

Asbestos removal – exempt and complying development

Exempt and complying development carried out under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* must comply with safe asbestos removal requirements.

Many buildings constructed or renovated before 1990 may contain asbestos¹. A licensed asbestos assessor can inspect your property to help you plan for asbestos removal and manage asbestos risks in your home. The removal of asbestos may be carried out as part of either exempt or complying development if certain requirements are met.

Important information for renovators and owner-builders

As the property owner, it is your obligation to find out if you need planning or other approvals for the proposed work.

[Find out more about the approvals required](#)

This fact sheet is not legal advice

This fact sheet provides general information only. Do not rely solely upon the information it contains when deciding to develop on land where a covenant is in place or determining a complying development certificate. When in doubt, get independent legal advice.

Exempt development

Many types of home renovations and minor building projects don't need approval from a council or accredited certifier. This includes demolishing and replacing kitchens, bathrooms, doors, windows, ceilings, patios and car ports. These types of projects are called exempt development. If the building

¹ While the use of asbestos in construction materials was phased out in the 1980s, some buildings, particularly commercial buildings, may contain asbestos if constructed or renovated prior to 2004. Asbestos was completely banned on 31 December 2003.

project meets specific standards and land requirements, you don't need planning or building approval.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out the standards you must comply with for most exempt development works.

Complying development

Complying development is a joint planning and construction approval that a council or a private certifier can grant. The works that can be done as complying development include constructing a new house or industrial building, altering or adding to a house, demolishing a building and changing the business use of a commercial or industrial building.

When you carry out demolition or building works as complying development, the NSW Environmental Planning and Assessment Regulation 2021 requires a complying development certificate to be issued with conditions that ensure asbestos is safely removed and disposed of.

Removal requirements

For exempt or complying development that involves the removal of any amount of friable asbestos or more than 10 m² of bonded non-friable asbestos, you need to contract a suitably licensed person to do the work. Certain businesses are licensed to undertake asbestos removal work under the NSW Work Health and Safety Regulation 2017.

If the work includes removing less than 10 m² of non-friable asbestos, property owners or tradespeople are allowed to do the work. However, we strongly recommend using a licensed removalist as there is no safe level of exposure to asbestos.

If the development site is considered to be a workplace under the Work Health and Safety Regulation, (for example the work will be undertaken by tradespeople), asbestos removal work must also comply with this regulation and the Code of Practice on How to Safely Remove Asbestos published by SafeWork NSW. It is important that anyone removing asbestos is aware of these requirements.

Safety

All asbestos-containing materials can be dangerous if damaged, disturbed or deteriorating. If you need to work with a small amount of material that may contain asbestos, you must make sure that you don't undertake any activity that can release asbestos fibres from non-friable asbestos into the air. This includes cutting, drilling, sanding, scraping, scrubbing and water-blasting.

The [Asbestos in NSW website](#) has a [planning checklist for DIYers](#) and information and instructional videos for DIYers and tradies on [how to safely remove asbestos](#).

The Asbestos and Silica Safety and Eradication Agency publication [Asbestos safety for homeowners](#) also provides guidance on where you might find asbestos, the laws that relate to asbestos management and removal and how to safely remove less than 10 m² of non-friable asbestos.

Disposal and transport of asbestos materials

You can only dispose of asbestos waste at a [landfill site licensed to accept it](#). You cannot dispose of it into demolition waste skip bins or kerbside bins.

We strongly recommend using a licensed asbestos removalist to dispose of asbestos waste.

Householders transporting household asbestos waste are also required by the NSW Environment Protection Authority (EPA) to provide information about that waste. More information can be found on the [EPA website](#).

The Asbestos in NSW website has information and instructional videos for DIYers and tradies on the [safe handling and disposal of asbestos waste](#).

Illegal works

Inform your local council if you are aware of anyone removing asbestos:

- without approval when one is required
- as exempt or complying development but in breach of the standards (such as unlicensed removal of friable asbestos or over 10 m² of non-friable asbestos).

Councils have a range of powers under the NSW *Environmental Planning and Assessment Act 1979* to address illegal works. This includes issuing stop work, stop demolition and compliance orders. The powers can be used where works are carried out in breach of a planning approval or undertaken without approval where one is required (such as if exempt development standards are not met).

The NSW *Local Government Act 1993* and *Protection of Environment Operations Act 1997* also provide for orders and penalties for improper handling and disposal of waste.

If you are aware of illegal asbestos work being carried out in a workplace, contact [SafeWork NSW](#).

Penalties for improper disposal

Fines of up to \$15,000 for an individual and \$30,000 for a company apply if wrongdoing is found regarding asbestos waste. Penalties of up to \$4,000,000 apply if the matter is heard in a court.

The EPA or local council can also issue clean-up and prevention notices, which require landowners and/or polluters to address pollution incidents. If an individual or company is served with a clean-up notice, they must pay for the cost of cleaning up and safely disposing of the waste.

Illegal dumping

If you are aware of any illegal dumping of asbestos, please call 1800 Asbestos (1800 272 378) or the NSW EPA Environment line on 131 555 to report it.

Useful resources

- [Asbestos in NSW – Identification, Removal, Disposal and Safety information](#)
- [Safework NSW – Asbestos](#)
- [Facilities that accept household asbestos](#)
- [Licensed asbestos assessors and removalists](#)
- [Find your local council](#)
- [Environmental Planning and Assessment Regulation 2021](#)
- [Protection of the Environment Operations \(Waste\) Regulation 2014](#)
- [Work Health and Safety Regulation 2017](#)