

Our ref: Sub-723

Endorsed by LGNSW Board
in June 2023

20 June 2023

NSW Environment Protection Authority
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Via email: CLM.Consultation@epa.nsw.gov.au

Draft position statement: management of asbestos-contaminated sites

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to provide feedback on the *Draft position statement: management of asbestos-contaminated sites*. The statement is a great step forward in explaining some of the complex questions that are frequently asked by stakeholders.

Following are the LGNSW comments and feedback in table format arranged by the sub sections as presented in the statement.

This is a draft submission and is subject to review and approval of the LGNSW Board. Any changes will be advised at the earliest opportunity.

Sub-Section	LGNSW comments and feedback
<i>NSW regulatory framework</i>	How should councils determine if land is impacted by asbestos waste vs poor historical on-site management of asbestos materials? Many sites will have no history of how or when the site was contaminated by asbestos.
<i>Remediating sites contaminated with asbestos</i>	For sites that are also workplaces what is the process and/or procedure for determining and resolving the multiple asbestos regulatory requirements? E.g. is there a hierarchy of legislation?
<i>When can asbestos-contaminated soils be buried?</i>	How are the boundaries and extent of a “site” determined?
<i>When can asbestos-contaminated soils be remediated?</i>	How should councils determine if a site relates to remediation of historic or legacy contamination associated with past site uses, rather than illegal waste dumping activities? Many sites do not have a history of when asbestos contamination occurred.

Sub-Section	LGNSW comments and feedback
<i>Are asbestos-contaminated soils that have been remediated a reusable resource or a waste?</i>	In what circumstances is the on-site re-use of asbestos contaminated soil considered re-use and recycling of asbestos waste as per section 144AAB of the <i>Protection of the Environment Operations Act 1997</i> ?
<i>Under what conditions can remediated soils be used under the contaminated land regulatory framework?</i>	Can asbestos contaminated soils that are within the Health Screening Levels (HSLs) of the National Environment Protection Measure be repeatedly disturbed, moved to another area of the same site, stockpiled or used on the same site in perpetuity? Or is there a limitation before reassessment is required?
<i>Can I use clean-up goals that vary from the HSLs?</i>	For sites where there are no risks of exposure to humans and no risk of pollution, can acceptable asbestos levels be determined based on the specific site characteristics and human health risk assessment?
<i>Do the WA Asbestos Guidelines apply in NSW?</i>	Can the specific sections where the WA guides and the NSW advice differ be highlighted and provided as a public resource?
<i>Future considerations</i>	Supported. A comprehensive guide that includes all of the legislative requirements and how to manage them would be of benefit to all stakeholders. A flow chart on how to navigate this complex regulatory framework would be of great use.

LGNSW recognises that the management of asbestos contaminated sites is part of the complex legislative framework that regulates asbestos in NSW. LGNSW welcomes the EPA's commitment to improving this framework and supports current and future efforts to improve the management and regulation of asbestos in NSW.

For further information, please contact Daniel Adler Project Manager – Asbestos Policy, on daniel.adler@lgnsw.org.au or 9242 4128.

Yours sincerely



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