure the development proceeds in the manner assessed by Council.

Performance

Development is to take place in accordance with the attached stamped plans (Ref No DA 2016/0085 Cabonne Council Site Plan un numbered and not dated) and documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent. NOTE: Any alterations to the approved development application plans must be clearly identified **WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE**.

The Principal Certifying Authority for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made. An application to modify the development consent under s96 of the Environmental Planning and Assessment Act, 1979, as amended and will be subject to a separate fee.

2. BUILDING CODE OF AUSTRALIA 2015 – AUSTRALIAN STANDARDS**Objective**

To satisfy the Building Code of Australia 2015 and relevant Australian Standards.

Performance

The approved development must meet the relevant Australian Standards and the performance requirements of the Building Code of Australia 2015. Compliance with the Performance Requirements can only be achieved by:-

- a) complying with the Deemed to Satisfy Provisions; or
- b) formulating an Alternative Solution which:-
 - i) complies with the Performance Requirements; or
 - ii) is shown to be at least equivalent to the Deemed to Satisfy Provisions; or
 - iii) a combination of both a) and b).

3. APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY**Objective**

To ensure compliance with s81A of the Environmental Planning and Assessment Act 1979 as amended.

Performance

The person having the benefit of this consent must appoint a Principal Certifying Authority for the development, pursuant to Section 81A of the *Environmental Planning and Assessment Act 1979*, as amended and advise Council in writing of that appointment **BEFORE WORKS COMMENCE**.

That Certifying Authority may be the Council, or an Accredited Certifier appointed under the Act. The required written notice to Council may be satisfied by supplying a copy of the Application for a construction Certificate (Form 11) under the *Environmental Planning and Assessment Regulation 1994*, as amended and must include the name, contact address, telephone and accreditation numbers of the selected Certifying Authority.

The Principal Certifying Authority and any other Certifiers appointed by that Authority will be responsible for the post-consent certification of the development. Copies of all certification is to be submitted to Cabonne Council referenced by the Development Application Number.

3. APPLICATION FOR CERTIFICATION

Objective

To satisfy the post-consent requirements of this Development Consent, and to comply with S.109 of the Environmental Planning and Assessment Act 1979, as amended.

Performance

The person having the benefit of this consent is required to apply for a:

CONSTRUCTION CERTIFICATE
COMPLIANCE CERTIFICATE

4. PROVISION OF TEMPORARY FACILITIES

Objective

To provide temporary toilet facilities.

Performance

A temporary sewer or chemical toilet is to be provided on the property while building work is in progress to comply with the requirements of the Workcover Authority. NOTE: This must be on-site prior to the first inspection.

5. NOISE

Objective

To limit the impact of noise on adjoining properties.

Performance

Building work may only be carried out on the site between the following hours:

7.00am and 6.00pm Monday to Friday

8.00am and 1.00pm Saturdays

No work is to be carried out on Sundays and Public Holidays. This includes site works and deliveries.

6. IDENTIFICATION OF SITE

Objective

To clearly identify the site.

Performance

Provide a clearly visible sign to the site stating:

- a) Unauthorised entry is prohibited;
- b) Builders name and licence number; or owner builders permit number;
- c) Street number or lot number;
- d) Contact telephone number/after hours number;
- e) Identification of Principal Certifying Authority.

7. SITE SECURITY

Objective

To ensure public safety.

Performance

The applicant shall erect hoarding around any open pier holes during the construction period or otherwise instructed by Council.

8. LOADING / UNLOADING

Objective

To ensure loading / unloading does not interfere with the amenity of the street.

Performance

All loading and unloading operations are to take place at all times wholly within the confines of the site.

9. CONSTRUCTION DESIGN DETAILS

Objective

To ensure that the development is constructed in a manner that is structurally sufficient and sound.

Performance

A full set of detailed drawings for the fencing and playing surface, including engineering details that are in accordance with DCP 10 (Flood Prone Land in Molong) and specifications must be submitted to Council for approval PRIOR to issue of a construction certificate for the development.

10. SPILLAGE OF LIGHT

Objective

To protect the amenity of the surrounding area.

Performance

Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

11. ARTIFICIAL LIGHTING

Objective

To assess the likely impact on adjoining properties.

Performance

If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be affected PRIOR to the issue of any CONSTRUCTION CERTIFICATE.

12. OCCUPATION CERTIFICATE

Objective

To ensure compliance with the Environmental Planning & Assessment Act 1979.

Performance

The development will require an Occupation Certificate PRIOR to use .