



**Asbestos Management Plan
for
Lithgow City Council**



Asbestos Management Plan for Lithgow City Council

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DISCLAIMER

This management plan 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 management plan is based upon the Model Asbestos Policy for NSW Councils developed by the NSW Department of Premier and Cabinet and the Office of Local Government to promote a consistent Local Government approach to asbestos management across NSW.

This management plan does not constitute legal or professional advice. Legal or professional 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.

EXECUTIVE SUMMARY

This *Asbestos Management Plan* has been prepared by Lithgow City Council to:

- Outline the role and powers of key NSW Government agencies (particularly SafeWork NSW and EPA) and also Council in managing asbestos;
- Provide general advice for residents or businesses to assist them manage asbestos appropriately;
- Identify the procedures to be implemented to address asbestos when assessing applications for development consent or approval; and
- Describe Council’s procedures for managing asbestos in its workplace.

Asbestos fibres when airborne, have the potential to cause serious health impacts, including asbestosis, lung cancer and mesothelioma. Asbestos in the Lithgow Local Government Area may occur in one of the following forms.

- Naturally occurring asbestos.
Mapping has identified naturally occurring asbestos in the Lithgow Local Government Area in isolated locations that would not impact on Council operations.
- Asbestos products in buildings and other infrastructure.
Asbestos was commonly used in the manufacture of building products until the mid-1980’s, after which it was gradually phased out. Many buildings constructed prior to a total ban on the use of asbestos in 2003 are likely to have asbestos containing materials. Table 1 provided a ‘general rule’ of the likelihood that a building would contain asbestos materials.

Table 1
General Likelihood of a Building Containing Asbestos
(Source: Office of Local Government – Model Asbestos Policy for NSW Councils)

Date of Construction	Likelihood Structure Contains Asbestos
Before the mid-1980s	Highly likely to contain asbestos containing materials;
Between the mid 1980s and 1990	Likely to contain asbestos containing materials;
Between 1990 and 31 December 2003	Unlikely to contain asbestos containing materials;
After 31 December 2003	Very unlikely to contain asbestos containing materials as a total ban on any activity involving asbestos products became effective on that date.

- Asbestos contamination resulting from disturbance of either of the above. Contamination may be the result of illegal dumping of asbestos containing materials, from incidents such as building fires or prior uncontrolled placement of asbestos containing materials.

Various legislation and regulations impose responsibility and obligations for managing asbestos on organisations and individuals. This document provides guidance in relation to measures that will assist with compliance with those requirements.

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1. INTRODUCTION

1.1 BACKGROUND

Asbestos in the Lithgow Local Government Area may occur in one of three forms, namely:

- Naturally occurring asbestos.
- Asbestos in asbestos containing materials in buildings and other infrastructure; or
- Asbestos contamination resulting from disturbance of either of the above.

Where asbestos containing material is in a non-friable form (that is, cannot be crushed into a powder by hand), is undisturbed and is painted or otherwise sealed, it may remain safely in place. However, where asbestos containing material is friable, broken, damaged, disturbed or mishandled, fibres can become loose and airborne, posing a risk to health. Similarly, where naturally occurring asbestos or asbestos-contaminated land is disturbed, asbestos fibres can become airborne. Breathing in dust containing asbestos fibres can cause asbestosis, lung cancer and mesothelioma. (see [Section 1.4](#)).

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

This *Asbestos Management Plan* has been prepared generally in accordance with the *Model Asbestos Policy for NSW Councils* prepared by the NSW Department of Premier and Cabinet, Office of Local Government. This Plan provides:

- Background information in relation to asbestos in the Lithgow Local Government Area;
- Procedures to be implemented by Council's Development Division when assessing applications for development consent or approval; and
- Procedures to be implemented by Council and Council workers in relation to management of asbestos in Council buildings, on Council-owned land and also in asbestos-related emergencies.

1.2 PURPOSE

The purpose of this Plan is to outline:

- The role of a variety of NSW Government agencies, Council and other organisations in managing asbestos;
- Council's relevant regulatory powers;
- Council's approach to dealing with naturally occurring asbestos, asbestos containing materials and sites contaminated by asbestos in Council workplaces and elsewhere;
- General advice for residents or businesses carrying out development in areas of naturally occurring asbestos or involving structures that may contain asbestos;
- General advice for residents or businesses on renovating homes that may contain asbestos;
- Council's development approval process for development that may involve asbestos and conditions of consent;

- Waste management and regulation procedures for asbestos waste in the Local Government Area;
- Sources of further information for Council employees and others; and
- To comply with Section 23A of the *Local Government Act 1993* in terms of taking into account relevant Guidelines (*Model Asbestos Policy for NSW Councils*) prior to exercising any of its functions.

It should be noted that the adoption of this management plan is not for the purpose of restricting the development of the land because of the potential or likelihood of asbestos contamination or naturally occurring asbestos being present on the land. That is, the focus of this management plan is upon the management of the substance (asbestos) rather than the restriction of the development of land.

1.3 SCOPE

This Plan applies to all of the Lithgow Local Government Area and all friable, non-friable (bonded) and naturally occurring asbestos within that area.

This Plan 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 (see **Appendices A and C**).

This Plan does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing materials can be found in the following documents.

- *How to manage and control asbestos in the workplace: Code of practice* published by SafeWork NSW.
- *How to safely remove asbestos: Code of practice* published by SafeWork NSW.
- Additional guidance material listed in **Appendix A**.

1.4 HEALTH HAZARDS ASSOCIATED WITH ASBESTOS

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. Infrequent exposure at low concentrations is unlikely to result in adverse health implications. 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 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 inhaled 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 the first exposure with most cases occur over 30 year after first exposure.

1.5 AVAILABILITY OF THIS PLAN

This document is available via Council's website and intranet. Part 3 of this document contains a range of procedures and measures to be implemented by Council. Public access to that information is provided for information only and users of that information should undertake their own risk assessment and not assume that the procedures identified in this document will adequately manage asbestos-related risks in non-Council workplaces or land.

All Council workers will receive general information in relation to asbestos management during Council's induction program.

Any Council workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public) who may be involved in any activity or activities that may disturb asbestos will be provided with access to this Plan 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 will have access to this Plan and appropriate information, documentation and training in asbestos awareness (as per the *Work Health and Safety Regulations 2011*) prior to planning the activity or activities.

Finally, Council will require compliance with the Plan in all relevant contracts and agreements with workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public).

2. DEFINITIONS

Definitions are provided in **Appendix B**.

PART 2 – ASBESTOS IN THE LITHGOW

LOCAL GOVERNMENT AREA

3. NATURALLY OCCURRING ASBESTOS

3.1 BACKGROUND

Naturally occurring asbestos identified by mapping in the LGA is in locations that would not impact on Council operations. 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. Mapping of naturally occurring asbestos is provided in the link in Appendix A. This information is indicative, and not a complete picture of all naturally occurring asbestos in NSW.

3.2 REGULATORY ROLES 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 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 WorkCover. Where naturally occurring asbestos is part of a mineral extraction process, Department of Trade and Investment, Regional Infrastructure is the lead regulator.

3.3 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 SafeWork NSW.

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

4. ASBESTOS CONTAINING MATERIALS

4.1 BACKGROUND

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 materials has been prohibited in Australia since 31 December 2003.

Asbestos containing materials still exist in many homes, building and other infrastructure. It is estimated that 1 in 3 Australian homes contains building materials with asbestos. It is often difficult to identify the presence of asbestos by sight. If in doubt, assume that asbestos is present. It is important to note, that most accurate way to find out whether a material contains asbestos is to engage a licensed asbestos removalist or occupational hygienist to inspect and arrange testing where necessary.

Table 2
General Likelihood of a Building Containing Asbestos
 (Source: Office of Local Government – *Model Asbestos Policy for NSW Councils*)

Date of Construction	Likelihood Structure Contains Asbestos
Before the mid 1980s	Highly likely to contain asbestos containing materials;
Between the mid 1980s and 1990	Likely to contain asbestos containing materials;
Between 1990 and 31 December 2003	Unlikely to contain asbestos containing materials;
After 31 December 2003	Very unlikely to contain asbestos containing materials as a total ban on any activity involving asbestos products became effective on that date.

Fibre cement sheeting, commonly known as ‘fibro’, ‘asbestos sheeting’ or ‘AC sheeting’ (asbestos containing sheeting) is the most commonly found asbestos containing material in residential premises, however asbestos was used in variety of materials such as carpet underlays, floor tiles, downpipes and other pipes, meter boards, pipe lagging, guttering, ceiling insulation, etc. See **Appendix F** for a list of asbestos containing materials often used in buildings. Additional information has been prepared by a range of government and industry bodies. **Appendix F** also includes links to selected information prepared by those bodies.

Finally, it is noted that in the 1960s and 1970s a loose fill asbestos ceiling insulation material was installed in commercial and residential premises by and ACT-based company trading as ‘Mr Fluffy’. This product was made of crushed, loose asbestos and was either pumped or spread by hand into the ceiling space. This material may be very easily disturbed, generating airborne asbestos fibres that may cause health risks if inhaled or ingested. Additionally the material can migrate from the ceiling to other areas of the building, such as walls and subfloor areas.

There is some evidence to suggest that this loose fill asbestos insulation material was installed not only in the ACT, but also in many areas of NSW, including Lithgow. Residents with queries regarding the use of loose fill asbestos insulation and details of how to have the material safely sampled and tested should contact Service NSW on 13 77 88.

4.2 RESPONSIBILITIES FOR ASBESTOS IN BUILDINGS AND OTHER INFRASTRUCTURE

Responsibility for asbestos in buildings and other infrastructure lies with the owner of the land or building, whether the buildings and infrastructure be owned by the Government, Council, a corporation or an individual.

4.3 MANAGING ASBESTOS IN BUILDINGS AND OTHER INFRASTRUCTURE

Where the asbestos containing material is non-friable (or bonded), undisturbed, and painting 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.

Procedures for managing asbestos in Council buildings and infrastructure are identified in Part 3.

Where a building or infrastructure is a workplace, WorkCover is the lead agency. In that case, Clause 425 of the Work Health and Safety Regulations 2011 identifies that where the building was constructed prior to 31 December 2003 or where asbestos may occur within the workplace an *Asbestos Register* must be prepared and kept at the workplace. The *Asbestos Register* must identify the location, type and condition of the asbestos or asbestos containing material.

In addition, Clause 429 of the Work Health and Safety Regulations 2011 identified that an *Asbestos Management Plan* must be prepared where asbestos has been identified or is likely to be present at a work place. The *Asbestos Management Plan* must include information in relation to:

- The identification of asbestos containing materials;
- Decisions, and reasons for decisions, about the management of asbestos or asbestos containing materials at the workplace, including safe work procedures and control measures;
- Procedures for detailing incidents or emergencies involving asbestos or asbestos containing materials at the workplace; and
- Consultation, responsibilities, information and training for workers carrying out work involving naturally occurring asbestos.

Owners of buildings and infrastructure are advised to seek independent advice from an occupational hygienist or licensed asbestos removalist in relation to managing asbestos-related risks. It is suggested that building or infrastructure owners require contractors to provide a copy of their licence prior to engaging them. Building or infrastructure owners can then check with SafeWork NSW (phone 13 10 50) or email contact@safework.nsw.gov.au to confirm the contractor has the appropriate class of licence for the asbestos removal job. Further details in relation to licence requirements are provided in Section 7.1.

Some older infrastructure such as water and sewerage drainage pipes may have been constructed from asbestos containing materials. This infrastructure must be handled in accordance with the requirements of the Work Health and Safety Act 2011. The NSW Water Directorate published Cutting, Handling and Disposal of Asbestos Cement (AC) Pipe Guidelines June 2014 which provides guidance to infrastructure providers when working with these assets.

5. CONTAMINATION OF LAND WITH ASBESTOS

5.1 BACKGROUND

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

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

- Disturbed land where naturally occurring asbestos may have been stockpiled or used and where appropriate encapsulation techniques have not been implemented;
- Industrial land where asbestos or asbestos containing materials may have been used;
- Land that may have been used for asbestos waste disposal or dumping sites, including illegal dumping;
- Pre-2004 buildings or structures damaged by fire or storm;
- Land with fill or foundation material of unknown composition;
- Land where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking; or
- Land containing disused services with asbestos containing piping, underground electrical and telephone wires and telecommunications trenches or pits.

For sites that are significantly contaminated, the EPA and WorkCover are the lead regulatory authorities under the *Contaminated Land Management Act 1997*. The EPA maintains a Register of Significantly Contaminated Sites. At the time of finalisation of this Plan, there were no sites within the Lithgow Local Government Area listed on the NSW State Register as a result of asbestos contamination.

5.2 RESPONSIBILITIES FOR CONTAMINATED LAND

Responsibility for cleaning up contaminated land lies with the person responsible for contaminating the land or the relevant landowner. Both the State and Local Governments play key roles in enforcing the management of asbestos contamination through a range of regulatory powers. During site redevelopment, Council will consider contamination in general, including contamination with asbestos containing materials in accordance with requirements of the Environmental Planning and Assessment Act 1979, the Contaminated Lands Management Act 1997 and State Environmental Planning Policy 55 – Remediation of 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.

Council may issue notices to landowners 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.

5.3 MANAGING ASBESTOS CONTAMINATED LAND

The EPA and SafeWork NSW are the lead regulatory authorities under the *Contaminated Land Management Act 1997* for sites that are significantly contaminated. Those agencies may issue a range of orders in relation to management of such sites.

Council may also issue a **Clean Up Notice** under Part 4.2 of the *Protection of the Environment Operations Act 1997* 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.

Council may also issue a **Prevention Notice** under Part 4.3 of the *Protection of the Environment Operations Act 1997* to ensure appropriate environmental practice.

If a person does not comply with a Notice or Order given to the person, Council may take action to cause compliance with the Notice or Order. Any reasonable costs incurred by Council in monitoring or enforcing clean up and prevention notices may be recovered through a **Compliance Cost Notice** issued under Part 4.5 of the *Protection of the Environment Operations Act 1997*.

6. RESPONDING TO EMERGENCIES AND INCIDENTS

6.1 BACKGROUND

Emergencies and incidents such as major collapses, 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.

6.2 COUNCIL PROCEDURES IN THE CLEAN UP AFTER AN EMERGENCY OR INCIDENT

If the emergency or incident occurs at a workplace, WorkCover is the lead agency. The EPA may also be involved in incident response whereby asbestos material is transported and disposed of, such as the time following bushfires.

Council may play a role in an emergency or incident by ensuring that asbestos containing materials are cleaned up at non-workplace-related sites. In doing this, Council may take regulatory action against the owner or occupier of the premises using Notices, Orders and penalty infringement notices issued under the Environmental Planning and Assessment Act 1979, Local Government Act 1993 or the Protection the Environment Operations Act 1997.

Additionally, Council may take additional action when responding to an emergency or incident, depending on the situation, as is deemed appropriate at the time. This action may include the following.

- Seek advice for 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.
- Complete a risk assessment or Job Safety Analysis prior to commencing work and fully implement all identified Safe Work Method Statement (SWMS). In developing site-specific SWMS, Council will consider the following Codes of Practice and procedures:
 - The *How to safely remove asbestos: Code of practice* published by SafeWork 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.
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed asbestos removalist or issuing a clean up or prevention notice to ensure asbestos containing materials are removed for disposal.
- Ensure, where appropriate, that the site is kept damp at all times or sprayed with PVA glue, particularly where friable asbestos is present. 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.

During the clean up after an emergency or incident, potential exists for neighbours to be exposed to asbestos fibres. Where Council is involved in such clean up works, it may provide the following advice to neighbouring properties during such clean up operations.

- Avoid unnecessary outdoor activity. Where outdoor activity is necessary, appropriate Personal Protective Equipment (PPE) should be worn.
- Do not put any washing outside to dry during the clean up.
- Close all external doors and windows and stay indoors during the clean up.
- Avoid using air conditioners that introduce air from outside into the home during the clean up.
- Dispose of any laundry/washing that may have been contaminated with asbestos as asbestos waste after the clean up.
- Use a low pressure hose on a spray configuration to remove visible dust from pathways after the clean up.
- Wipe dusty surfaces with a damp cloth, and bag and dispose of the cloth as asbestos waste after the clean up.
- Any other measures recommended by an occupational hygienist following assessment of the situation.
- Depending on the significance of an incident and the role of response agencies involved in the clean up activities, advice to neighbours may be more appropriately coordinated and managed by another response agency, such as WorkCover, EPA or an emergency service provider.

7. MANAGING ASBESTOS AS A WASTE

7.1 REMOVING ASBESTOS WASTE FOR DISPOSAL

Table 3 presents an overview of the licensing requirements for removal of asbestos. Only persons with a WorkCover licence are permitted to remove asbestos where the criteria for a Class A or Class B licence are met. A contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on telephone 13 10 50, or email contact@safework.nsw.gov.au.

Table 3
Asbestos Licence Requirements

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 • 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 more than 10m² of non-friable asbestos or asbestos containing material but the licence holder can also remove less than this quantity.</p>
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> • Up to 10m² 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 10m² of non-friable asbestos or asbestos containing material ○ Not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

All asbestos removal is required to be undertaken in accordance with the document *How to safely remove asbestos: Code of Practice* published by SafeWork. Individuals or organisations should be aware of the procedures identified in the Code when engaging a licensed asbestos removal contractor.

7.2 TRANSPORTING ASBESTOS WASTE

The following requirements apply to the transport of asbestos waste. 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 the 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 asbestos 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. See: www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm

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

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

7.3 DISPOSING OF ASBESTOS WASTE AT WASTE FACILITIES

Asbestos waste (in any form) must only be disposed of at a landfill site that may lawfully receive asbestos waste. Asbestos must not be placed in domestic garbage or recycling bins, general waste skip bins, be reused, buried or dumped.

Council operates the Lithgow Solid Waste Depot which is the only location in the Council area licensed to accept asbestos waste. Details in relation to that facility are as follows.

- Address: Off Geordie Street Lithgow
- Hours of operation: 8am to 5pm, 7 days per week
- Contact details: Weighbridge Phone: 0417226429

Further information is available from Council's Website – www.lithgow.nsw.gov.au

Asbestos waste received at the Lithgow Solid Waste Depot must be packaged as identified in [Section 7.2](#). Asbestos waste that does not meet those requirements will be rejected. [Council requests that a minimum of 24 hours](#) notice is given prior to the delivery of asbestos materials for disposal.

Persons delivering asbestos waste to the Lithgow Solid Waste Depot must comply with the following:

- a person delivering the waste must inform the landfill operator of the presence of asbestos when delivering the waste.
- the waste must be uploaded 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 regulations attract strong penalties.

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

- not correctly packaged for delivery and disposal (as per sections 7.2 Transporting Asbestos waste)
- 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.

7.4 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 but without the necessary council or EPA approvals, is also considered to be illegal dumping and pollution of land.

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

- on the spot fines of up to \$5000
- prosecution for pollution of land of up to \$1 million for a corporation and \$120,000 for each day the offence continues (under section 142A of the Protection of the Environment Operations Act 1997), or
- up to \$1 million, or seven years imprisonment, or both for an individual (under section 119 of the Protection of the Environment Operations Act 1997).

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

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

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

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

PART 3 – MANAGING ASBESTOS RISKS THROUGH THE PLANNING SYSTEM

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 5](#).

9. COUNCIL’S PROCESSES FOR ASSESSING DEVELOPMENT

9.1 BACKGROUND

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*.

9.2 RESPONSIBILITIES FOR APPROVING DEVELOPMENT

Council is the consent authority for the majority of Development Applications in the Local Government Area. The Joint Regional Planning Panel is also consent authority for certain local or regional development. Council may have representation on the Joint Regional Planning Panel. Council or the Joint Regional Planning Panel may impose conditions of consent to a development consent to ensure the safe management of asbestos, in any form, where asbestos has either been identified as being present, 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.

The above also applies to the demolition of buildings. In certain circumstances, 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 10.4.

It is the Certifier’s responsibility to follow up and ensure that works, including asbestos handling, removal and disposal, if required, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2000* (Clause 136E) prior to issuing an occupation certificate.

9.3 SECTION 149 CERTIFICATES

A person may apply to Council under Section 149(5) of the *Environmental Planning and Assessment Act 1979* for a Planning Certificate.

A Planning Certificate obtained under Section 149(5) may identify whether Council records identify land as being contaminated with asbestos. Council aims to ensure that its records are, as far as possible, accurate. In some instances, Council may not have up-to-date information about asbestos for a property. Council may 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, as detailed in Section 4.1 of this Plan.

It should be noted that a Planning Certificate obtained under Section 149(2) would not normally identify whether or not Council records indicate that the subject land is subject to contamination from asbestos materials, as a 149(2) Planning Certificate only contains information pertaining to matters which is prescribed by the *Environmental Planning and Assessment Act 1979*, such as whether or not the land is affected by a policy adopted by Council (or by any other public authority) that restricts the development of land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

Furthermore as previously identified in Section 1.2, the adoption of this Management Plan is not for the purpose of restricting the development of the land because of the potential/ likelihood of asbestos contamination or the likelihood of the presence of naturally occurring asbestos on the land. That is, the focus of this Management Plan is upon the management of the substance (asbestos), not on the restriction of the development of land.

9.4 REMOVING ASBESTOS, REFURBISHMENTS AND DEMOLITIONS

9.4.1 Identifying the Presence of Asbestos

The most accurate way to find out if a building or infrastructure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos. A competent person is defined by the *Work Health and Safety Regulations 2011*. This is highly advisable before undertaking major renovations to buildings constructed, or containing materials manufactured prior to 2004. If in doubt, however, material should be assumed to contain asbestos until confirmed otherwise.

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).

Part 8.3 of the *Work Health and Safety Regulation 2011* states that the person conducting a business or undertakings 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.

9.4.2 Removing Asbestos at Domestic Premises

If development is undertaken by contractors then the work is considered to be at a workplace and is regulated by SafeWork NSW under the 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 in Section 7.1 and **Table 3**. WorkCover is responsible for issuing asbestos licences.

All asbestos removal should be undertaken in accordance with the How to safely remove asbestos: Code of Practice

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 Clause 467 of the Work Health and Safety Regulations 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 Sections 7.2 and 7.3.

9.4.3 Removing Asbestos at Workplaces

The Work Health and Safety Regulation 2011 specifies requirements for demolition and refurbishment at a workplace with structures or plant constructed or installed before 31 December 2003.

WorkCover is the lead agency for regulating the safe management of asbestos at workplaces.

9.4.4 Obtaining Approval for Demolition

Demolition work must comply with *Australian Standard AS 2601 – 2001: The demolition of structures*. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to Council as to whether and what type of approval is required. Where a Development Application is required Council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in Section 9.6.2.

The Demolition Work – Code of Practice 2015 provides practical guidance to persons conducting a business or undertaking on how to manage the health and safety risks associated with the demolition work. The Demolition Work – Code of Practice applies to all types of demolition work.

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 limited ability for Council 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 document How to safely remove asbestos: Code of Practice.

9.5.2 Complying Development

Clause 136E of the Environmental Planning and Assessment Regulation 2000 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.) Clause 136E of the Regulations identifies standard conditions for a complying development certificates.

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, the work must be undertaken in a manner that minimises risks as detailed in the How to safely remove asbestos: Code of practice.

Where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then WorkCover would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to Council as outlined in Section 11.

Clause 136AB of the Environmental Planning and Assessment Regulation 2000 outlines the requirements for the applicant to notify their neighbours that works may include asbestos removal. Further requirements to inform other persons of licensed asbestos removal are described in Clause 467 of the Work Health and Safety Regulation 2011.

9.6 DEVELOPMENT APPLICATIONS

If a proposed development does not meet the requirements of exempt or complying development then a Development Application is required. A Development Application can only be approved by a local Council or the Joint Regional Planning Panel. For very large, State-significant development proposals, the Minister for Planning will be the determining authority. A Development Application needs to be prepared and will be assessed in accordance with the relevant development standards.

Development Applications for land containing or potentially containing the following will be required to address management of asbestos as part of the supporting documentation.

- Naturally occurring asbestos.
- Asbestos containing materials.
- Asbestos contamination.

9.6.1 Pre-Development Application Advice Regarding Asbestos

Council's Development Application pre-lodgement service enables proponents to discuss asbestos-related issues with Council prior to lodging a Development Application.

9.6.2 Conditions of Consent

The following presents Council's standard conditions of consent that may be included in any development consent issued by Council in relation to an application that involved asbestos containing materials.

- Condition: Building demolition is to be carried out in accordance with *Australian Standard 2601:2001 – The Demolition of Structures* and the requirements of the NSW SafeWork Authority.
- Condition: Asbestos cement sheeting must be removed in accordance with the provisions of the Work Health and Safety Act 2011 and any guidelines or Codes of Practice published by SafeWork NSW..

To assist applicants with developing an Asbestos Management Plan, applicants are encouraged to access the '*Asbestos Management Plan for Lithgow Council 2015*', which is available on Council's website: www.lithgow.nsw.gov.au

Other conditions of consent may be applied by Council in certain circumstances.

9.7 COMPLIANCE AND ENFORCEMENT

9.7.1 Responsibilities for Compliance and Enforcement

Where a development is being undertaken on a worksite, as defined by the *Work Health and Safety Act 2011*, the lead Regulatory Authority is SafeWork NSW. In other cases, or where it is deemed necessary, Council or a Private Certifier may take action to enforce compliance with development consent conditions. Additionally, Council may also issue Orders in relation to any other development, including exempt and complying development, in accordance with its regulatory powers (see [Section 4.3](#)). These orders may relate to management of asbestos.

9.7.2 Compliance Strategies

Illegal works include:

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

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

Where the site is not a work place, Council may consider the use of Orders to direct specific works to be undertaken or to refrain from specific works, as detailed in [Section 4.3](#).

Council may audit asbestos-related demolition works 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. COMPLAINTS AND INVESTIGATIONS

Complaints and inquires regarding a workplace should be directed to WorkCover (Telephone 13 10 50).

Complaints and inquires about incidents in public places and private properties beyond the circumstances detailed above, may be directed to Council (Telephone (02) 63549999).

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; and
- Unsafe work at a residential property conducted by a homeowner or tenant.

Complaints about Council in relation to asbestos may be made directly to Council or alternatively may be directed to the Office of Local Government or the NSW Ombudsman.

10.1.1 Regulatory Action

NSW Government Agencies such as SafeWork NSW and the EPA, may issue a range of Orders in relation to the management and disposal of asbestos. Similarly, Council may also issue Orders to either the owner or occupier of a building or land under [Section 121B of the Environmental Planning and Assessment Act 1979](#) or [Section 124 of the Local Government Act 1993](#). The principle orders that Council may issue are outlined in **Table 4**.

Table 4
Orders that may be issued by Council

Order No	Required Action
<i>Section 121B Environmental and Planning Assessment Act 1979</i>	
2	To demolish or remove a building
4	To repair or make structural alterations to a building
15	To comply with a development consent
<i>Section 124 Local Government Act 1993</i>	
21	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

PART 4 – MANAGEMENT OF ASBESTOS RISKS WITHIN COUNCIL WORKPLACES

11. RIGHTS AND RESPONSIBILITIES OF WORKERS AT THE COUNCIL WORKPLACE

11.1 RESPONSIBILITIES OF COUNCIL TO COUNCIL WORKERS

11.1.1 Council's General Responsibilities

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

- Not use any asbestos containing materials (unless in accordance with Part 7.1 (Clause 419 of the 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 Section 13.3.5.2) 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 (see also Section 13.3.5);

For additional information relating to notification of air monitoring results see:

<http://www.workcover.nsw.gov.au/formspublications/publications/Documents/notification-of-respirable-asbestos-fibre-levels-WC03589.pdf>

- Ensure that any contractors engaged to undertake the removal of asbestos for Council are appropriately licensed; and
- 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 that plant or materials do not contain asbestos prior to supply or use in the workplace.

11.1.2 Education, Training and Information for Workers

As required by the Work Health and Safety Act 2011 and 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; and
- Ensure workers who Council reasonably believe 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.

All *workers* at Council controlled sites on which asbestos has been identified as being present or is likely to be present, will be given appropriate Asbestos Awareness Training to ensure adequate awareness of the health risks of asbestos, methods of prevention and control, proper work practices, emergencies and use of personal protective equipment.

Asbestos Awareness Training will be provided for *workers* who may become involved with:

- The handling of asbestos containing materials;
- Responding to asbestos related emergencies or incidents; or
- The management or supervision of workers involved with the above.

Asbestos Awareness Training may include topics outlined within the documents *How to manage and control asbestos in the workplace: Code of Practice* and *How to safely remove asbestos: Code of Practice* and would be delivered by appropriately qualified and, where required, accredited individuals.

Contractors, non-Council personnel and visitors will be provided with an appropriate level of site specific training during their induction to ensure that they are aware of the requirements of this Plan and any asbestos containing materials or naturally occurring asbestos within their work environment. Site specific induction procedures will include, as appropriate:

- A copy of the relevant section(s) of the this Plan and the Asbestos Register (or access to Council's online documentation);
- The identification and safe handling of, and suitable control measures for asbestos and asbestos containing material (ACM), including details relating to any personal protective requirements; and
- General information in relation to asbestos and asbestos management, including the hazards and risks associated with naturally occurring asbestos for workers who carry out work where naturally occurring asbestos is likely to be found.

A record of asbestos training undertaken by each worker and visitor will be kept for at least five years after the worker ceases to work for Council or the date of the visit.

A list of workers who have received the appropriate training to respond to asbestos hazards is available from Council's Organisational Development Section.

11.1.3 Health Monitoring for Workers

Council will ensure health monitoring is provided to a worker if they are at risk of exposure to asbestos when carrying out Council-related work. The health monitoring will be consistent with the *How to safely remove asbestos: Code of practice* and meet the requirements of the *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.

Further information in relation to asbestos monitoring is provided in Section 13.3.5.

11.2 DUTIES OF COUNCIL WORKERS

Table 5 presents the duties of Council workers at the Council workplace.

Table 5
Duties of Council Workers

Position	Responsibility
General Manager and Group Managers	<ul style="list-style-type: none"> • Exercise due diligence to ensure that Council complies with <ul style="list-style-type: none"> ○ <u>Work Health and Safety Act 2011</u> ○ <u>NSW Work Health and Safety Regulation 2011</u> • Take reasonable steps to ensure that Council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos
Managers	<ul style="list-style-type: none"> • Ensure workers who report to them have access to this Plan • Ensure implementation and compliance with this Plan
All workers	<p>Workers have a duty to take reasonable care for their own health and safety and ensure that they do not adversely affect the health and safety of other persons.</p> <p>Accordingly workers:</p> <ul style="list-style-type: none"> • Must comply with this Plan and any reasonable instruction or procedure relating to health and safety at the workplace • Must immediately report to their supervisor / Manager and Council's Organisational Development Department, any material found that is suspected of containing asbestos • 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

12. IDENTIFYING AND RECORDING ASBESTOS HAZARDS IN THE COUNCIL WORKPLACE

12.1 INTRODUCTION

This section outlines Council's asbestos identification and recording procedures for Council buildings and infrastructure only. The identification of naturally occurring asbestos and asbestos contamination are addressed in Section 4 and 6 respectively.

12.2 IDENTIFYING ASBESTOS

Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by an appropriately trained and competent person. Where a sample is required to be collected to enable identification of asbestos, the sample will only be collected by appropriately trained and competent person. Analysis of the sample will be carried out by a National Association of Testing Authorities (NATA) accredited laboratory. If a material cannot be identified or accessed, it will be assumed to be asbestos containing, unless Council has reasonable grounds to believe the contrary.

12.3 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 and asbestos containing material by a label.

12.4 ASBESTOS REGISTER

Council has prepared an asbestos register which may be accessed via Council's intranet. Hard copies of the register, or sections of it, will be made available as required. All workers, including contractors, carrying out or intending to carry out work that involved a risk of exposure to airborne asbestos at a Council workplace will be given access to either the online register or a hard copy extract of it.

The asbestos register will be accessible, reviewed, revised and otherwise managed as mandated by Clauses 425 to 428 of the *Work Health and Safety Regulation 2011*.

12.5 REPORTING SUSPECTED ASBESTOS

If a worker suspects there is asbestos in a Council workplace, they must cease all work that may disturb the suspected asbestos containing materials and inform their manager or supervisor immediately. The worker and their supervisor shall check the asbestos register for identified asbestos locations within the workplace. Where required, the site may also require isolation an inspection and sampling of the material may be undertaken. Only once the workplace has been cleared, and/or safe work procedures developed and approved by the Supervisor and Manager may works recommence.

13. MANAGING ASBESTOS IN THE COUNCIL WORKPLACE

13.1 INTRODUCTION

This section describes Council's procedures for managing asbestos in Council workplaces. Council's workplaces are classified as follows. Each of the following is addressed in a separate subsection

- Workplaces containing asbestos containing materials.
- Workplaces containing asbestos contamination.

13.2 ASBESTOS MANAGEMENT PLAN FOR NATURALLY OCCURRING ASBESTOS

Mapping has identified naturally occurring asbestos in the LGA in isolated locations that would not impact on Council operations. If naturally occurring asbestos is discovered, council will prepare an asbestos management plan in relation to the naturally occurring asbestos in accordance with the NSW Work Health and Safety Regulations 2011 part 8.4 (Management of Naturally Occurring Asbestos).

13.3 WORKPLACES CONTAINING ASBESTOS CONTAINING MATERIALS

13.3.1 Risk Assessment and Rating

Council will ensure that risk assessments are undertaken prior to any site disturbance by competent persons for all areas identified as having asbestos and/or asbestos containing materials to determine appropriate control measures and inspection schedules. Risk assessments will be reviewed regularly, particularly when:

- There is evidence that the risk assessment is no longer valid;
- A significant change is proposed within the area that the risk assessment relates to; or
- There is a change in the condition of the asbestos containing materials, including degradation, damage, enclosure, sealing or removal

Council will determine risk rating for asbestos containing materials in Council workplaces based on the risk rating determined by multiplying each of the hazard levels associated with the risk factors identified in **Table 6**. Based on the determined risk rating, the action priority level identified in **Table 7** will be applied.

Table 6
Risk Factors and Hazard Levels

Risk Factor	Description		Hazard Level
Asbestos Type	Bonded or Non-Friable	Materials that contain asbestos in a bonded matrix (may consist of Portland cement or various resin/binders and cannot be crushed by hand when dry).	2
	Friable	Asbestos containing materials which, when dry is or may become crumbled, pulverised or reduced to powder by hand pressure.	3
Condition	Good	No sign of damage or deterioration due to weather, non-friable.	1
	Fair	Only mild damage or deterioration by weathering, friable with force.	2
	Poor	Severe damage or deterioration by weathering, very friable.	3
Accessibility	Low	Totally enclosed behind a false ceiling or wall, sealed or painted, inaccessible due to height, minimal exposure to weathering, people and maintenance.	1
	Moderate	Partially protected by encapsulation, low activity area, low exposure to weathering, people and maintenance.	2
	High	No encapsulation, high activity area, exposed to weathering, people and maintenance.	3
Airborne Potential	Low	Not present in return air flow pathway.	1
	Moderate	Exposed to natural ventilation.	2
	High	Exposed to forced ventilation (ie intakes/vents, air conditioners, fans).	3
Exposure	Low	Only accessed by maintenance personnel.	1
	Moderate	Readily accessible to small numbers of workers and public	2
	High	Readily accessible to large numbers of workers and public.	3

Table 7
Health Risk and Action Priority Rating

Hazard Level	Health Risk	Action Priority
>50	High	Priority 1
20-49	moderate	Priority 2
4-19	Low	Priority 3
0-3	Negligible	Priority 4

For example, asbestos-containing fibro ceiling that is in good condition adjacent to an air-conditioning duct in the foyer of a commonly accessed building would have the following action priority rating.

- Asbestos type – bonded = 2.
- Condition – good = 1.
- Accessibility – low = 1.
- Airborne potential – high = 3.
- Exposure – high = 3.
- Hazard Level – $2 \times 1 \times 1 \times 3 \times 3 = 18$.
- Health Risk – low.
- Action Priority – Priority 3.

13.3.2 Management of Asbestos Containing Materials in the Council Workplace

Management procedures for each of the above action priority levels are as follows. It is noted that where asbestos containing materials are to be removed that the procedures identified in Section 13.3.3 are to be implemented.

Action Priority 1 – Materials that pose an immediate or elevated health risk to workers or the public.

- Evacuate all workers and visitors immediately and ensure continued exclusion for non-authorised personnel.
- Restrict air movement as far as practicable.
- Ensure asbestos containing materials are removed, transported and disposed of as required (see Section 13.3.3). During asbestos removal operations, consider implementation of the following.
- Ensure that entry and exit can only be obtained through a decontamination unit.
- Ensure that all workers that access the site are wearing respirators fitted with P2 filters, disposable coveralls and boot covers.
- Ensure that coveralls are wiped thoroughly with a wet rag and removed immediately prior to exiting the area and placed in a seal/labelled plastic bag, with the wet rag, and treated as asbestos-contaminated waste.
- Ensure that relevant asbestos containing materials are removed by a person with an appropriate asbestos removal licence (for all areas $>10\text{m}^2$ or material that contains friable asbestos) or a suitably experienced person (for bonded asbestos with an area of $<10\text{m}^2$) and disposed of at a licensed facility as soon as practicable.
- Ensure that all contaminated areas are vacuumed with an approved asbestos vacuum cleaner.
- Ensure that 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) prior to access to the area being restored.
- Record asbestos removal and management measures in the asbestos register.

Action Priority 2 – Products or materials that pose a potential health risk to workers and the public in their current state.

- Consider evacuation of workers and visitors and non-authorized personnel if there is an immediate risk of release of asbestos fibres.
- Erect signage as required.
- Ensure asbestos containing materials are scheduled for removal and transported and disposed of as required (see Section 12.3). During asbestos removal operations, consider implementation of the following.
- Ensure that all workers that access the site are wearing half-face cartridge type respirators fitted with P2 filters, disposable coveralls and boot covers.
- Ensure that relevant asbestos containing materials are removed or stabilised by a licensed person and, if removed, transported and disposed of at a licensed facility as soon as practicable.
- Ensure that all contaminated areas are vacuumed with an approved asbestos vacuum cleaner.
- Ensure that 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) prior to access to the area being restored.
- Record asbestos removal, stabilising works and management measures in the asbestos register.

Action Priority 3 – Products or materials that pose little health risk to workers and the general public unless further disturbed.

- Erect warning signs advising of the presence of asbestos in accordance with the procedures identified in Section 12.3.
- Ensure that with the exception of asbestos removal operations, asbestos containing materials are not disturbed. In the event that asbestos containing materials are to be removed, procedures identified for Action Priority 1 or 2 as appropriate are to be implemented.
- Ensure that areas containing asbestos containing materials are protected from inadvertent damage.
- Ensure renovations or alterations in the vicinity of the asbestos containing materials take into account the presence of that material and allow for its removal.
- Record asbestos removal and/or stabilising works and management measures in the asbestos register.

Action Priority 4 – Products or materials that pose negligible health risk to workers and the general public.

- Erect warning signs advising of the presence of asbestos in accordance with the procedures identified in Section 13.3.
- Ensure that with the exception of asbestos removal operations, asbestos containing materials are not disturbed. In the event that asbestos containing materials are to be removed, procedures identified for Action Priority 1 or 2 are to be implemented.

- Ensure that areas containing asbestos containing materials are protected from inadvertent damage.
- Ensure renovations or alterations in the vicinity of the asbestos containing materials take into account the presence of that material and allow for its removal.
- Record asbestos removal and/or stabilising works and management measures in the asbestos register.

13.3.3 Removal of Asbestos in the Council Workplace

13.3.3.1 General Removal Procedures

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

- Work Health and Safety Act 2011.
- Work Health and Safety Regulation 2011.
- How to safely remove asbestos: Code of practice.

Asbestos removal work for areas of asbestos containing materials greater than 10m² will be undertaken by a licensed asbestos removalist who must ensure that the requirements of the Work Health and Safety Regulation 2011 are complied with, including the following:

- Notify SafeWork NSW at least five days prior to the asbestos removal work commencing. 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 for the workplace 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 for a clearance inspection and clearance certificate to be issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case).

Removal of less than 10m² of bonded asbestos may be undertaken by a person who does not hold an asbestos removal licence, provided that they are competent at asbestos removal.

13.3.3.2 Removal by Council Employees

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

- Are appropriately trained;
- Complete a suitable risk assessment and implement all identified SWMS;
- Are adequately supervised;
- Are provided with appropriate personal protective equipment and clothing; and
- Are provided access to this Plan and Asbestos Register.

13.3.3.3 Removal by Contractors

Where Council commissions the removal of asbestos by a contractor, Council will implement the following.

- Ensure that the prospective Contractors hold the appropriate licence. Copies of all licenses and training records/certificates are to be provided to Council prior to acceptance of quotations/tenders or proposals and all licences will be verified with Safe Work NSW's Certification Unit;
- Provide access to either the online Asbestos Register or a hard copy extract of it; and
- Report breaches of asbestos removal procedures to SafeWork NSW.

Council will 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.

13.3.3.4 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. 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.

13.3.4 Accidental Disturbance of Asbestos by Workers

In situations where asbestos is or may potentially have been accidentally disturbed by Council work, Council will implement the following:

- Cease works in the vicinity of the asbestos or suspected asbestos containing materials and evacuate the area immediately;
- Inform the site supervisor and relevant workers immediately;
- Restrict access to the area and ensure only appropriate trained and equipped Council workers attend the site;
- Prevent the risk of airborne contamination by switching off air handling systems and closing windows and doors to the area, if required;
- Prevent the spread of contamination by turning, if required;
- Complete Council's incident notification and report the incident to SafeWork NSW where required;
- Provide information, training and supervision to all workers potentially at risk;
- Implement an air monitoring program to assess asbestos exposure levels and specific risk control measures where required;
- Seek advice from an occupational hygienist, where required;
- Remove disturbed asbestos in accordance with prescribed procedures; and
- Record asbestos removal and/or stabilising works and management measures in the asbestos register.

13.3.5 Monitoring for Asbestos

13.3.5.1 Implementing Asbestos Monitoring

Council will implement asbestos monitoring in the following circumstances in accordance with Clause 475 and Clause 482 of the Work Health and Safety Regulation 2011.

- Immediately following an accidental disturbance or, incident or emergency involving asbestos containing materials where the Priority Action levels are determined to be Level 1 or 2 (see Section 13.3.1); and
- During and following Class A asbestos removal work.

Asbestos monitoring will be undertaken by an independent licensed asbestos assessor (for Class A asbestos removal work) or a competent person (in all other cases) in accordance with the requirements of How to safely remove asbestos: Code of practice.

13.3.5.2 Asbestos Monitoring Criteria

Table 7 identified air quality criteria for asbestos monitoring, as well as required control measures and actions in the event of particular criteria being exceeded.

Table 8
Asbestos Monitoring Criteria

Action Level	Control	Action
Less than 0.01 fibres/ml	No new control measures are necessary	Continue with control measures
At 0.01 fibres/ml or more than 0.01 fibres/ml but less than or equal to 0.02 fibres/ml	1. Review	Review control measures
	2. Investigate	Investigate the cause
	3. Implement	Implement controls to eliminate or minimise exposure and prevent further release
More than 0.02 fibres/ml	1. Stop removal work	Stop removal work
	2. Notify regulator	Notify SafeWork NSW that work has ceased and the results of the air monitoring
	3. Investigate the cause	Conduct a thorough visual inspection of the enclosure (if used) and associated equipment in consultation with all workers involved with the removal work
Source: <i>How to safely remove asbestos: Code of practice – Section 3.11</i>		

For additional information relating to notification of air monitoring results see:

<http://www.safework.nsw.gov.au/formspublications/publications/Documents/notification-of-respirable-asbestos-fibre-levels-WC03589.pdf>

14. COUNCIL'S ROLE IN THE DISPOSAL OF ASBESTOS WASTE

14.1 RESPONDING TO ILLEGAL DUMPING OF ASBESTOS ON COUNCIL OWNED LAND

Removal of illegally dumped asbestos material or suspected asbestos material by Council employees or contractors will be undertaken in accordance with procedures identified in Section 7.4.

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

14.2 TRANSPORTING AND DISPOSING OF ASBESTOS WASTE

Council will transport and dispose of waste in accordance with the procedures outlined in Sections 7.3 and 7.4.

14.3 COUNCIL'S WASTE FACILITY

Council through its contractor operates the Lithgow Solid Waste Depot off Geordie Street, Lithgow. The Lithgow Solid Waste Depot is licensed to accept asbestos waste for disposal to landfill on site. Clause 80 of the Protection of the Environment Operations (Waste) Regulation 2014 requires that:

- Asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste;
- When asbestos waste is delivered to a landfill site, the occupier of the landfill site must be informed by the person delivering the waste that the waste contains asbestos;
- When unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust; and
- Asbestos waste disposed of at a landfill site must be covered with virgin excavated natural material or other material as approved in the facility's environment protection licence.

Asbestos waste presented at the Lithgow Solid Waste Depot may be rejected if it is:

- Not correctly packaged for delivery and disposal; or
- Not disclosed by the driver as being asbestos or asbestos containing materials.

Council's contractor will provide the driver with information in relation to appropriate packing and transportation of asbestos waste and will require that the waste be removed from the site, appropriately packaged and returned to site. Council's contractor will also record the following details and will follow up with the driver or transport company should the asbestos waste not be returned to the Geordie Street Site:

- Name and contact details of the driver/transport company;
- 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; and
- Development consent details (if applicable).

When council follows up on material that was initially rejected, if the material has not been appropriately disposed of at the Lithgow Solid Waste Depot and the driver/transport company cannot provide evidence of appropriate disposal of the waste, Council will report the driver/transport company to the EPA.

Fees for disposal of asbestos waste generated within the Lithgow Local Government Area are set by Council annually from 1 July as detailed within Council's Community Strategic Plan.

Council's contractor issues a receipt for asbestos waste received. The receipt provided may note the time, date and location of disposal, weight of asbestos containing materials disposed, method of disposal and a receipt number.

Council will not accept any asbestos waste from outside the Lithgow Local Government Area.

14.4 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*.

14.5 RE-EXCAVATION OF LANDFILL SITES

The re-excavation of a council landfill site where significant quantities of asbestos waste are deposited 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*).

15. ADVICE TO TENANTS/OCCUPANTS AND PROSPECTIVE BUYERS OF COUNCIL OWNED PROPERTY

Council may provide advisory notes to tenants and prospective buyers of Council-owned property. Council requires 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; and
- Act on advice from Council to minimise risks from asbestos.

16. IMPLEMENTING COUNCIL'S ASBESTOS MANAGEMENT PLAN

16.1 SUPPORTING DOCUMENTS

The following legislation, regulations and documents provide relevant background and guidance in relation to asbestos and management of asbestos.

- *Work Health and Safety Act 2011*.

- [Work Health and Safety Regulation 2011.](#)
- [Contaminated Land Management Act 1997.](#)
- [Protection of the Environment Operations Act 1997.](#)
- [How to manage and control asbestos in the workplace: Code of practice.](#)
- [How to safely remove asbestos: Code of practice.](#)

In addition, SafeWork NSW provide a range of useful information sheets which may be accessed from the [SafeWork Website](#).

In addition, relevant Council documents include the following.

- Asbestos Management Plan;
- Asbestos register;
- Risk assessment procedures;
- Maintenance and inspection schedules for Council owned assets;
- Safe work method statements/ procedures;
- Incident reporting guidelines;
- Site specific asbestos management plans; and
- Training registers/ records (relevant to identifying, handling and removing of asbestos materials).

16.2 NON-COMPLIANCE WITH THIS PLAN

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

The appropriate Supervisor, Manager, Group Manager or the General Manager, may take action in the case on non-compliance with this Plan. This may include:

- Providing education and training;
- Issuing a disciplinary verbal or written warning;
- Alternating 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 Plan or if they are concerned that other workers are not complying with the Plan.

17. PLAN REVIEW

This Plan will be reviewed at the time of any relevant legislative changes, or will be reviewed annually.

Appendix A

Further Information and Useful Documents

Useful websites

SafeWork NSW Website

- [Asbestos resources.](#)
- [General information on SafeWork's role in asbestos management.](#)

EPA Website.

- [Safely disposing of asbestos waste.](#)

NSW Health Website.

- [Health impacts of asbestos](#)

Asbestos Education Committee.

- [Asbestos awareness.](#)

Naturally Occurring Asbestos Mapping

- <https://trade.maps.arcgis.com/apps/PublicInformation/index.html?appid=87434b6ec7dd4aba8cb664d8e646fb06>

Aboriginal communities

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

Asbestos services and contractors

WorkCover provides a link on its website to a variety of asbestos services:

<http://www.workcover.nsw.gov.au/newlegislation2012/asbestos/Pages/find-asbestos-services.aspx>

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the [Yellow Pages](#) or by contacting the [Asbestos Removal Contractors Association NSW \(ARCA\)](#) 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 or email contact@workcover.nsw.gov.au.

The Demolition and Contractors Association of NSW are an industry group whose members work with demolition, asbestos removal and related sectors of the demolition industry and may be able to advise on services available in the industry.

[Demolition & Contractors Association \(DCA\) NSW](#)

Asbestos waste

[Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 \(EPA\)](#)

Management of asbestos in recycled construction and demolition waste, 2010 SafeWork NSW
Safely disposing of asbestos waste from your home, 2009 (EPA and SafeWork NSW)

For information on illegal dumping and safely disposing of asbestos waste visit the EPA website:
www.environment.nsw.gov.au.

Contaminated land

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

Managing Land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998

Environmental risk assessment

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

Health

Asbestos and health risks (NSW Health)

Further advice concerning the health risks of asbestos can be obtained from your local public health unit on 1300 066 055.

Renovation and development

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

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

Think asbestos website, 2011 (Asbestos Education Committee) (and Printable Website Handbook)
Working with asbestos guide, 2008 (SafeWork NSW)

Practical guidance

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

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

Cutting, Handling and Disposal of Asbestos Cement (AC) Pipe Guidelines June 2014 published by the Water Directorate

Tenants

Tenants rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW)

Appendix B

Definitions

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

- Code of practice on how to manage and control asbestos in the workplace published by WorkCover NW
- Code of practice on how to safely remove asbestos published by WorkCover 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
- Work Health and Safety Act 2011
- 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 Professional Act 2005 in relation to those matters.

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

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

- Actinolite asbestos
- Grunerite (or amosite) asbestos (brown)
- Chrysotile asbestos (white)
- Crocidolite asbestos (blue)
- Tremolite asbestos
- A mixture that contains 1 or more of the materials referred to in paragraphs (a) to (f).

Asbestos containing material means any material of thing that, as part of its design, contains asbestos.

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

Asbestos-related work means work involving asbestos that is permitted under the Work Health and Safety Regulation 2011, other than asbestos removal work.

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

Asbestos removal work means:

- Work involving the removal of asbestos or asbestos containing material, or
- Class A asbestos removal work or Class B asbestos removal work.

Asbestos removalist means a person conducting a business or undertaking who carries out asbestos removal work.

Asbestos waste means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposal tools.

Bonded asbestos see **friable asbestos**

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

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

Class A asbestos removal work means the removal of friable asbestos which must be licensed under clause 485 of the *Work Health and Safety Act 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 licensed 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 handling practice. Depending on the role of the person they may also require qualifications or licenses (eg. A person who issues a Clearance Certificate – see definition ‘*specified Vocational Educational and Training*’)

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

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

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

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

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

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

Development means:

- 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 *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
- 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 measure 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 reduce 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 reaction 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 '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 *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 Vocational Education and Training course means:

- a) In relation to Class A asbestos removal work – the following Vocational Education and Training courses:
 - i. Remove non-friable asbestos
 - ii. Remove friable asbestos, or
- b) In relation to Class B asbestos removal work – the Vocational Educational and Training course Remove non-friable asbestos, or
- c) In relation to the supervision of asbestos removal work – the Vocational Education and Training course Supervise asbestos removal, or
- d) In relation to asbestos assessor work – the Vocational Education and Training course Conduct asbestos assessment associated with removal.

Structure means anything that is constructed, whether fixed or movable, 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 C

Relevant Contacts

Lithgow City Council

General, waste disposal and development-related enquires

Lithgow City Council

- General, technical and development-related enquires.

Street address: 180 Mort Street, Lithgow NSW 2790

Postal address: PO Box 19, Lithgow NSW 2790

Telephone: (02) 63549999

Email: council@lithgow.nsw.gov.au

Website: www.lithgow.nsw.gov.au

- Lithgow Solid Waste Depot

Street address: Off Geordie Street, Lithgow NSW 2790

Telephone: 0417226429

Asbestos-related disease organisations (non-exhaustive)

Asbestos Diseases Foundation Australia

Phone: (02) 9637 8759

Helpline: 1800 006 196

Email: infor@adfa.org.au

Website: www.adfa.org.au

Asbestos Disease Research Institute

Phone: (02)9767 9800

Email: infor@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 Contractor

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

Asbestos Removal Contractors Association NSW (ARCA)

Phone: (02) 8586 3579

Email: infor@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

Website: www.civilcontractors.com

Demolition & Contractors Association (DCA) NSW

Phone: 1300 65 3282

Email: demolitionassn@bigpond.com

Website: <http://demolitioncontractorsassociation.com.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

Masters Builders Association (MBA)

Phone: (02) 8586 3555

Website: www.masterbuilders.com.au

Asbestos Removal Contractors Association NSW (ARCA)

Phone: (02) 8586 3579

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.safework.nsw.gov.au

Appendix D

Waste Management Facilities that accept Asbestos Waste

Below is a list of waste management facilities that are located within the Central West of NSW and are licensed to accept and dispose of asbestos waste. This list was obtained from the EPA.

Always contact the landfill beforehand to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill.

Bathurst	Bathurst Waste Management Centre, College Road, Bathurst; (02) 6332 9111
Blayney	Blayney Waste Disposal Depot, Mid Western Highway, Blayney; (02) 6368 3639
Broken Hill	Broken Hill Waste Depot, Wills Street, Broken Hill; (08) 8080 2270
Cootamundra	Cootamundra Landfill, Turners Lane, Cootamundra; (02) 6940 2100
Cowra	Cowra Material Recycling Facility, Glenlogan Road, Cowra; (02) 6340 2140
Dubbo	Whylandra Waste Disposal Depot, Cooba Road, Dubbo; (02) 6801 4000
Forbes	Daroobalgie Waste Depot, Daroobalgie Road, Forbes; (02) 6850 1300
Lithgow	Lithgow Solid Waste Depot, Geordie Street, Lithgow; (02) 6354 9999
Mudgee	Mudgee Waste Facility, Hill End Road, Mudgee; (02) 6378 2770
Narromine	Narromine Waste Facility, Gainsborough Road, Narromine; (02) 6889 9999
Orange	Ophir Road Resource Recovery Centre, 261 Ophir Road, Orange; (02) 6393 8861
Parkes	Parkes Waste Depot, Brolgan Road, Parkes; (02) 6861 2373
Wellington	Wellington Waste Disposal Depot, Nanima Road, Wellington; (02) 6840 1722

Source: EPA Website: <http://www.epa.nsw.gov.au/waste/asbestos/cwasbestos.htm> accessed 2 December 2014

Please note that while every effort has been made to ensure that the information provided is correct and useful, neither Council nor the EPA endorse any of the landfills listed or guarantee that they will accept asbestos under all circumstances. Users are responsible for checking these details before taking asbestos to the landfills listed.

Appendix E

Asbestos-Related Legislation, Policies and Standards

- Demolition Work Code of Practice 2015
- Contaminated Land Management Act 1997
- Code of practice on how to manage and control asbestos in the workplace published by WorkCover NSW
- Code of practice on how to safely remove asbestos published by WorkCover NSW
- Code of practice for demolition work published by Safe Work Australia, 2012
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Protection of the Environment Operation (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
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Worker’s Compensation (Dust Diseases) Act 1942

Appendix F

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 supplies from 1903 locally made 'fribrolite' from 1917
Cement roofing/ lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor ties impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbletone decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from 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 other local government areas.
Asbestos rope gaskets for wood heaters. Heaters and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

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

Further information in relation to asbestos containing materials is available from the following websites.

- [Asbestos – a guide for householders and the general public](#)
- [Common locations of materials containing asbestos in a house](#)
- [Common locations of materials containing asbestos in a 1970s house](#)
- [Common locations of materials containing asbestos in a commercial building](#)
- [Where may asbestos be found in a home?](#)