

## **ADDENDUM REPORT**

### **REPORTS THROUGH THE ACTING GENERAL MANAGER**

#### **REPORTS FROM THE ACTING DIRECTOR PLANNING AND REGULATION**

**a23 [PR-CM] Asbestos Management Policy - Version 1.0**

#### **ORIGIN:**

**Director**

#### **SUMMARY OF REPORT:**

The NSW Ombudsman's Office undertook an investigation into how asbestos is dealt with in New South Wales. As a result of these investigations the Ombudsman has made a number of suggestions in accordance with Section 31AC of the Ombudsman Act 1974. In response to these suggestions, an Asbestos Management Policy has been drafted, which complies with relevant legislation and WorkCover NSW guidelines.

The draft Asbestos Management Policy Version 1.0 is attached and it is recommended that Council formally places the draft Policy on exhibition for a period of 28 days in accordance with Section 160 (2) of the Local Government Act 1993.

#### **RECOMMENDATION:**

**That:**

- 1. The draft Asbestos Management Policy Version 1.0 be exhibited for a period of 28 days in accordance with Section 160 (2) of the Local Government Act 1993.**
- 2. A further report is presented to Council, which is to include any submissions made, following the exhibition period.**

## ADDENDUM REPORT

### REPORT:

The NSW Ombudsman's Office undertook an investigation into how asbestos is dealt with in New South Wales. As a result of these investigations the Ombudsman has made a number of suggestions in accordance with Section 31AC of the Ombudsman Act 1974:

1. Council review its policies, practices and procedures to ensure they comply with the relevant legislation and WorkCover NSW guidelines.
2. Council review the contents of its web site and in relevant publications to ensure they contain information relating to asbestos which includes:
  - a. council's roles and responsibilities in relation to asbestos,
  - b. licencing requirements for asbestos removals,
  - c. local council requirements for demolitions and renovations of buildings containing asbestos,
  - d. council regulatory measures in place to ensure compliance when demolitions and development are carried out, and
  - e. links to relevant government web sites containing up to date information on dealing with asbestos.

In response to the Ombudsman's suggestions, an Asbestos Management Policy has been drafted, which complies with relevant legislation and WorkCover NSW guidelines and is included in this report.

As a further response, Council has implemented an *Asbestos - Community Information* page accessible from the Planning/Building Development, Environmental Health and Community sections of the website. The *Asbestos - Community Information* is accessible from the following link [www.tweed.nsw.gov.au/asbestos](http://www.tweed.nsw.gov.au/asbestos) and contains information on:

- a. Council's roles and responsibilities in relation to asbestos;
- b. Licensing requirements for asbestos removals;
- c. Council requirements for demolitions and renovations of buildings containing asbestos;
- d. Regulatory measures in place to ensure compliance when demolitions and development are carried out; and
- e. Relevant links.

## ADDENDUM REPORT



Policy

### Asbestos Management Version 1.0

Adopted by Council at its meeting on xx  
Minute No: xx

Division:	Planning and Regulation
Section:	Building and Health
File Reference:	N/A
Historical Reference:	N/A

## ADDENDUM REPORT

### Asbestos Management

#### Purpose and Scope

Tweed Shire Council has developed this policy to inform the community of the serious health hazard and associated risks posed during the demolition, removal, storage, transportation and disposal of asbestos containing material and the minimum requirements that must be adhered to as determined by legislation.

The aim of this document is to outline the following:-

- General information and guidance
- Council's roles and responsibilities
- Licensing requirements for asbestos removal
- Council requirements for demolitions and renovations of buildings containing asbestos
- Regulatory measures in place to ensure compliance when demolitions and developments are carried out
- Disposal requirements within the shire
- Access to further information

#### Definitions

**Asbestos** means the fibrous form of those mineral silicates that belong to the serpentine or amphibole groups of rock-forming minerals, including actinolite, amosite (brown asbestos), anthophyllite, chrysolite (white asbestos), crocidolite (blue asbestos) and tremolite.

**asbestos work** means work undertaken in connection with a construction or demolition work process in which exposure to asbestos may occur and includes any work process involving the use, application, removal, mixing or other handling of asbestos or asbestos-containing material.

**bonded asbestos** material means any material (other than friable asbestos material) that contains asbestos, bonded asbestos removal work means work in which bonded asbestos material is removed, repaired or disturbed.

**friable asbestos material** means any material that contains asbestos and is in the form of a powder or can be crumbled, pulverised or reduced to powder by hand pressure when dry.

**friable asbestos removal work** means work in which friable asbestos material is removed, repaired or disturbed.

## ADDENDUM REPORT

### General Information and Guidance

#### What is asbestos?

Asbestos is the name given to a group of fibrous silicate minerals that occur naturally in the environment.

It was commonly used in many building materials between the 1940's and late 1980's because of its durability, fire resistance and excellent insulating properties. It was also used in brakes, clutches and gaskets of many cars.

The presence of asbestos only poses a risk if it is:

- broken
- in poor deteriorated condition; or
- disturbed during activities that produce dust containing asbestos fibres.

There are two major groups of asbestos, the serpentine and amphibole group. The serpentine group contains chrysotile, commonly known as white asbestos. The amphibole group contains amosite (brown asbestos), crocidolite (blue asbestos) and other less common types.

Since 31 December 2000, using all forms of asbestos has been banned.

#### Effects on Health

Asbestos is formed in fibre bundles and, as it is further processed or disturbed, the fibre bundles become progressively finer and more hazardous to health. The small fibres are the most dangerous.

They are invisible to the naked eye and, when inhaled, penetrate the deepest part of the lungs (respirable fibres).

Significant health risks may arise from the inhalation of airborne asbestos fibres. Compared with straight amphibole fibres, such as amosite and crocidolite, chrysotile fibres are curly and less likely to penetrate the deepest parts of the lung.

Breathing in fibres brings a risk of asbestosis, lung cancer and mesothelioma. Evidence suggests that asbestos causes gastrointestinal and laryngeal cancers in humans, but to a far lesser extent than lung cancer. Usually, asbestos-related diseases have a delay or latency period of 20 to 40 years between first exposure and the onset of symptoms and detection of the disease. Asbestos-related diseases can appear or progress even after a person is no longer exposed.

Asbestosis is the scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some case, death. Minor changes in X-ray images may be detected for many years without any symptoms of asbestosis or progression of the disease.

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

## ADDENDUM REPORT

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). The risk of mesothelioma is less with chrysotile than with other types of asbestos.

Both pleural and peritoneal mesothelioma can result from exposure to amosite and crocidolite.

Exposure of humans to chrysotile alone has caused few pleural mesothelioma, and has never produced peritoneal mesothelioma without exposure to either amosite or crocidolite. Mesothelioma rarely occurs in less than 15 years from first exposure, and most cases occur over 30 years after first exposure.

As for many cancer-causing substances, no safe level of exposure for lung cancer or mesothelioma has been identified. However, the amount of asbestos fibre in the air that people inhale is the important factor in determining the level of health risk. The highest risks involve inhaling air that contains a high concentration of asbestos fibre.

### Classification of Asbestos

Bonded asbestos material is any material that contains asbestos in a bonded matrix. It may consist of hardened cement or various resin/binders and cannot be crushed by hand when dry.

Asbestos cement products that may be found around the home include:

- Flat (fibro) or corrugated sheeting;
- Water or flue pipes;
- Roof shingles and
- Imitation brick cladding.

Friable asbestos material is any material that contains asbestos and is in the form of a powder or can be crumbled, pulverized or reduced to powder by hand pressure when dry.

Examples of friable products are:

- Sprayed limpet;
- Millboard, pipe and boiler lagging and
- Commercial ceiling insulation.

### What does asbestos look like and where can it be found?

It is difficult to identify the presence of asbestos by eye. As a general rule, certain building materials installed before the late 1980's may contain asbestos. Only fibro products made before 1987 contain asbestos.

The only way to be certain is to have a sample analysed by a NATA laboratory that is accredited to identify asbestos. Qualified Occupational Hygienist or licenced asbestos removal contractors can conduct inspections and arrange for testing.

## ADDENDUM REPORT

If you do not want to go to the expense of testing to determine if asbestos is present, then the material must be treated as though it contains asbestos (all WorkCover licensing and Council requirements must still be followed where applicable).

The checklist below is a guide to assist you in locating asbestos in your home before you commence any renovations or building works:

### Residential premises

Bathroom, Toilet, Laundry	Asbestos cement (AC) sheet walls, ceilings and floors
Kitchen	Vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles
Living areas	Insulation in wood heaters, AC sheeting beneath wood heater hearths
Backyard	Garages, carports and garden sheds
Exterior	Lining under eaves, flat, patterned and corrugated wall and roof sheeting and imitation brick cladding
Other	Electrical meter boards, insulation to hot water pipes and brake and clutch linings

### Commercial premises

Wet Areas e.g. bathrooms etc	Behind tiles in wet areas
Piping	Lagging on water pipes, asbestos cement piping (e.g. heater flues)
Walls and roofs	Flat, patterned or corrugated AC sheeting used for walling and roofing. Bituminous waterproof membrane on flat roofs
Other	Fire doors. Electrical switchboards and duct heater units. Lift motor rooms and asbestos rope/fabric in expansion joints (e.g. heater and other exhaust flues)

### What should I do if I find asbestos?

In many cases the presence of asbestos-containing building materials in the home is no cause for alarm and these materials can be left in place. For example, internal asbestos sheet walls or ceilings that are in good condition and coated with paint do not pose a risk to health. If you are undertaking any do-it yourself renovations you must ensure that you comply with all of WorkCover's requirements for handling or removing asbestos.

Remember any damaged or broken asbestos must be removed as it poses a health hazard due to asbestos fibres being released.

### Can I remove asbestos from my home myself?

A householder may legally remove less than 10m<sup>2</sup> of bonded asbestos from their property. As asbestos poses a health risk during removal, packaging, transport and disposal, it is important that it is handled safely during these operations. Refer to WorkCover Guide 2008 – Working with Asbestos.

## ADDENDUM REPORT

Removal of amounts of bonded asbestos sheeting greater than 10 square metres must be done by a licensed person.

Friable asbestos of any quantity must only be removed by a WorkCover licensed contractor.

### How to work safely with asbestos?

Because of the health risks that asbestos poses it is important to ensure certain precautions are adhered to. Information on the minimum requirements can be found on the websites under the 'How do I find further information' section at the end of this Policy.

### Licensing Requirements for Removing Asbestos

Since January 2008, a bonded asbestos licence has been required in NSW to remove more than 10m<sup>2</sup> of bonded asbestos material. A licensed bonded asbestos removalist can remove any amount of bonded asbestos material.

A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. A friable asbestos removalist can remove any quantity of bonded and/or friable asbestos

Licensing for asbestos removalists is regulated and administered by WorkCover NSW.

### Note:

Asbestos inappropriately buried (not in accordance with environmental legislation) is considered friable asbestos material.

Any asbestos cement products that have been subjected to weathering, damage by hail, fire or water blasting, are considered to be friable asbestos and an asbestos removal contractor with a WorkCover licence for friable asbestos is required for its removal. Refer to WorkCover Guide 2008 – Working with Asbestos.

### How do I find an Asbestos Contractor?

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 (02) 8586 3521

Verification of an asbestos removal contractors licence can be checked by contacting the WorkCover NSW's Certification Unit on 13 10 50.

### **Council's roles and responsibilities**

Council has obligations under various provisions of the Protection of the Environment Operations Act 1997 and the Contaminated Land Management Act 1997.

The Protection of the Environment Operations Act 1997 empowers Council to issue environment protection notices.



## ADDENDUM REPORT

Clean-up notices may direct an occupier of premises at or from which Council reasonably suspects that a pollution Incident has occurred, or a person reasonably suspected of causing or having caused pollution, to take clean-up action specified in the notice. This would include the unsatisfactory storage and or disposal of asbestos.

Prevention notices can be issued if the appropriate regulatory authority reasonably suspects that any activity has been or is being carried out in an environmentally unsatisfactory manner at any premises or by any person. Prevention notices require that action specified in the notice be taken, fees are payable to Council, for the issuing of clean-up and prevention notices.

There is a right of appeal to the Land and Environment Court.

Council may also issue a notice directing the owner of a property to remove any damaged and broken asbestos for example, a damaged asbestos fence.

### **Renovation or demolition application requirements involving asbestos**

As indicated previously buildings erected before the mid 1980's may contain asbestos so if you are considering making changes to your building and particularly if you are going to undertake these works yourself you will first need to determine if your building contains asbestos and if so find out what you need to do to safely remove and dispose of asbestos keeping in mind that any work involving the removal of more than 10m<sup>2</sup> of bonded asbestos requires that the work be done by a licensed bonded asbestos removalist.

Examples of where asbestos can be commonly found in buildings include:

- Fibro sheeting (used to line or clad garages, bathrooms, kitchens laundries and external walls)
- Roofs (including eaves and gables)
- Vinyl tiles and backing
- Bathroom floors
- Guttering and downpipes
- Drainage and flu pipes

If development is undertaken by contractors, as is the case with a lot of home renovations, then the work is taken to be a workplace of employment and then the occupation Health and Safety Regulation 2001 (OH&S Regulation) would apply automatically. The OH&S Regulation provides appropriate safeguards and licencing requirements for the handling and removal of asbestos where a work place is involved.

### **Do you need Development approval or other types of approval to carry out the work?**

Most building or demolition work requires some form of approval so before erecting a building, making any alterations additions to a building or demolishing a building you will need to determine if approval is first required by way of a Development Consent or Complying Development Certificate.

## ADDENDUM REPORT

Information relation to when an approval is required, the types of approvals required and what is required to be submitted with an application for approval is available on Councils web site [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) under Our Services – Planning/Development/Building or you can contact Councils Planning and Regulation Division on (02) 6670 2400 who will assist with your enquiry.

### Disposal and transportation of asbestos waste

Council is licenced by the Department of Environment and Climate Change to receive asbestos waste at the Stotts Creek Resource Recovery Centre located on Leddays Creek Road, Eviron.

Council will only receive asbestos that has been collected, stored and transported as per the requirements of WorkCover Guide 2008 – Working with Asbestos.

All asbestos must be declared upon arrival at the weighbridge, and will be directed to a dedicated area of the landfill. It is an offence to provide false or misleading information in relation to disposal or intent to dispose of asbestos material.

Further specific requirements and information related to disposal of asbestos may be obtained by contacting Council's Waste Management Section on (02) 6670 2595.

### **How do I find further information?**

Further information relating to the handling, safe work procedures, identification, health precautions, transporting and legislative requirements can be obtained from the following websites.

#### **NSW Government**

Fibro and Asbestos – a Practical Guide

<http://more.nsw.gov.au/fibro>

#### **NSW Department of Environment, Climate Change and Water**

Safely disposing of asbestos waste

<http://www.environment.nsw.gov.au/waste/asbestos/index.htm>

#### **WorkCover NSW**

Asbestos, Fibro and Demolition: Guide

[http://www.workcover.nsw.gov.au/Publications/LicensingRegistrationandNotification/AsbestosFibroDemolition/Pages/working\\_with\\_asbestos\\_guide.aspx](http://www.workcover.nsw.gov.au/Publications/LicensingRegistrationandNotification/AsbestosFibroDemolition/Pages/working_with_asbestos_guide.aspx)

#### **Education campaign material from NSW Government, the ACTU and James Hardie**

Think Asbestos

<http://www.thinkasbestos.com.au/ta/home.aspx>

#### **Asbestos Removal Contractors Association of New South Wales**

[www.arca.asn.au](http://www.arca.asn.au)

## ADDENDUM REPORT

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

### POLICY IMPLICATIONS:

Once adopted will become a Policy of Council.

### UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any **"non confidential"** attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

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## **ADDENDUM REPORT**

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