

CHIEF MINISTER TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE

BUDGET ESTIMATES 2016-17 BRIEF

OUTPUT CLASS 2.1

BUDGET STATEMENT B

Page 31-32

Day 10: Thursday 30 June 2016

Minister: Workplace Safety and Industrial Relations

Correct and accurate as at: 22 June 2016

ISSUE: Soil Validation and Deregistration Processes

Loose Fill Asbestos Insulation Eradication Scheme

What confidence can owners and the community have in the repurchase of remediated Mr Fluffy blocks?

Talking Points

- The Environment Protection Authority (EPA) has confirmed that the affected properties are not contaminated land and hence there is no regulatory clearance process governing the soil clearance of affected blocks.
- A standardised “Soil Validation” process has been designed and implemented by the Taskforce specifically for the Loose Fill Asbestos Insulation Eradication Scheme (the Scheme), in consultation with ACT EPA and WorkSafe ACT, based on relevant regulatory standards and contaminated site industry best practice.
- Deregistration of an Affected Block from the Affected Residential Premises Register (the Register) only occurs after an Asbestos Assessment, Certificate of Demolition, Asbestos Removal Clearance Certificate and Soil Validation Report (with all test results negative) have been issued and the Register Delegate is satisfied the block has been satisfactorily remediated.
- The Taskforce is finding that in general, after all the asbestos removal, soil removal and soil remediation steps are followed by contractors, approximately 15 per cent (37) of the blocks have a positive sample found in the initial round of soil testing. Of those blocks, generally only one or two samples have been found to contain asbestos fibres (ie. hotspots). Where ‘hotspots’ are found additional soil is removed from the site and the area is re-tested until all soil samples test negative for asbestos fibres.
- The soil validation process provides buyers with an assurance that the blocks are clear for reoccupation and that the demolition and soil works have been completed to the best available standards.
- The Taskforce does not and cannot guarantee that a deregistered block is free from residual asbestos fibres or other contaminants that are typically present on most residential properties, such as bonded asbestos, arsenic and lead. To attempt to provide such a warranty would require significant cost and be environmentally prohibitive and likely involve the excavation of the entire block, corner to corner. The approach adopted is evidence-based and consistent with nationally established standards for testing.
- All block sales contracts include provisions that clearly disclose that the Taskforce makes no warranty as to the condition of the soil or the existence or non-existence of contamination of soil for blocks sold through the Scheme. This approach is recognized by the Law Society as better practice as their recommended standard contract (CS06.2013) includes a similar “no warranties” provision relating to the “condition of the Land”. (Refer Law Society Clause 7.3 and Taskforce Clause 9.1). The LDA sales contract also includes the same “no warranties” provision.

Background

The soil validation process is conservative in design as it involves testing the soil in the demolition work area at twice the rate that is recommended in the key regulatory document (Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia, 2009) and in accordance with standards required for industrial contaminated sites in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM). For most sites this involves taking 10-15 samples which are sent to a National Association of Testing Authorities (NATA) accredited laboratory for analysis.

Deregistration of a remediated property from the Affected Residential Premises Register requires a separation of process whereby the licensed asbestos assessor and the soil validator are neither the same person nor employees of the same company; they are also independent from the head demolition contractor.

The soil validation assessment report associated with the deregistration of an affected block from the Register is limited to providing an assurance that acceptable soil sampling techniques were used to provide evidence that the soil at risk of containing loose fill asbestos (ie. the demolition work area) achieved test results below the nationally accepted thresholds agreed in the NEPM and subsequently the land is suitable for residential use.

The Taskforce has established clear and conservative guidelines that require soil validators to apply twice the minimum sampling rate contained within the “Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia, 2009” and works are to be carried out in accordance with the *National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)*.

Soil validation reports and subsequent deregistration of an Affected block from the Register is not a guarantee that all loose fill asbestos fibres have been removed from the site or that other contaminants, common in most residential properties (such as lead, arsenic or bonded asbestos) have been assessed or removed. Subsequently it is important to note that undetected residual fibres may remain on site, however, based on the NEPM testing approach these fibres would present a very low risk to human health, be within accepted national standards and would not be outside the expected realm of levels currently existing on non-affected blocks.

Contaminants affect the soil of most properties in established suburbs across Canberra, this includes asbestos. The legacy of ‘Mr Fluffy’ has been removed through remediation of Affected properties, as far as reasonably practicable to a point that they are comparable to other residential properties.

The soil validation policy and process is a core component of the deregistration of Affected blocks and is available on the Taskforce website.

It is important to note that the Soil Validation process ensures surface contamination is as low as reasonably practicable, but cannot guarantee that asbestos fragments from earlier building activities were not buried by builders or previous owners.

One sold block has been found to have some buried asbestos cement sheeting – this process is under the control of the new owner who is responsible for management of these asbestos materials.

The Land Titles Register, Building file and Planning and Land Management database relevant to the remediated block contain details of the remediation and deregistration of the block. These records are discoverable by prospective buyers during conveyancing.

Cleared as accurate and complete as at 22 June 2016

By: Chris Reynolds, Executive Director, Program, Governance and Risk
Action Officer: Caroline Reid, Senior Manager Technical and Regulation

Ext: 75432
Ext: 55206

From: Griffiths, Louise (CSD)
Sent: Monday, 5 February 2018 3:49 PM
To: Willimott, Samantha
Subject: RE: 13 Mitchell St Griffith Soil Validation Report [SEC=UNCLASSIFIED]

Thanks I have added to CRM

Louise Griffiths
Senior Manager Personal Support Team
Phone: +61 2 6205 4771 Mobile : [REDACTED]
Email: Louise.Griffiths@act.gov.au
ACT Asbestos Response Taskforce - Personal Support Team - Environment, Planning and Sustainable Development
Directorate - ACT
Level 2, 221 London Circuit, Canberra City / GPO Box 158 Canberra ACT 2611 / www.act.gov.au

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Willimott, Samantha
Sent: Monday, 5 February 2018 2:58 PM
To: Griffiths, Louise (CSD) <Louise.Griffiths@act.gov.au>
Subject: FW: 13 Mitchell St Griffith Soil Validation Report [SEC=UNCLASSIFIED]

FYI

Samantha Willimott | Demolition Program Manager
Phone: 6205 8668 | Email: samantha.willimott@act.gov.au
Asbestos Response Taskforce | Acquisition, Demolition and Sales | Environment, Planning and Sustainable Development
Directorate | ACT Government
Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au
| www.environment.act.gov.au | www.planning.act.gov.au

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Willimott, Samantha
Sent: Monday, 5 February 2018 2:03 PM
To: [REDACTED]
Subject: RE: 13 Mitchell St Griffith Soil Validation Report [SEC=UNCLASSIFIED]

Hi [REDACTED]

We don't receive a plumbing certificate, however the demolition contractor is required to organise a plumbing and drainage inspection with Access Canberra as part of the Certificate of Completion of Demolition process.

You may wish to contact Access Canberra's Plumbing and Gas team on 6207 6907 or 6207 1923 should you wish to discuss this further.

Cheers
Sam

Samantha Willimott

Phone: 6205 8668 | Email: samantha.willimott@act.gov.au

Asbestos Response Taskforce | Acquisition, Demolition and Sales | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [REDACTED]
Sent: Monday, 5 February 2018 1:15 PM
To: Willimott, Samantha <Samantha.Willimott@act.gov.au>
Subject: Re: 13 Mitchell St Griffith Soil Validation Report [SEC=UNCLASSIFIED]

Thanks Samatha,

Can I also have all other certificates relating to the demolition. I am particularly interested in the plumbers certificate that the plumbing has been terminated in accordance with ACTEWAGL regulations.

Regards
[REDACTED]

On 5 Feb 2018, at 12:56 pm, Willimott, Samantha <Samantha.Willimott@act.gov.au> wrote:

Hi [REDACTED]

As discussed on the phone with Jayne, please find attached a copy of the Soil Validation Report for 13 Mitchell St, Griffith.

Regards
Sam

Samantha Willimott

Phone: 6205 8668 | Email: samantha.willimott@act.gov.au

Asbestos Response Taskforce | Acquisition, Demolition and Sales | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

<Soil Validation for 13 Mitchell Street, Griffith.pdf>

From: [Reece, Jayne](#)
To: [Griffiths, Louise \(CSD\)](#)
Subject: FW: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Tuesday, 6 February 2018 10:03:42 AM
Attachments: [Work Safe Australia - mcop-demolition-work-v4.pdf](#)
[ART - DemolitionBooklet-April2017.pdf](#)
[ACTEWAGL - Demolition-checklist-water-sewer.pdf](#)
[ACTEWAGL - Statement-of-compliance-factsheet-water-sewer.pdf](#)
[IMG_7057.jpg](#)
[IMG_7046.jpg](#)
[IMG_7048.jpg](#)
[IMG_7050.jpg](#)
[IMG_7051.jpg](#)
[IMG_7053.jpg](#)
[IMG_7054.jpg](#)
[IMG_7055.jpg](#)
[IMG_7056.jpg](#)

FYI and for CRM

Jayne Reece

Director |Asbestos Response Taskforce| Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Monday, 5 February 2018 9:34 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>; Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith)

Attention Asbestos Response Taskforce,

We are taking this opportunity to document our conversations to date with the Asbestos Response Taskforce regarding Block 9 Section 32 Griffith (13 Mitchell Street, Griffith).

As discussed with your office, on Friday 2 February my builder commenced preparing the site for the slab. However as part of the preparation he found all existing plumbing (both clay and PVC pipes - refer to attached photos) still is situ on site.

Even more distressing is that as part of the site preparation, he found also bonded asbestos in an area on site (refer to attached photos). This bonded asbestos is now mixed in with the soil which was scraped from the site for the preparation of the slab and thus the soil is contaminated.

On finding out about this situation we immediately contacted the Asbestos Response Taskforce to understand how we could proceed with the building process with the issues on hand. To my surprise the Taskforce said that they are not responsible for the issues in any shape or form and referred me to the contract for sale and told me to log the issue with WorkSafe ACT. They also advised me that there was a Site Soil Variation Report done on samples of the site and an asbestos clearance certificate issued indicating there were no issues with the site.

While we appreciate the report suggests there are no issues, we would like to highlight that it was only done **on samples** and that despite what a report or certificate says, the building was

not demolished correctly, with clear evidence of asbestos and as such the site is not safe.

And to suggest that the contract for sale indemnifies the ACT Government is irresponsible when clearly the demolition was not carried out as described in Clause 5.3 "Demolition Works". The reasons why the Demolition Works clauses have not been met can be evidenced as follows:

- Asbestos **was not** removed in line with Work Safe Australia and ACT Demolition Work Code of Practice
- Services **were not** disconnected in line with ACTEWAGL's regulations regarding disconnection of services with both clay and PVC pipes still on site
- Building rubble from the existing dwelling **was found on site** including roof tiles, bricks and bonded asbestos as per the photo.
- The removal of asbestos **was not** undertaken as described in the Asbestos Response Taskforce's Demolition Overview where - "The contractors will also remove any **non-friable or bonded asbestos** prior structural demolition... The house is demolished only when a clearance certificate for **both friable and non-friable** asbestos removal has been issued by an independent licensed asbestos assessor."

We have paid over \$1.6 million for a site that has clearly not been remediated correctly despite the Taskforce's claims that it has. Further disturbing issues is that [REDACTED] [REDACTED] have played on site digging around in the dirt which we understood to be remediated. We now also find we are in breach of the building contract where slab preparation is to commence on Friday 9 February and because site has not been remediated we cannot proceed further until it is rectified.

With the major issues on hand, we are seeking immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble (including pipes etc) by 6pm Thursday 8 February 2018.

We ask that you respond via email by 4pm Tuesday 6 February 2018 on your intended course of action otherwise we will have no choice except to take this matter further with legal representation and contacting the press.



DEMOLITION WORK

Code of Practice

FEBRUARY 2016



safe work australia



Safe Work Australia is an Australian Government statutory agency established in 2009. Safe Work Australia consists of representatives of the Commonwealth, state and territory governments, the Australian Council of Trade Unions, the Australian Chamber of Commerce and Industry and the Australian Industry Group.

Safe Work Australia works with the Commonwealth, state and territory governments to improve work health and safety and workers' compensation arrangements. Safe Work Australia is a national policy body, not a regulator of work health and safety. The Commonwealth, states and territories have responsibility for regulating and enforcing work health and safety laws in their jurisdiction.

ISBN 978-0-642-78415-5 [PDF]
ISBN 978-0-642-78416-2 [DOCX]



Creative Commons

Except for the logos of Safe Work Australia, SafeWork SA, WorkSafe Tasmania, WorkSafe WA, Workplace Health and Safety QLD, NT WorkSafe, WorkCover NSW, Comcare and WorkSafe ACT, this copyright work is licensed under a Creative Commons Attribution-Noncommercial 3.0 Australia licence. To view a copy of this licence, visit

creativecommons.org/licenses

In essence, you are free to copy, communicate and adapt the work for non commercial purposes, as long as you attribute the work to Safe Work Australia and abide by the other licence terms.

Contact information

Safe Work Australia
Phone: 1300 551 832
Email: info@swa.gov.au
Website: safeworkaustralia.gov.au



TABLE OF CONTENTS

FOREWORD	2	4.6 Removal of debris	20
Scope and application	2	4.7 Falls	21
1. INTRODUCTION	3	4.8 Electricity	22
1.1 What is demolition work?	3	4.9 Fire prevention	22
1.2 Who has health and safety duties in relation to demolition work?	3	4.10 Information, training, instruction and supervision	23
1.3 What is required to manage risks associated with demolition work?	4	5 DEMOLITION METHODS	24
2. THE RISK MANAGEMENT PROCESS	6	5.1 Manual demolition	24
2.1 Identifying the hazards	6	5.2 Mechanical demolition	27
2.2 Assessing the risks	6	5.3 Induced collapse	29
2.3 Controlling the risks	6	5.4 Using explosives	30
2.4 Reviewing control measures	7	6. DEMOLITION OF SPECIAL STRUCTURES	31
3. PLANNING THE DEMOLITION WORK	8	6.1 Pre and post-tensioned concrete	31
3.1 Notifiable demolition work	8	6.2 Fire-damaged, ruinous and structurally unsound buildings or structures	32
3.2 Principal contractor	9	6.3 Lift shafts	32
3.3 Designers	9	6.4 Basements, cellars, vaults, domes and arched roofs	32
3.4 Safe Work Method Statements	11	6.5 Masonry and brick arches	33
3.5 Demolition licensing	12	6.6 Independent chimneys and spires	33
3.6 Asbestos registers and licensing	12	6.7 Pylons and masts	34
3.7 Adjacent or adjoining buildings	13	6.8 Precast concrete panels	34
3.8 Essential services	13	6.9 Façade retention	34
4. CONTROLLING RISKS IN DEMOLITION WORK	15	6.10 Storage tanks and pipelines	35
4.1 The building or structure to be demolished	15	APPENDIX A - DEFINITIONS	36
4.2 Hazardous chemicals and materials	15	APPENDIX B - DEMOLITION PLAN	38
4.3 Securing the work area	18	APPENDIX C - ENGINEERING INVESTIGATION CONSIDERATIONS	39
4.4 Plant and equipment	19	LIST OF AMENDMENTS	40
4.5 Powered mobile plant	20		

FOREWORD

This Code of Practice for managing health and safety risks associated with demolition work is an approved code of practice under section 274 of the Work Health and Safety (WHS) Act.

An approved code of practice is a practical guide to achieving the standards of health, safety and welfare required under the WHS Act and the Work Health and Safety (WHS) Regulations.

A code of practice applies to anyone who has a duty of care in the circumstances described in the code. In most cases, following an approved code of practice would achieve compliance with the health and safety duties in the WHS Act, in relation to the subject matter of the code. Like regulations, codes of practice deal with particular issues and do not cover all hazards or risks which may arise. The health and safety duties require duty holders to consider all risks associated with work, not only those for which regulations and codes of practice exist.

Codes of practice are admissible in court proceedings under the WHS Act and Regulations. Courts may regard a code of practice as evidence of what is known about a hazard, risk or control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.

Compliance with the WHS Act and Regulations may be achieved by following another method, such as a technical or an industry standard, if it provides an equivalent or higher standard of work health and safety than the code.

An inspector may refer to an approved code of practice when issuing an improvement or prohibition notice.

This Code of Practice has been developed by Safe Work Australia as a model code of practice under the Council of Australian Governments' *Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety* for adoption by the Commonwealth, state and territory governments.

Scope and application

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

The guidance in this Code is relevant to demolition contractors as well as persons conducting a business or undertaking who have management or control of workplaces where demolition work is carried out, such as principal contractors.

Persons who have duties in relation to demolition work should also refer to the [Code of Practice: Construction work](#).

HOW TO USE THIS CODE OF PRACTICE

In providing guidance, the word 'should' is used in this Code to indicate a recommended course of action, while 'may' is used to indicate an optional course of action.

This Code also includes various references to provisions of the WHS Act and Regulations which set out the legal requirements. These references are not exhaustive. The words 'must', 'requires' or 'mandatory' indicate that a legal requirement exists and must be complied with.

1. INTRODUCTION

1.1 What is demolition work?

Any work that is connected with the demolition of a structure is classified as 'construction work' under the WHS Regulations. When carrying out demolition work, the requirements relating to construction work must be complied with.

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

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

A structure is anything that is constructed, whether fixed or moveable, temporary or permanent, and includes buildings, sheds, towers, chimney stacks, silos, storage tanks.

The demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure is 'high risk construction work'. A Safe Work Method Statement (SWMS) must be prepared before the high risk construction work starts.

Demolition work that is notifiable under the WHS Regulations involves:

- demolition of a structure, or a part of a structure that is load-bearing or otherwise related to the physical integrity of the structure, that is at least 6 metres in height
- demolition work involving load shifting machinery on a suspended floor, and
- demolition work involving explosives.

Other key terms relating to demolition work are listed in Appendix A.

1.2 Who has health and safety duties in relation to demolition work?

A **person conducting a business or undertaking** has the primary duty to ensure, so far as is reasonably practicable, that workers and other persons are not exposed to health and safety risks arising from the business or undertaking.

The WHS Regulations include specific obligations for a person conducting a business or undertaking to manage the risks associated with demolition work. These duties include:

- preparing a SWMS for the proposed work, or ensuring a SWMS has already been prepared by another person, before any high risk construction work commences
- obtaining a copy of the asbestos register for the workplace before demolition work is carried out
- if there is no asbestos register, you must
 - not carry out the work until the structure or plant has been inspected to determine whether asbestos or asbestos containing materials (ACM) are fixed to or installed in the structure or plant
 - ensure that the determination is undertaken by a competent person

- if asbestos or ACM are determined or presumed to be present, inform the occupier and owner of the premises (if domestic premises) and the person conducting a business or undertaking with management or control of the workplace, and
- ensure that all asbestos that is likely to be disturbed by the demolition work is, so far as is reasonably practicable, removed before the demolition commences.

For the purpose of this Code, the person conducting a business or undertaking that has management or control of the demolition work is sometimes referred to as the 'demolition contractor'.

A **principal contractor** for a construction project (for example where the cost of the construction work is \$250 000 or more) has additional duties under the WHS Regulations (Refer to section 3.2 of this Code):

Designers of structures must ensure, so far as is reasonably practicable, that the structure is without risks to health and safety, when used for a purpose for which it was designed. Designers must give the person who commissioned the design a written safety report that specifies the hazards relating to the design of the structure (Refer to section 3.3 of this Code).

Officers, such as company directors, have a duty to exercise due diligence to ensure that the business or undertaking complies with the WHS Act and Regulations. This includes taking reasonable steps to ensure that the business or undertaking has and uses appropriate resources and processes to eliminate or minimise risks that arise from the demolition work.

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Workers must comply with any reasonable instruction and co-operate with any reasonable policy or procedure relating to health and safety at the workplace.

1.3 What is required to manage the risks associated with demolition work?

Regulation **297**

A person conducting a business or undertaking must manage risks associated with the carrying out of construction work.

Regulation **34-38**

In order to manage risks under the WHS Regulations, a duty holder must:

- identify reasonably foreseeable hazards that could give rise to the risk
- eliminate the risk so far as is reasonably practicable
- if it is not reasonably practicable to eliminate the risk or, minimise the risk so far as is reasonably practicable by implementing control measures in accordance with the hierarchy of risk control
- maintain the implemented control measure so that it remains effective, and
- review, and if necessary revise control measures so as to maintain, so far as is reasonably practicable, a work environment that is without risk to health and safety.

This Code provides guidance on managing the risks associated with demolition work by following a systematic process that involves:

- identifying hazards
- if necessary, assessing the risks associated with these hazards
- implementing control measures, and
- maintaining and reviewing the effectiveness of control measures.

Guidance on the general risk management process is available in the [Code of Practice: *How to manage work health and safety risks*](#).

CONSULTING YOUR WORKERS

Section 47

The person conducting a business or undertaking must consult, so far as is reasonably practicable, with workers who carry out work for you who are (or are likely to be) directly affected by a work health and safety matter.

Section 48

If the workers are represented by a health and safety representative, the consultation must involve that representative.

Consultation with workers and their health and safety representatives is required at every step of the risk management process. In many cases, decisions about construction work and projects are made prior to engaging workers, therefore, it may not be possible to consult with workers in these early stages. However it is important to consult with them as the demolition work progresses.

Consultation may include discussions about:

- demolition methods
- type of risk control measures
- interaction with other trades
- Safe work method statements
- provision of appropriate amenities, and
- procedures to deal with emergencies.

CONSULTING, CO-OPERATING AND CO-ORDINATING ACTIVITIES WITH OTHER DUTY HOLDERS

Section 46

A person conducting a business or undertaking must consult, co-operate and co-ordinate activities with all other persons who have a work health or safety duty in relation to the same matter, so far as is reasonably practicable.

A construction workplace will often be shared by various persons conducting a business or undertaking, for example structural engineers, mobile plant operators and asbestos removalists. Persons with overlapping duties should exchange information about the risks associated with the demolition work and work together in a co-operative and co-ordinated way so that all risks are eliminated or minimised so far as is reasonably practicable.

Further guidance on consultation is available in the [Code of Practice: *Work health and safety consultation, co-operation and co-ordination*](#).

2. THE RISK MANAGEMENT PROCESS

2.1 Identifying the hazards

The first step in the risk management process is to identify the hazards associated with demolition work. Examples of demolition hazards include:

- unplanned structure collapse
- falls from one level to another
- falling objects
- the location of above and underground essential services, including the supply of gas, water, sewerage, telecommunications, electricity, chemicals, fuel and refrigerant in pipes or lines
- exposure to hazardous chemicals – these may be present in demolished material or in the ground where demolition work is to be carried out (contaminated sites)
- hazardous noise from plant and explosives used in demolition work, and
- the proximity of the building or structure being demolished to other buildings or structures.

2.2 Assessing the risks

Under the WHS Regulations, a risk assessment is not mandatory for demolition work however it is required for specific situations, for example when working with asbestos or explosives. In many circumstances a risk assessment will assist in determining the control measures that should be implemented. It will help to:

- identify which workers are at risk of exposure
- determine what sources and processes are causing that risk
- identify if and what kind of control measures should be implemented, and
- check the effectiveness of existing control measures.

When assessing the risks associated with demolition work consider the following:

- the structure to be demolished and its structural integrity
- the method of demolition including its sequencing
- the scheduling of the work
- the layout of the workplace, including whether there are fall hazards both for people and objects
- what plant and equipment will be used and the skill and experience required by the people who will use it safely
- what exposures might occur, for example to noise or ultraviolet (UV) rays
- the number of people involved, and
- local weather conditions.

2.3 Controlling the risks

THE HIERARCHY OF CONTROL MEASURES

Some control measures are more effective than others. Control measures can be ranked from the highest level of protection and reliability to the lowest. This ranking is known as the *hierarchy of control*.

You must always aim to eliminate a hazard, which is the most effective control. If this is not reasonably practicable, you must minimise the risk by one or a combination of the following:

- *Substitution* – for example using a mechanical demolition method rather than a manual method, if it is safer
- *Isolation* – for example use concrete barriers to separate pedestrians and powered mobile plant to reduce the risk of collision, and
- *Engineering controls* – for example fitting an open cab excavator with a falling objects protective structure to minimise the risk of being struck by a falling object.

If risk remains, it must be minimised by implementing *administrative controls*, so far as is reasonably practicable, for example install warning signs and establish an exclusion zone around the demolition work. Any remaining risk must be minimised with suitable *personal protective equipment* (PPE), such as providing workers with hard hats, steel cap boots and high visibility vests.

Administrative control measures and PPE rely on human behaviour and supervision, and used on their own, tend to be the least effective in minimising risks.

Factors that should be considered when choosing suitable control measures include:

- items of plant and equipment – large structures may require scaffolding or powered mobile plant to work on suspended floors
- stockpiling arrangements at the workplace, for example the location of demolished material to control dust, and
- transporting the demolished material, including access to the workplace, the length and nature of the haul route, and the type of load shifting equipment to be used.

Chapters 4-6 of this Code provide information on control measures for demolition work.

2.4 Reviewing control measures

The control measures that are put in place to protect health and safety should be regularly reviewed to make sure they are effective.

Regulation 38

You must review your control measures and, if necessary, revise them:

- when the control measure is not effective in controlling the risk
- before a change at the workplace that is likely to give rise to a new or different health and safety risk that the control measure may not effectively control
- if a new hazard or risk is identified
- if the results of consultation indicate that a review is necessary, or
- if a health and safety representative requests a review.

Common review methods include workplace inspection, consultation, testing and analysing records and data. When reviewing control measures, the SWMS must also be reviewed and revised where necessary.

If problems are found, go back through the risk management steps, review your information and make further decisions about control measures.

3. PLANNING THE DEMOLITION WORK

Demolition work should be carefully planned before work starts so it can be carried out safely. Planning involves identifying hazards, assessing risks and determining appropriate control measures in consultation with all relevant persons involved in the work including the principal contractor, demolition contractor, structural engineers and mobile plant operators.

A demolition plan should be prepared for all demolitions where there are a number of other persons conducting a business or undertaking (for example subcontractors) involved. If the demolition contractor is also the principal contractor, the demolition plan should be incorporated as part of the WHS management plan.

Appendix B provides further information on what a demolition plan may include.

3.1 Notifiable demolition work

Regulation 142

A person conducting a business or undertaking who proposes to carry out the following demolition work must give written notice to the regulator at least 5 days before any of the following work commences:

- demolition of a structure, or a part of a structure that is load bearing or otherwise related to the physical integrity of the structure, that is at least 6 metres in height
- demolition work involving load shifting machinery on a suspended floor, or
- demolition work involving explosives.

The height of a structure is measured from the lowest level of the ground immediately adjacent to the base of the structure to its highest point.

The type of information which would normally be included in the notification would be:

- the name and contact details of the person conducting the business or undertaking
- if the high risk construction work is in connection with a construction project, the name and contact details of the principal contractor for the project or the principal contractor's representative
- the name and contact details of the person directly supervising the work
- the date of the notice
- the nature of the demolition
- whether explosives will be used in carrying out the work and, if so, the licence details of the person who is to use the explosives
- when the person conducting the business or undertaking reasonably believes the work is to commence and to be completed, and
- where the work is to be carried out.

In the circumstances where an emergency services organisation directs one or more of its workers to carry out notifiable demolition work for the purposes of rescuing and/or providing first aid to a person, the organisation must provide a written notice to the relevant regulator as soon as reasonably practicable before or during the demolition work, or if this is not reasonably practicable after the demolition work is carried out.

3.2 Principal contractor

Where the value of construction work is \$250 000 or more, the construction work is considered a '*construction project*' for which additional duties apply to the principal contractor. There can only be one principal contractor for a construction project and this will be either the person commissioning the construction work or a person that is appointed as the principal contractor by the person commissioning the construction work.

The principal contractor has a range of duties in relation to a construction project, including:

- preparing and reviewing a WHS management plan
- obtaining SWMS before any high risk construction work commences
- putting in place arrangements to manage the work environment, including falls, facilities, first aid, an emergency plan and traffic management
- installing signs showing the principal contractor's name, contact details and location of any site office, and
- securing the construction workplace.

It is possible that the demolition contractor may be appointed as the principal contractor. This may occur, for example where there is significant demolition work required and there is a clear separation or delay between the demolition activity and any subsequent building work. In this case the person who commissions the construction work may appoint the demolition contractor as the principal contractor, who must then comply with all the duties of a principal contractor until the demolition work is complete.

Further guidance on principal contractor duties is available in the [Code of Practice: Construction work](#).

3.3 Designers

Section 22

Regulation 295

Designers must ensure, so far as is reasonably practicable, that the structure is designed to be without risks to the health and safety of persons in relation to the proper demolition or disposal of the structure.

The designer of a structure or any part of a structure that is to be constructed must give the person conducting a business or undertaking who commissioned the design a written report that specifies the hazards associated with the design of the structure that, so far as the designer is reasonably aware:

- create a risk to the health or safety of persons who are to carry out construction work on the structure or part, and
- are associated only with the particular design and not with other designs of the same type of structure.

This is particularly important with modern designs where 'limit state' design techniques are used by the structural designer. In this approach, the designer considers the structure in its completed form with all the structural components, including bracing, installed. The completed structure can withstand much higher loads (for example wind and other live loads) than when the structure is in the construction or demolition stage. With this in mind, it may be necessary for the designer to provide guidance to the demolisher on how the structure will remain standing as it is demolished or dismantled.

3. PLANNING THE DEMOLITION WORK

The principal contractor (or the demolition contractor if there is no principal contractor) should take all reasonable steps to obtain the designer's safety report.

For demolition work, there may be a number of designer safety reports available including:

- the report prepared for the original construction of the structure (if available)
- any reports prepared for subsequent additions or alterations to the structure (if available), and
- where a designer is engaged for the demolition work, the report provided to the person commissioning the design of the demolition work.

Designers who develop demolition specifications or procedures for the demolition of a structure should consider the possible work methods available and associated health and safety risks. Designers should then take into account the proposed demolition method and control measures available when producing any final design documents for the demolition of a structure.

If as-built design documentation is not available, or there is a concern that the structure has been damaged or weakened (for example by fire or deterioration), or plant is to be used on suspended floors, then a competent person (for example a qualified structural engineer) should conduct an engineering investigation and deliver an 'engineering investigation report'. Some issues that may be considered when undertaking an engineering investigation are listed in Appendix C.

The following design matters should be taken into account when considering demolition risks:

- the stability and structural integrity of the structure at all stages of demolition including assembled portions, single components and completed sequentially erected braced bays
- the maximum permissible wind speed for partially demolished structures
- the effect of the proposed demolition sequence on stability
- the stability requirements for all components of the structure as it is sequentially demolished according to the structural engineer's requirements
- the proximity of adjacent or adjoining buildings
- the competent persons assessment of loadings at all stages of demolition
- the provision of clear instructions for temporary bracing
- the plant to be used for the work including the size, type, position and coverage of proposed demolition crane(s) should be indicated on a site plan, locations such as unloading points and storage areas (if any) should be shown
- the need to ensure that the ground is compacted to any design specifications to enable plant to be moved and used safely at the workplace
- the proposed methods for handling heavy, bulky or awkward components
- the need for specific lifting arrangements to be detailed on structural member drawings to facilitate safe lifting
- the handling, lifting, storing, stacking and transportation of components, depending on their size, shape and weight, and
- the provision of safe access and safe working areas.

Further guidance on the safe design of structures can be found in the [Code of Practice: Safe design of structures](#).

TECHNICAL STANDARDS

Demolition specifications and procedures should be designed in accordance with acceptable engineering principles and published technical standards. Engineering principles would include, for example mathematical or scientific procedures outlined in an engineering reference manual or standard.

3.4 Safe Work Method Statements

If the demolition work is or involves high risk construction work, a person conducting a business or undertaking must prepare a SWMS before the work starts. The SWMS must:

- identify the type of high risk construction work being done
- specify the health and safety hazards and risks arising from that work
- describe how the risks will be controlled
- describe how the control measures will be implemented, monitored and reviewed, and
- be developed in consultation with workers and their representatives who are carrying out the high risk construction work.

One SWMS can be prepared to cover all high risk construction work being carried out at the workplace by contractors and/or subcontractors. For example, demolition work might involve a number of types of high risk construction work, including work that:

- involves a risk of a person falling more than 2 metres
- involves, or is likely to involve, the disturbance of asbestos
- involves structural alterations or repairs that require temporary support to prevent collapse
- is carried out on or near a confined space
- involves the use of explosives
- is carried out on or near pressurised gas distribution mains or piping
- is carried out on or near chemical, fuel or refrigerant lines
- is carried out on or near energised electrical installations or services, and
- is carried out at a workplace in which there is any movement of powered mobile plant.

In this case, the contractors or subcontractors can consult and cooperate to prepare one SWMS. Alternatively they can prepare separate SWMS. If they choose to do this they must consult with each other to ensure all SWMS are consistent and they are not creating unintended additional risks at the workplace.

Further guidance on SWMS and an example SWMS template is available in the [Code of Practice: Construction work](#).

3.5 Demolition licensing

A licence is required to undertake some demolition work. You will need to seek advice from your local WHS regulator or building regulator about whether you or any other person undertaking the demolition work will require a licence for the work to be undertaken.

OTHER LICENCES

Depending on the type of work being done there may be a need for persons to hold the relevant licence, for example to carry out asbestos removal work, high risk work or use explosives.

3.6 Asbestos registers and licensing

Regulation 422 (1)
(2b), 425(1)

Regulation 458

The person with management or control of a workplace must ensure so far as is reasonably practicable, that all asbestos or asbestos-containing material at the workplace (or assumed present) is identified by a competent person and an asbestos register is prepared for the workplace. The asbestos register must be kept up-to-date.

A person conducting a business or undertaking that commissions the removal of asbestos must ensure that the asbestos removal work is carried out by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the WHS Regulations that a licence is not required.

There are two types of licences: Class A and Class B. The class of licence required will depend on the type and quantity of asbestos, asbestos-containing material (ACM) or asbestos contaminated dust or debris (ACD) that is being removed at a workplace as set out in Table 1 below.

Table 1 Asbestos Removal Licences

Type of licence	What asbestos can be removed?
Class A	<p>Can remove any amount or quantity of asbestos or ACM including:</p> <ul style="list-style-type: none"> ■ any amount of friable asbestos or ACM ■ any amount of ACD, and ■ any amount of non-friable asbestos or ACM.
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> ■ any amount of non-friable asbestos or ACM. Note: A Class B licence is required for removal of more than 10m² of non-friable asbestos or ACM but the licence holder can also remove up to 10m² of non-friable asbestos or ACM. ■ ACD associated with the removal of non-friable asbestos or ACM. Note: A Class B licence is required for removal of ACD associated with the removal of more than 10m² of non-friable asbestos or ACM but the licence holder can also remove ACD associated with removal of up to 10m² of non friable asbestos or ACM.

Type of licence	What asbestos can be removed?
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> ■ up to 10m² of non-friable asbestos or ACM ■ ACD that is associated with the removal of less than 10m² of non-friable asbestos or ACM, or <p>is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.</p>

Further information on the duties associated when removing asbestos is available in the [Code of Practice: *How to safely remove asbestos*](#).

3.7 Adjacent or adjoining buildings

No part of the demolition process should adversely affect the structural integrity of any other building. Consideration may be given to the use of shoring and underpinning and to the effects of changes in soil conditions as a result of the demolition work.

Lateral support for adjoining structures should be equal to or greater than any provided by the structure to be demolished. Before the existing lateral support is disturbed, provision should be made for the erection of temporary supports, which will need to be checked for effectiveness as the demolition proceeds.

It is also important that other buildings in and around the demolition site are not adversely affected by vibration or concussion during the demolition process. Special precautions may need to be taken in the vicinity of hospitals and other buildings containing equipment sensitive to shock and vibration.

No part of the demolition process should cause flooding or water penetration to any adjoining building.

3.8 Essential services

One of the most important elements of pre-demolition planning is the location and disconnection of all essential services.

Essential services include the supply of gas, water, sewerage, telecommunications, electricity, chemicals, fuel and refrigerant in pipes or lines. The principal contractor must ensure, so far as is reasonably practicable, that essential services at the workplace are without risks to health and safety.

Construction work is defined by the WHS Regulations as 'high risk construction work' when carried out:

- on or near pressurised gas distribution mains or piping
- on or near chemical, fuel or refrigerant lines, and
- on or near energised electrical installations.

A SWMS must be prepared before this work commences.

All electric, gas, water, sewer, steam and other service lines not required in the demolition process should be shut off, capped, or otherwise controlled, at or outside the building line, before demolition work is started.

In each case, any utility agency involved should be notified in advance and its approval or services, if necessary, obtained. Any service retained for the demolition work should be adequately protected as required by the relevant authority (for example the protection of overhead electric lines).

UNDERGROUND ESSENTIAL SERVICES

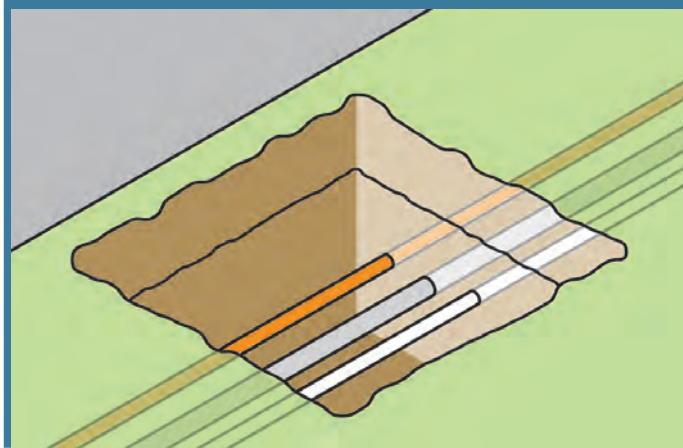
Regulation 304

Where there are underground essential services that may be disturbed by the work, the demolition contractor must take all reasonable steps to obtain current information on the services prior to commencing work and:

- have regard for the information
- keep the information readily available for inspection under the WHS Act
- make the information available to any principal contractor and subcontractors, and
- retain the information until the excavation is completed or, if there is a notifiable incident relating to the excavation, 2 years after the incident occurs.

The available information about existing underground essential services may not be accurate. Therefore it is important that demolition methods include an initial examination of the area to be demolished.

FIGURE 1 Underground essential services exposed by 'potholing'



Further guidance on underground essential services and how to locate them is available in the [Code of Practice: Construction work](#).

4. CONTROLLING RISKS IN DEMOLITION WORK

4.1 The building or structure to be demolished

The person conducting a business or undertaking in control of the demolition work should consult with the designer and/or the principal contractor if appointed where reasonably practicable, to obtain a written report specifying the hazards associated with the design and the structure in the planning stage of the demolition work. Specific hazards may be outlined in a demolition plan.

The building or structure to be demolished and all its components should be maintained in a safe and structurally stable condition so as to prevent the unexpected collapse of part or all the structure. Temporary braces, propping, shoring or guys may need to be added to ensure that stability of the structure is maintained.

The position, depth and type of basements, wells and underground storage tanks should also be determined as should the contents of any storage tanks.

Adjoining properties and structures also need to be considered, as do the existence of easements, right of way, boundary walls and other encumbrances.

4.2 Hazardous chemicals and materials

Regulation 49

A person conducting a business or undertaking at a workplace must ensure that no person at the workplace is exposed to a substance or mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture.

Demolition work may involve workplaces or structures that contain or have contained hazardous materials including chemicals. Hazardous materials include lead, asbestos, polychlorinated biphenyls (PCBs), contaminated dust and combustible materials:

The risks arising from potential exposure to hazardous materials must be managed in accordance with the WHS Regulations.

For hazardous chemicals, exposure standards must not be exceeded. These are set out in the *Workplace Exposure Standards for Airborne Contaminants*, and should also be listed in the manufacturer's Safety Data Sheet (SDS).

Before starting any demolition work, all areas of the workplace, including basements, cellars, vaults and waste dumps, should be examined to determine whether:

- there are any items which could be a fire and explosion risk
- any previous use of the site might cause a risk because of the nature of and/or decomposition of materials, and
- there are any toxic, radioactive or other hazardous chemicals present.

Any hazardous materials including explosives, should be clearly identified. Information about a chemical's hazards and control measures can be obtained from the chemical's Safety Data Sheet (SDS) or the label of the chemical's container. If available, the workplace's former hazardous chemicals register or manifest should be referred to for determining the nature and location of previous hazardous chemical storage areas.

The person conducting a business or undertaking and/or the principal contractor at a demolition workplace should inform all workers and other persons at the workplace of the presence of hazardous chemicals, and the control measures for exposure and safe disposal. SDSs for hazardous chemicals must be readily available for reference.

4. CONTROLLING RISKS IN DEMOLITION WORK

Appropriate, clean facilities and amenities must be provided for workers to minimise risks where there are hazardous materials present.

Further specific guidance on hazardous chemicals can be found in the [Code of Practice: Managing risks of hazardous chemicals in the workplace](#).

ASBESTOS

Any construction work including demolition work that involves or is likely to involve the disturbance of asbestos is defined by the WHS Regulations as high risk construction work and a SWMS must be prepared before this work commences.

The person conducting a business or undertaking with management or control of the demolition work has specific responsibilities in regard to identifying whether asbestos is present and informing others if it is.

Regulation 450

Where a structure is to be demolished, a person conducting a business or undertaking carrying out demolition work must obtain a copy of the asbestos register for the workplace from the person with management or control of that workplace.

Regulation 451

If there is no asbestos register, the person carrying out the demolition work must:

- not carry out the work until the structure or plant has been inspected to determine whether asbestos or ACM are fixed to or installed in the structure or plant
- ensure that the determination is undertaken by a competent person, and
- if asbestos or ACM are determined or presumed to be present, inform the occupier and owner of the premises (if domestic premises) and the person conducting a business or undertaking with management or control of the workplace.

All asbestos that is likely to be disturbed by the demolition must be identified and, so far as is reasonably practicable, be removed before the demolition is started.

If only a part of a building or structure is to be demolished, only the asbestos that is likely to be disturbed during the demolition of that part of the building or structure is required to be removed, so far as is reasonably practicable, before the demolition work commences.

When planning demolition or refurbishment, consider:

- the age of the building and the likelihood of asbestos or other hazardous materials being present
- the location of asbestos in relation to the proposed demolition or refurbishment
- if there are inaccessible areas that are likely to contain asbestos
- whether asbestos is likely to be damaged or disturbed as a result of the demolition or refurbishment work – if yes, can it be removed safely before work commences?
- type and condition of asbestos present
- amount of asbestos present
- method of demolition or refurbishment and how will it affect the asbestos, and
- the nature of the ACM (friable or non-friable).

Demolition of part of a building, structure, or plant can be carried out to access in-situ asbestos so it can be removed safely. For example, part of a wall may be demolished to access asbestos located in the wall cavity so it can be removed before further demolition.

4. CONTROLLING RISKS IN DEMOLITION WORK

Building and construction workers can expect that, in workplaces where asbestos is fixed or installed, all asbestos has been identified so far as is reasonably practicable. If there is any uncertainty about the presence of asbestos or if any part of the structure or plant is inaccessible and likely to be disturbed, it must be assumed that asbestos is present.

Further specific guidance on managing asbestos when demolition and refurbishment work is being carried out can be found in the:

- *Code of Practice: How to manage and control asbestos in the workplace*, and
- *Code of Practice: How to safely remove asbestos*.

LEAD

Lead is found in paint, old water pipes and other plumbing fittings, sheet lead, solders, lead flashing, lead light windows and glass. The age of a structure may be directly related to the amount of lead that can be present (see Table 2).

Table 2 Lead sources

Approximate date of construction	Sources of lead hazards
1920 - 1978	Paint
1920 - 1978	Plumbing
1923 - 1986	Automobile exhaust (may accumulate as ceiling dust)

If it is suspected that the structure contains lead based paint, a test for the presence of lead should be conducted.

The precautions which should be taken when demolishing materials containing lead include:

- minimising the generation of lead dust and fumes
- cleaning work areas properly during and after work
- wearing the appropriate PPE, and
- maintaining good personal hygiene.

Further information can be found in AS 4361.1: *Guide to lead paint management-Industrial applications*. Testing can recognise dried paint film with more than 1 per cent (by weight) to be lead-containing paint.

POLYCHLORINATED BIPHENYLS

Workers can be exposed to Polychlorinated Biphenyls (PCBs) when dismantling electrical capacitors and transformers or when cleaning up spills and leaks. Appropriate control measures should be implemented when handling damaged capacitors to ensure that any spillage does not contact workers and is appropriately cleaned up and disposed of.

Any equipment or parts containing PCBs should be placed in a polyethylene bag and then placed into a marked sealable metal container.

If PCBs cannot be transported immediately for disposal, all containers should be stored in a protected area which prevents any discharge of PCBs to the environment.

PPE including gloves made of materials that are resistant to PCBs (for example polyethylene, nitrile rubber or neoprene), should be provided to workers and worn when there is any likelihood of exposure to PCBs.

SYNTHETIC MINERAL FIBRES

Synthetic mineral fibres are used extensively for insulation in building walls and ceilings as well as on items such as air-conditioning duct work. The specific material should be identified and control measures implemented relevant to the manufacturer's instructions.

PPE should be provided to workers and worn when insulation is being removed during the demolition process and dust should be suppressed by damping down.

4.3 Securing the work area

EXCLUSION ZONES

To protect workers undertaking demolition activities, exclusion zones should be considered to prevent unauthorised personnel entering work areas.

A system to prevent falling objects impacting on workers should be implemented to protect the safety of people who are working on or in the vicinity of the demolition work. In particular, any area where a falling object might reasonably be expected to land should be designated an exclusion zone. The enclosed and/or protected area should extend horizontally to a safe distance beyond the overhead work area.

Planning for exclusion zones should take into consideration:

- erecting secure impassable barricades with adequate signage and appropriate lock out procedures to prevent unauthorised pedestrian or vehicular access to the area
- providing information to workers and other persons at the workplace advising them of the status of the exclusion zones, and
- providing supervision so that no unauthorised person enters an exclusion zone.

Exclusion zones and safe distances may be required during:

- the stripping, removal and/or dropping of debris
- the operation of demolition plant or equipment
- pre-weakening activities for a deliberate collapse, and
- the deliberate collapse or pulling over of buildings or structures.

PUBLIC ACCESS AND PROTECTION

Adequate public safety should be maintained in public places and areas adjoining the workplace as the work progresses (for example roads, walkways). Where demolition work is adjacent to a public place and there is a risk of falling debris or hazardous noise, a method of protection should be selected and:

- erected before the commencement of demolition work
- kept in position at all times during the progress of the work, and
- regularly inspected and maintained.

Control measures to isolate the work from the public may include installing hoarding such as security fencing, containment sheets and mesh, an overhead protective structure, road closures and specified exclusion zones.

4. CONTROLLING RISKS IN DEMOLITION WORK

Overhead protective structures should be provided for public walkways in conjunction with perimeter fencing. Overhead protection may be constructed from scaffolding, fabricated steel or timber and should be designed to withstand an appropriate load.

Unauthorised entry to a demolition workplace can expose persons to a number of hazards that, if not controlled, could result in fatalities or serious injuries. The person conducting a business or undertaking who controls the workplace, who may be a principal contractor or demolition contractor, must ensure, so far as is reasonably practicable, that the workplace is secured so as to prevent unauthorised access. Monitoring of access and egress points for the workplace should be conducted during the work.

Further information on security fencing, falling materials, overhead protection and hoardings can be found in AS 2601: *The demolition of structures*.

4.4 Plant and equipment

A range of plant and equipment typically used for demolition work includes:

- powered mobile plant
- personnel and/or materials hoists
- air compressors
- electric generators
- jack hammers
- hydraulic jacks
- oxy-acetylene (gas cutting/welding)
- concrete saws and corers
- scaffolding
- ladders (limited use), and
- many types of handheld plant including: angle grinders, power saws, hammers, demolition saws, hydraulic jacks and pinch/lever bars.

You should ensure:

- plant is used and operated by a competent person
- that appropriate guards and operator protective devices are fitted
- that the safe working load is displayed and any load measurement devices are operating correctly
- plant is maintained in accordance with the manufacturer/supplier's instructions or relevant Australian Standards, and
- manufacturers recommendations for the safe use and storage of oxy-acetylene cutting equipment are referred to.

Further general guidance on plant can be found in the [Code of Practice: Managing the risks of plant in the workplace](#).

4.5 Powered mobile plant

The use of powered mobile plant such as cranes, excavators and bulldozers, requires the preparation of a SWMS before work commences.

A high risk work licence is required to operate some types of powered mobile plant, such as some cranes, elevating work platforms or forklifts.

Whenever powered mobile plant is to be used for demolition work, traffic management arrangements should be implemented to prevent collision with pedestrians or other mobile plant.

CRANES

Cranes may be used in demolition work for a number of purposes including:

- lifting and lowering plant and/or materials
- lifting and lowering personnel work boxes, and
- holding suspended loads.

Cranes require a licensed operator. An operator may also need other competencies for specialist work.

If cranes are used to suspend loads that are to be cut and then lowered to the ground, it is important for the loads to be accurately calculated. It may be necessary to cut samples in order to determine the weight per unit length or area. Where this occurs, the safe working load of the crane should be reduced by 50 per cent to allow for miscalculations in the test weighing. A similar approach should be followed where weights cannot be determined with reasonable consistency and accuracy.

4.6 Removal of debris

The person conducting a business or undertaking and/or the principal contractor in control of the workplace must manage the risks to health and safety arising from the storage, movement and disposal of construction materials and waste at the workplace.

Debris should be progressively removed to prevent any build up that could affect the integrity of a suspended floor of the building or structure, affect workplace access and egress, become a fire hazard, or cause a health and safety hazard.

Demolished materials should not be allowed to fall freely unless they are confined within a chute (or similar enclosure), shaft and/or exclusion zone.

A debris drop is a debris pile that is enclosed and where the risk of an object striking workers or the public has been eliminated. Debris drop zones should be clearly identified and any area where there is a risk that a worker or other persons at the workplace might be injured by falling or rebounding debris should be fenced or barricaded to prevent access.

If demolished materials are allowed to fall through internal floor openings in multi-storey buildings, such as lift shafts and/or debris drop zones, the following should apply:

- at the working level, each opening should be protected by an adequate vehicle buffer during the removal of debris by mobile plant, and guarded by suitable barriers at all other times. Vehicle buffers should be high enough to prevent the mobile plant from riding over them and solid enough to stop the fully loaded mobile plant, and

- at all levels below the working level, access to the area through or onto which material is falling should be prevented, either by sealing off the opening with guarding from floor to ceiling, or by erecting signs and barricades to prevent persons coming near the openings.

Debris chutes should be designed and constructed to prevent the spillage of material and dust and to minimise noise while debris is passing through the chute. Vertical chutes should be fully enclosed with a cover or barrier at the top to prevent a person falling into the chute. Debris chutes should be adequately secured to the building or structure and to ensure that debris falls freely and does not become jammed in shafts or chutes. Securing of the chute should take into consideration the weight of the chute plus the accumulated load.

Overhead demolition should cease during removal of the debris bins. Signs which warn of the risk from falling or ejected material should be placed at the discharge end of every chute.

4.7 Falls

Regulation 78

A person conducting a business or undertaking must manage the risk of a fall from one level to another that is reasonably likely to cause injury to the person or another person.

In managing the risks of falls, the WHS Regulations require the following control measures to be implemented where it is reasonably practicable to do so:

- eliminate the need to work at heights by performing work at ground level
- carry out the work on solid construction that includes a safe means of access and egress
- minimise the risk of fall by providing and maintaining a safe system of work including
 - using fall prevention devices (for example temporary work platforms and guard railing)
 - work positioning systems (for example industrial rope access systems), or
 - fall arrest systems such as catch platforms.

Any construction work including demolition work that involves a risk of a person falling more than 2 metres is high risk construction work and a SWMS must be prepared before this work commences.

FALL PREVENTION DEVICES

A fall prevention device is any equipment that is designed to prevent a fall for temporary work at heights, and once in place does not require any further adjustment by workers using the device.

Fall prevention devices include perimeter guard rails, the protection of openings with solid covers and temporary work platforms.

Further information on the selection and use of fall prevention devices can be found in the [*Code of Practice: Managing the risk of falls at workplaces*](#).

4.8 Electricity

Any construction work that is carried out on or near energised electrical installations or services is high risk construction work and a SWMS must be prepared before this work commences.

Electrical power sources, whether overhead or underground, can be a major hazard. In addition to direct electric shock and possible electrocution, contact with overhead electric lines can lead to a variety of hazards including arcing, explosion or fire causing burns, unpredictable cable whiplash and the electrifying of other objects (for example signs, poles, trees or branches).

Specific control measures must be implemented when work is done in the vicinity of electric lines. The local electricity supply authority should be consulted and appropriate control measures implemented. Before demolition commences, all live electrical wiring and/or components (apart from any temporary electrical installations provided for the work) should be disconnected, isolated, or clearly marked and rendered safe by a competent person (for example electrical engineer) or, where necessary, the local electrical supply authority.

More detailed guidance on managing risks associated with electricity is available in the [*Code of Practice: Managing electrical risks at the workplace*](#).

4.9 Fire prevention

Where required, adequate fire prevention equipment should be provided and maintained at all times during the demolition of a structure. Access to the fire protection service including any booster fitting, should also be maintained.

If a sprinkler system is installed in a structure to be demolished, it should be maintained in an operable condition at each storey, so far as is reasonably practicable. Portable fire-extinguishers should be kept in working areas at all times and maintained in an operable condition.

FIRE HAZARDS FROM WELDING AND CUTTING

Welding and cutting operations present a severe fire hazard unless precautions are taken.

In areas where the floor, walls or ground cover are combustible, the area should be protected by spraying the area with water, spreading damp sand, laying fireproof blankets or other suitable means of protection.

In cases where a serious fire might quickly develop, a fire spotter should be assigned to the area. Fire extinguishing equipment should be readily available, and all workers trained in its use.

Where possible, flammable and combustible materials should be removed from the work area and should not be allowed to accumulate to the extent that it can become a fire hazard.

Further guidance on welding is available in the [*Code of Practice: Welding processes*](#) and in AS 1674.1: *Safety in welding and allied processes - Fire precautions*.

4.10 Information, training, instruction and supervision

Section 19

A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision of any information, instruction, training and supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out.

Regulation 39

A person conducting a business or undertaking must ensure that information, training and instruction provided to a worker is suitable and adequate having regard to:

- the nature of the work carried out by the worker
- the nature of the risks associated with the work at the time of the information, training and instruction, and
- the control measures implemented.

The training provided must be readily understandable by any person to whom it is provided.

Regulation 317

A person conducting a business or undertaking must not direct or allow a worker to carry out construction work unless the worker has successfully completed general construction induction training.

Training specific to the demolition work and to the site should also be provided to workers by a competent person. A competent person is a person who has acquired through training, qualification or experience the knowledge and skills to carry out the task. A person conducting a business or undertaking must also ensure that workers operating plant at the workplace possess a valid licence to operate that plant, if a licence is required to operate that plant.

Workers in a supervisory role (for example a leading hand or foreman) should be experienced and trained in the type of demolition being carried out to ensure the work is carried out in accordance with the SWMS.

Further information on general construction induction training and other training is available in Chapter 6 of the *Code of Practice: Construction work*.

5. DEMOLITION METHODS

The sequence in which a building or other structure is demolished can be critical for the health and safety of workers and the general public.

The demolition sequence will depend on things like the type of construction, location, and demolition method(s) selected. Buildings and structures should generally be demolished in reverse order to their construction, that is, by 'sequential demolition'. In particular:

- sequential demolition should be carried out in reasonably even stages, commencing from the roof or top of the building or structure being demolished
- multi-storey buildings or structures should be demolished storey by storey, and
- masonry and brickwork should be taken down in reasonably even courses.

There is a range of demolition methods that may be used, either separately or in combination. Control measures should be selected on the basis of the demolition method(s) used. However no matter what method is used, the building or structure to be demolished and all its components should be maintained in a safe and stable condition so as to prevent the unexpected collapse of part or all the structure. Temporary braces, propping, shoring, or guys may need to be added for stability.

Further information on demolition methods can be found in AS 2601: *The demolition of structures*.

5.1 Manual demolition

Manual demolition includes any technique where hand tools such as jackhammers, sledge hammers and picks are used.

Manual demolition has many of the hazards that are present in other major demolition activities including unexpected collapse, falls, falling objects, manual handling and exposure to noise, dust and hazardous chemicals.

To manage the risk of unplanned collapses, the condition of roofs, walls and floors of the building should be assessed by a competent person before commencing demolition work.

Where concrete members are being demolished manually, the reinforcement shall not be cut while breaking of the concrete is in progress.

Where pre and post-tension demolition work is undertaken competent person advice should be sought as to demolition sequence. More information on the demolition of pre and post-tensioned concrete is at Section 6.1 of this Code.

Areas where debris will fall should be barricaded off and signs erected to prevent persons from entering before demolition starts.

MANUAL DEMOLITION OF ROOFS

Controlling the risk of falls of persons or objects is an important consideration for roof work.

Where it is not reasonably practicable to demolish a roof using mechanical means or to remove the roofing from work platforms below the roof, then careful consideration should be given to the most suitable method of protection for workers engaged in the removal of the roofing. For example, roof trusses should be removed using safe temporary work platforms. It is important to ensure that the removal of trusses does not cause wall instability.

Prior to commencing roof demolition or dismantling, you should consider:

- fall hazards
- structural stability
- condition and strength of the roofing material and the identification of fragile roofing
- identification of fragile panels or skylights in solid roofs
- crane access
- safe worker access and egress
- fall protection requirements including issues such as perimeter protection, the availability and strength of anchor points for static lines, inertia reels and lanyards and the suitability of roof structure for the use of safety nets
- means of rescuing persons from safety nets or safety harnesses
- the condition of any roof mesh or safety mesh
- methods of raising and lowering equipment and materials
- assessment of manual handling problems
- electrical safety including the location of nearby power lines, and
- worker competency and training needs.

Fragile roofs

Before working on the roof, the roof should be inspected to identify that it is structurally adequate to work on and whether there is any brittle material or if the roof has a fragile aspect to it (for example a skylight or worn section).

Brittle or fragile roofing material can include roofing made of asbestos cement, cellulose cement, glass panels, fibreglass, acrylic or other similar synthetic moulded or fabricated material used to sheath a roof or contained in a roof.

If asbestos cement roofing is involved, the work must be undertaken in accordance with the asbestos related requirements of the WHS Regulations. Further information can be found in the Code of Practice: *How to safely remove asbestos*.

Where it is necessary for work to be carried out or adjacent to any part of a fragile roof, you should:

- inspect the underside of the roof to determine the extent of the fragile roof material, the existence of any safety mesh and its fixings, and the structural soundness of the roof material
- complete the work from a temporary work platform
- provide temporary walkways as a means of access to and egress from any work area on the roof where permanent walkways are not provided
- secure and fix cleats to walkways on high pitch roofs (for example where the slope of the roof exceeds 1:6)
- provide temporary roof ladders for steep roofs (for example in excess of 35 degrees), and
- provide other fall protection as necessary (for example work positioning or fall arrest system).

Roof access

The person conducting a business or undertaking where persons are employed to work on roofs has a responsibility to ensure that the access from the ground to the actual work area is safe and without risk to health. Access arrangements may include personnel hoists, scaffolding, temporary work platforms and ladders.

Purlin trolleys

Purlin trolleys are plant designed to travel on top of purlins (horizontal beams running along the length of a roof) and can be used to support material and roof workers. They are sometimes used during the removal of roof coverings.

Purlin trolleys should be provided with a holding brake and a device to prevent their accidental dislodgment from the supporting purlins. Where it is intended that the roof workers be supported by the trolley, the trolley should be provided with suitable safety harness anchorage points.

Before a purlin trolley is placed on a roof structure:

- a competent person (e.g. a structural engineer) should have considered whether the roof structure is suitable for the particular purlin trolley and its operational loads, and
- the purlin trolley should be designed and constructed to withstand the loads placed on it and for the purpose of the safe movement of materials and/or persons across the roof surface.

MANUAL DEMOLITION OF WALLS

Glass should be removed from the windows, doors or openings before the commencement of the demolition work.

Walls and gables should be demolished course by course. All work should be performed from safe working platforms. Workers should not work from the top of a wall or partition being demolished. A wall or partition should not be permitted to stand, unless it is effectively supported against collapse including being supported against lateral loads from wind and other forces.

If the demolition work involves the demolishing course by course of any walls, columns, piers or other vertical structural members, the demolition contractor should check that:

- risks to persons and property from falling collapsing and rebounding material are eliminated or minimised, and
- the remaining portion of the building or structure, if any, can withstand any loads, impacts and vibration caused by felling or other environmental factors such as wind.

MANUAL DEMOLITION OF FLOORS AND MEMBERS

All floors and other surfaces used to support workers, plant, equipment or materials should be assessed as capable of supporting the load. Suspended floors and their supporting members should not be loaded by workers, plant, falling or accumulated debris/materials to the extent that there is excessive deflection, permanent deformation or danger of collapse. If water is used, the increased weight of the watered debris should be taken into account. For further information refer to AS 2601: *The demolition of structures*.

Openings in floors, through which a person may fall, shall be properly guarded or boarded over and the boarding secured against accidental removal. Any covers or boarding of openings in floors should be of sufficient strength to withstand any expected loads that may be imposed on the floor, for example elevating work platforms, people and material. Drop zones should be isolated and/or guarded to protect workers and the public from falling objects.

When jack hammering concrete floors, sufficient reinforcing steel should be left in position as protection against collapse or to prevent persons falling through the floor.

MANUAL DEMOLITION OF FRAMEWORKS

Before any framework is demolished or removed, all reasonably practicable precautions should be taken to prevent the rest of the building collapsing as a result.

A competent person (for example a structural engineer) should undertake an assessment to determine the necessary supports required when cutting members. Members should not be cut unless they are supported safely and effectively. Measures should be taken to prevent sudden spring, twist, collapse or other movement of the framework when it is cut, released or removed.

Any framework which is not demolished should be strong enough to remain safely in position, or should be guyed or otherwise supported to ensure that it will be stable in any adverse weather conditions.

Framework members should be lowered in a controlled manner. Tag lines should be used on loads where necessary to control the load.

5.2 Mechanical demolition

Mechanical demolition involves the use of powered mobile plant, such as excavators, cranes, loaders and bulldozers. There may be a mix of hand and mechanical demolition methods applied.

All powered mobile plant used for demolition work must be fitted with a suitable combination of operator protective devices.

Operator protective structures should be designed to the appropriate standard that eliminates or minimises the risk, so far as is reasonably practicable, of operator injury due to:

- roll over and consequent cabin impact damage
- objects falling on or over the cabin
- objects penetrating the cabin, and
- hazardous noise.

Demolition should be planned to be systematic and sequential. That is, a structure should generally be demolished in the reverse order to which it was constructed.

WORKING ON SUSPENDED FLOORS

Suspended floors and their supporting members should not be loaded by workers, plant, falling or accumulated debris/materials to the extent that there is excessive deflection, permanent deformation or danger of collapse. If water is used, the increased weight of the watered debris should be taken into account.

If powered mobile plant will be operated on a suspended floor, the demolition contractor should ensure that a competent person (for example a structural engineer) verifies and documents:

- the type, size, weight and usage of any specified plant
- that the floor is capable of sustaining the static and live loads of the plant (including attachments) and demolished materials, without excessive deformation or collapse, either

- without additional support from below, or
- with specified propping to be applied from below so that the loads carried do not exceed their manufacturer's specified rating.

Any powered mobile plant used in demolition work should be moved between suspended floor slabs by hoist equipment or an appropriately fabricated ramp.

If load shifting equipment is to be used on suspended floors as part of the demolition work, a notification must be made to the regulator (see section 3.1 of this Code).

When using powered mobile plant on suspended floors, the person conducting the business or undertaking should review the demolition SWMS to confirm that:

- where plant has been specified in the SWMS, another piece of plant of the same type and usage may be substituted for it provided that the substituted equipment is neither larger nor heavier than the specified equipment
- effective communication will be maintained between the equipment operator and the demolition supervisor while the equipment is operating
- debris is progressively removed from each floor
- buffers are used to prevent the plant from falling over the edge where plant is used to push/tip materials into a nominated areas, and
- guarding, hoarding and/or exclusion zones are used to protect persons against the risk of being struck by falling debris and materials.

Load shifting equipment should, so far as is reasonably practicable, be located on a beam. Skid steer loaders using a breaker may not be appropriate on suspended floors with their limited reach.

It is important to consider the load created when large or multiple pieces of plant are used for this purpose so as to ensure that any partially demolished structure can support the loads. For example, the use of an excavator with a hydraulic rock breaker or pulverising attachment to break up walls and floors while other load shifting equipment is used to shift the debris on a suspended floor will result in a higher load. Because of the weight of the plant, the vibration caused by its operation and the build-up of debris, careful design and planning is needed to prevent a premature collapse of the structure.

DEMOLITION OF WALLS

When mobile plant (for example an excavator with hydraulic rock breaker) is used to demolish walls, at least 900 mm of the wall being demolished should be left intact above the floor level to provide a protective barrier at the perimeter of the building and around all lift wells, stair wells, light wells and any other places where persons or objects could fall. The remaining wall can later be safely demolished from the floor below. All remaining sections of walls should be identified and highlighted as buffers for edge protection.

Guarding, hoarding and/or the exclusion zones should be used to protect workers and/or the public against the risk of being struck by falling debris and materials.

Walls should not be laterally loaded by accumulated rubble or debris, to the extent that they are in danger of collapse.

USING PLANT AND ATTACHMENTS

All plant attachments should be pinned and secured as per manufacturer's requirements. The plant fittings used in demolition should be designed and fit for purpose. To avoid damaging the equipment itself and to prevent the risk of plant overturning, equipment should not be overloaded.

When plant is used to demolish vertical features such as columns or walls, the columns or walls should not be so high as to create a risk of debris falling onto the plant or operator.

Any member to be severed (with grapples, shears or pulverising attachments) should either be effectively supported or, if allowed to fall, will not endanger persons, plant or damage the remaining structure.

Exclusion zones should be established where necessary to protect the safety of people who are working on or in the vicinity of the demolition work. No person should be in any area near the mechanical demolition where there is a possibility of being struck by flying debris. Areas in which shears are operating should be kept clear of workers, because of the risk of smaller pieces of metal (for example bolts) flying off when sheared.

For further guidance on the safe use of plant refer to the [Code of Practice: Managing the risks of plant in the workplace](#).

5.3 Induced collapse

Induced collapse involves the systematic/sequential removal of key structural members and the application of a force to result in the controlled collapse of all or part of a building or structure. Expert advice should be sought from a competent person such as an appropriately experienced structural engineer, before this method is used.

Induced collapse methods should only be used on detached, isolated structures on reasonably level sites. There must be sufficient clear space into which the collapsing material will fall. The space should be large enough to contain the collapsed material and enable equipment and personnel to be removed to a safe distance prior to the collapse.

For further information on induced collapse methods refer to AS 2601: *The demolition of structures*.

LOAD REDUCTION

Structures which are not carrying their design loads may be pre-weakened prior to deliberate collapse. This pre-weakening should be carefully planned so that despite the removal of framework members and/or the partial cutting of load-bearing members, the remaining structure has sufficient strength to withstand wind or impact loads until the actual collapse is initiated.

Dead load can be reduced systematically by removing surplus material, machinery, roofs, cladding, walls and parts of floors before demolishing the structural frame.

Sometimes heavy loads are left at height to induce the collapse of the structure after movement is initiated. If this system is adopted, it should be carefully analysed and documented by a competent person (for example a structural engineer) to avoid premature collapse.

WIRE ROPE, SLINGS AND CHAIN PULLING

If using wire rope, slings and chain pulling to demolish a structure, the pulling medium should be a securely anchored winch or plant designed for towing and heavy enough to apply the required tension without sliding or lifting from the surface on which it is located.

The wire rope, sling or chain should be long enough to ensure that the horizontal distance from the demolition work to the pulling medium is at least twice the height of the highest part to be pulled. No person should be in any position where they could be struck by the wire rope, sling or chain in the event of a failure. The plant operator should be protected from rope breakage and flying debris. Exclusion zones should be established where necessary to protect the safety of people who are working on or in the vicinity of the demolition work.

Before pulling of a wall commences, the wall should be cut into appropriate sections having regard to their height, width and construction. If it is not possible to isolate these sections, the chains or wire ropes should be attached to their respective sections prior to the first pull being made. The free ends of the chains or ropes should be left a safe distance from the structure. Vertical reinforcing bars should not be cut until after the wall has been pulled over.

All wire rope, slings and chains used in mechanical demolition should comply with the relevant Australian Standards.

5.4 Using explosives

Construction work that involves the use of explosives is defined by the WHS Regulations as 'high risk construction work' and a SWMS must be prepared before this work commences.

A competent person experienced in the controlled application of explosives for the purpose of carrying out the demolition should be consulted before deciding whether explosives may be used for demolition.

Explosives must not be used to induce the collapse of any structure unless approved by the regulatory authority.

All possession, storage, handling and use of explosives must be carried out in compliance with the relevant dangerous substances/goods or explosives legislation applicable in your state or territory.

The transport of explosives must be in accordance with the *Australian Code for the Transport of Explosives by Road and Rail*.

Explosives must only be used by a competent person who is licensed in the use of explosives and has experience in the work to be undertaken. If explosives are used in demolition work, a licensed competent person must develop the blast management plan and be responsible for all aspects of the use of explosives in the demolition.

If explosives are planned to be used in demolition work, a notification must be made to the regulator (see section 3.1 of this Code).

For further information on the planning and use of explosives for demolition work, refer to AS 2601: *The demolition of structures* and AS 2187.2: *Explosives - Storage and use*.

6. DEMOLITION OF SPECIAL STRUCTURES

Special structures are complex and/or unusual because of the nature of their construction or condition. They include:

- pre or post-tensioned construction
- pre-cast concrete panel and framed structures
- stressed skin structures (i.e. buildings that rely on the sheeting, cladding or decking to stiffen and restrain the structural framework), and
- slung structures (i.e. floors or roofs) that are in some way suspended from a framework, supported by a structural core.

Special structures will require proper planning and care to be demolished safely. An appropriate demolition method and sequence should be selected and documented prior to the work commencing. A demolition plan and an assessment by a competent person of the proposed demolition method may assist with this process. A SWMS must be prepared where structural elements are to be demolished.

6.1 Pre and post-tensioned concrete

Pre-tensioned concrete contains tendons (wires, strands or bars) that have been tensioned before the concrete is placed.

Post-tensioned concrete contains tendons that have been tensioned after the concrete has hardened.

Tensioned tendons require controlled removal because the high level of potential energy stored in the tendons poses a risk to the health and safety and can cause damage to property. It is also important that structural stability is retained during and after tendon removal, prior to the final demolition of the concrete element.

The tendons can be subject to corrosion that weakens them and decreases the structural integrity of the building. Damage is not usually evident externally, even if strand breakage is extensive and conditions can vary widely even within an individual structure.

Before demolishing pre or post-tensioned concrete elements, review all available documentation on the building or structure including:

- building plans, designs and specifications to understand the type of tensioning used, the load carried, anchorage points and number of tendons, and
- any construction photographs to obtain information on anchorage details, the construction sequencing, and any other measures may affect moisture access.

The condition of the concrete and tendons should be considered before and during demolition, for example by:

- conducting a visual inspection to confirm loads, obvious deviations from the original design and waterproofing details
- assessing conditions throughout the building, as well as utilising selective testing in representative areas to assess any weakening or breakage of tendons
- measuring humidity within tendon sheathing and analysing any sheathing contaminants
- removing, inspecting and testing a small number of tendons to assess their condition, and
- continuing to monitor tendon tension.

Suitable control measures should be implemented, for example using steel plates or other restraint measures, at locations adjacent to pedestrian areas or where concrete cover is reduced. This will help to minimise the risk of personal injury or property damage arising from the unexpected release of stored energy in tendons.

6.2 Fire-damaged, ruinous and structurally unsound buildings or structures

An assessment should be undertaken to identify asbestos, hazardous materials and structural integrity issues relating to fire-damaged, ruinous or structurally unsound buildings or structures. The person conducting a business or undertaking should request a written report by a competent person specifying the hazards associated with the design and the current state of the structure.

Control measures should be taken, as far as is reasonably practicable, during the assessment and demolition stages.

In specifying the hazards associated with the design and current state of the structure, the report by the competent person should also specify the control measures that should be applied to the demolition.

Where possible, fire damaged, ruinous or structurally unsound buildings or structures should be demolished by mechanical means.

6.3 Lift shafts

The combination of the lift shaft structure and the lift plant (including the lift cage or car, winders, counterweights, electrical supply and controls) can make these complex structures. Different methods can be applied to the demolition of lifts and these will depend on the circumstances of the particular site.

In general, demolition procedures should include the following:

- temporary support of the lift cage and the disconnection of electric power to all areas of the lift machinery
- lowering of any counterweights to an appropriate level for disconnection and the unwinding of cables in a controlled manner prior to the removal of drums
- provision of temporary decking in the lift shaft, and
- progressive demolition of the lift shaft walls onto existing floors and the removal of any debris.

6.4 Basements, cellars, vaults, domes and arched roofs

During the demolition of a basement, cellar, arch, vault or dome frequent inspections should be made to identify whether there has been any unplanned movement. If unplanned movement is detected, appropriate action should be taken to avoid any uncontrolled collapse.

If a basement, cellar, vault or void adjoins another property, any adjoining walls should be inspected by a competent person to determine whether they are strong enough to withstand the resultant ground pressure. If they are not, the proposed methods of strengthening them should be subject to an assessment by a competent person (for example a structural engineer).

If a basement has been built in ground with a high water table, measures should be taken, as far as is reasonably practicable, to prevent any collapse as a result of hydraulic pressure, uncontrolled water inrush or flotation.

If work is to be undertaken in a basement, it will be necessary to determine if the basement is a confined space. There are specific requirements in the WHS Regulations for working in confined spaces. Further information can be found in the [Code of Practice: Confined spaces](#).

6.5 Masonry and brick arches

Masonry and brick arches should be demolished in a sequence that allows for the removal of as much of the dead load material as possible without interfering with the stability of the main arch rings. The spandrel infilling should only be removed down to the springing line as the load-carrying capacity of many old arches relies on the filling between the spandrels. In multi-span arches, lateral restraints should be provided at the springing level before individual spans are removed.

6.6 Independent chimneys and spires

A detailed inspection and survey should be completed prior to the demolition of a chimney or spire. In particular, the condition of the structural material, which can range from stone and brick to steel, timber and concrete, needs to be assessed to identify any faults, such as fractured or badly weathered stone or rotten timbers.

Measurements may need to be taken to determine whether there is any deviation from the perpendicular. The possibility of chimney instability resulting from inclement weather (for example high winds) needs to be considered during all stages of demolition work.

Due to their height, it is common for chimneys to be demolished by hand or through induced collapse. Temporary supports may be required to ensure that premature collapse does not occur.

Hand demolition should be carried out progressively from the top of the chimney and from safe working platforms.

Due to their height, control measures that need to be considered when demolishing chimneys or spires include:

- temporary work platforms
- falling object protection
- exclusion zones, and
- dust control.

Induced collapse will require sufficient clear space, approximately 1.5 times the total height of the chimney and of sufficient width depending on the type of structure.

6.7 Pylons and masts

If using hand demolition, a pylon or mast should be dismantled in the reverse order to that in which it was erected. If another method is used, such as demolition by wire rope pulling, planning including the provision of adequate clear space will be required.

6.8 Precast concrete panels

If a structure is composed of a series of reinforced precast concrete panels, an inspection of the fixings to the rest of the structural elements, jointing between elements, and the lifting points or fittings should be undertaken to establish their nature and condition before any demolition of the structure begins.

Where possible, the panels should be removed by a crane in the reverse sequence to that used for their erection. Wherever panels act as bracing, for example along a wall, sufficient temporary bracing should be provided to the structure, to maintain its stability during and after removal of the panels.

The original lifting points or fittings should not be reused to lift and/or support a panel during its removal if they have deteriorated and corroded.

Before removing any individual panel, it should be fully supported, both vertically and horizontally, above its centre of mass, so as to prevent any sudden rotational movement during its detachment from the supporting structure.

For further guidance on precast concrete elements, refer to the Code of Practice: *Tilt-up and precast concrete elements in building construction [under revision]*.

6.9 Façade retention

The retention of façades should be planned and documented before demolition work commences. The demolition method(s) used should take into account the limits imposed by the planned façade retention.

Use guarding, hoarding and/or exclusion zones to protect persons against the risk of being struck by falling debris and materials.

The façade or footings may need to be repaired and temporary support for the façade may need to be installed before demolition work commences. Temporary support may also need to be installed in stages during the demolition work, depending on the support design and other external factors such as wind.

Supervision by a competent person (for example structural engineer) during various stages of the demolition work may be necessary in order to monitor any façade movement or cracking. The structure should be inspected after any unusual incidents such as heavy rain or wind, an earth tremor or accidental impact on the façade or its supports.

6.10 Storage tanks and pipelines

Before an above ground or underground storage tank and/or associated pipelines are removed or demolished, any previous use should be determined and appropriate action taken to identify and remove any hazardous chemicals. Delivery lines and vent pipes should be purged. The tank should be emptied and certified by a competent person as being free of gas, flammable vapours or other hazardous chemicals.

If work is to be undertaken on storage tanks then it is necessary to determine whether they are a confined space for the purpose of the work. There are specific requirements in the WHS Regulations for working in confined spaces and further guidance can be found in the *Code of Practice: Confined spaces*.

GENERAL PRECAUTIONS

During the demolition of tanks and pipelines, the following precautions should be taken:

- make sure that no flammable or toxic substances or combustible liquid is allowed to enter any drainage system or watercourse
- if excavating underground tanks and/or pipelines, check the soil surrounding the tank/pipe to establish that it is not contaminated, either by leakage from the tank/pipe or by spillage, and
- hot work (for example welding; oxy-acetylene cutting) should not be undertaken where there is a chance that flammable material may be present as a result of leakage/spillage or after cleaning out the tank/pipe.

HAZARDOUS FACILITIES

Special precautions should be taken during the demolition of major hazard facilities (MHF), chemical works, gas works and similar establishments. These types of facilities should be examined in conjunction with a competent person (for example a chemical engineer), in order to determine the nature of any of the plant, chemical deposits and their influence on the method of demolition or dismantling.

The removal of flammable materials and their new locations should be ascertained before any demolition work starts.

CONTAINERS THAT HAVE HELD FLAMMABLE OR COMBUSTIBLE MATERIAL

Welding and cutting work on containers that have held flammable or combustible liquids, solids, gases or dusts can result in fire or explosion if the containers are not entirely free of these materials.

It is therefore important to conduct a rigorous cleaning process and that any instructions for cleaning are followed. Containers which have held any of the following materials are considered unsafe and hot work should not be started before they are properly cleaned:

- petrol, kerosene, solvents, or light oils
- acids and alkalines, which can react with metal to produce explosive or toxic gases
- heavy oils, tars or solids which can release combustible gases when exposed to heat, and
- flammable solids, whose finely divided particles may form an explosive dust cloud.

Any container which has held flammable or combustible substances should be considered unsafe until confirmed otherwise by a competent person.

Further guidance on safety precautions that can be taken when welding is available in the *Code of Practice: Welding processes*.

APPENDIX A – DEFINITIONS

Asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including actinolite asbestos, grunerite (or amosite) asbestos (brown), anthophyllite asbestos, chrysotile asbestos (white), crocidolite asbestos (blue), and tremolite asbestos.

Asbestos containing material (ACM) means any material or thing that contains asbestos.

Bearer means the primary horizontal support members for a formwork deck that are placed on top of formwork frames. Bearers are usually constructed from timber but are sometimes constructed from metal, such as in the case of some modular formwork systems.

Brace means a member, usually a diagonal, which resists lateral loads and/or movements of a structure.

Chute means an inclined or vertical trough or tube through which articles are passed from a higher to a lower level.

Competent person means a person who has acquired through training, qualification or experience the knowledge and skills to carry out the task.

Dead load means a permanent inert load on a building or other structure due to the weight of its structural members and the fixed loads they carry, which impose definite stresses and strains upon the structure.

Debris means material created by demolition work that is larger than rubble.

Demolition drop zone means zone for the disposal of demolition rubble and debris, which is clear of obstruction and isolated from workers and other persons at the workplace, to allow objects to fall freely.

Earthmoving machinery means an operator controlled plant used to excavate, load, transport, compact or spread earth, overburden, rubble, spoil, aggregate or similar material, but does not include a tractor or industrial lift truck.

Essential services means services that supply:

- (a) gas, water, sewerage, telecommunications, electricity and similar services, and
- (b) chemicals, fuel and refrigerant in pipes or lines.

Exclusion zone means an area from which all persons are excluded during demolition work.

Footing means the construction that transfers the weight of the structure to the foundation.

Foundation means the ground upon which the footings of a building are constructed.

Framework means a structure constructed of metal, concrete, timber, brick or other rigid materials.

Lagging means insulated covering for services (for example hot water pipes).

Live load means a moving load or a load of variable force acting upon a structure, in addition to its own weight.

Load bearing wall means a wall which provides structural support including for the floor and/or roof in a building, its own weight, live loads, dead loads and lateral forces of arches, vaults and wind.

Main means a street reticulation service provided by the supply authority, for example gas, water and sewerage.

Masonry means brick, concrete, stone, artificial stone or terra cotta laid in mortar.

Partition wall means an interior non-load bearing wall that divides a building into rooms.

Pier means a column or post supporting a superstructure such as floor bearers, verandas or beams.

Purlins means

- In simple roof construction, longitudinal roof timbers giving intermediate support for rafters, supported at intervals longitudinally by struts.
- In some roofs of trussed construction, the purlins provide direct support for the roof covering, they bear on the principal rafters of each truss and span between trusses.
- In roofs of trussed construction employing common rafters, purlins span between trusses supporting the lighter common rafters at requisite intervals.

Rafter (common) means in roof construction, a timber framing member providing the principal support for the roofing material.

Reinforcing steel means steel bars of various sizes and shapes used in concrete construction for giving added strength.

Roof truss means a truss providing structural support for a roof.

Rubble means rough broken stones or brick used for filling.

Shoring means temporary supports used to maintain stability and prevent movement typically to:

- prevent the collapse of an excavation, and
- support an existing structure, especially where they may be weakened by the removal of adjoining buildings.

Stability means a determination of the ability of a structure to withstand overturning, sliding, buckling, or collapsing.

Underground essential services means essential services that use pipes, cables other associated plant located underground.

Underground essential services information means in relation to proposed demolition work, means the following information relating to underground essential services that may be affected by the excavation:

- the essential services that may be affected
- the location including the depth, of any pipes, cables or other plant associated with the affected essential services, and
- any conditions on the proposed excavation work.

Underpinning means the construction of new footings and walling under the footings of an existing structure which have failed or may fail.

Vault means an arched structure of masonry usually forming a ceiling or roof.

Ventilation means the process of changing or circulating the air in a space by either natural or artificial means.

APPENDIX B – DEMOLITION PLAN

Given the specialist nature of demolition work, a demolition plan might be prepared to collate the key information relevant to the work into a single document including some information relevant to work health and safety. A demolition plan should not duplicate a WHS management plan or SWMS but may reference them.

A demolition plan may include:

- the location of the site on which the structure to be demolished stands
- the overall height of the structure above ground level and the least distance from the structure to each site boundary
- the type of building (occupancy class), its structural support system and the principal materials of its construction
- the proposed methods of demolition including the number and types of major items of plant
- the proposed methods for handling and disposing of demolished materials and, in particular, of hazardous materials
- the proposed methods of controlling and maintaining access and egress to workplace
- the proposed sequence of carrying out the demolition works and an estimate of the time (in days) it is likely to take to complete all of each of the stages of the work
- the proposed hoardings, scaffolding and fencing and of any overhead sidewalk protection
- any other plans, illustrations, written documents, or specialist reports as may be necessary to support the proposed methods of work or protective structures
- traffic management arrangements, which includes managing vehicles and mobile plant hazards in relation to operation at the workplace and interaction with the public.
- the location and condition of the following
 - underground essential services including
 - electricity
 - drainage and sewerage
 - gas
 - water
 - communications cables (for example telephone, radio and television relay lines)
 - hydraulic pressure mains
 - liquid fuel lines
 - lubrication systems
 - process lines (chemical, acid)
 - above ground essential services
 - hazardous materials, including asbestos
 - underground structures such as a basement, cellars, or storage tanks
- any confined spaces where work will be undertaken
- the general condition of structures on adjoining properties, particularly where these are close to or on the boundaries of the demolition workplace
- the effect demolition may have on people working in adjoining properties or seeking access to and egress from those properties, and
- the emergency arrangements, which should include equipment for the rescue of injured persons.

APPENDIX C – ENGINEERING INVESTIGATION CONSIDERATIONS

Some of the issues to be considered when undertaking an engineering investigation include:

- obtaining the as-built details of the component members (if available)
- identifying the type of structural system involved
- conducting a search for engineering details specifying size, type and configuration of reinforcement and the strength of materials (if available) and the located documents referenced
- assessing the current load-carrying capacity of the structure, taking into account
 - the strength requirements of the relevant structural technical standards current at the time of construction and the strength and loading requirements of those now current
 - degradation of the original properties of the materials used due to time, weathering, wear, or other deleterious causes
 - the capacity of the structure as a whole and individual members to sustain superimposed loads without
 - premature collapse of any member, or
 - deforming to an extent which will lead to static instability of the member itself or to connected members
- verifying the composition or quality of structural components, if necessary, using methods such as
 - core drilling
 - electronic reinforcement location
 - exposure of reinforcement
- assessing any loss of structural strength resulting from any destructive investigation methods used
- identification and location of floor penetrations to facilitate construction or structural irregularities
- assessing whether the proposed methods and sequence of demolition can be executed without causing unpremeditated collapse of the whole or part of the structure, and
- identifying any other details of the structure regarding strength, construction or contents which will influence the selection of demolition methods/procedures.

LIST OF AMENDMENTS

Date	Page Number	Amendments
22 October 2013	Front cover	Publication date changed from first published date of July 2012 to republished date of November 2013.
22 October 2013	Whole document	Style and formatting has been reviewed.
22 October 2013	12	Reference to Regulation 422 and 425 updated.
11 March 2015	Front cover	Publication date changed from republished date of November 2013 to second republished date of March 2015.
11 March 2015	12	Section 3.5 - Text amended as the National Occupational Licensing System has been discontinued.
3 February 2016	Front Cover	Republication date of March 2015 changed to February 2016.
3 February 2016	37	Definition of 'pier' changed from 'Pier means a column or post supporting a superstructure such as floor bearers, verandas, beams etc.' to 'Pier means a column or post supporting a superstructure such as floor bearers, verandas or beams.' consistent with the word version.

.....

THIS CODE PROVIDES PRACTICAL
GUIDANCE ON HOW TO MANAGE
THE RISKS ASSOCIATED WITH THE
DEMOLITION OF BUILDINGS AND
STRUCTURES.

.....



ACT
Government

**Asbestos Response
Taskforce**

DEMOLITION OVERVIEW

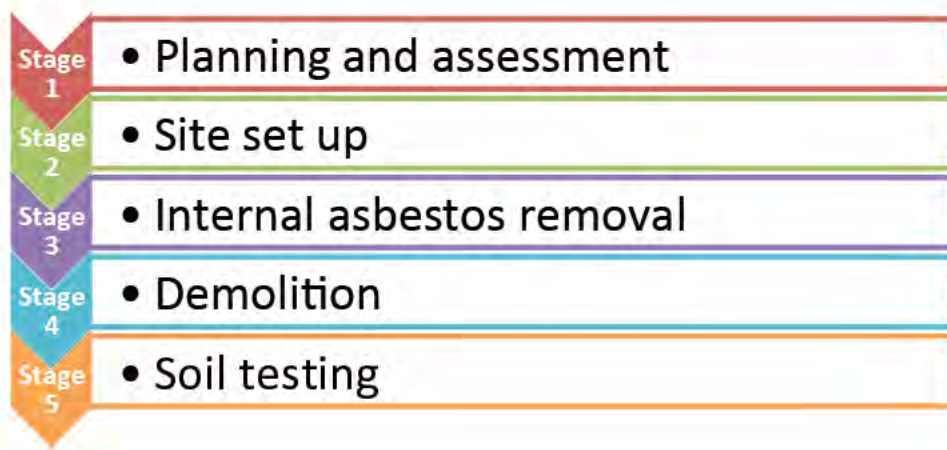


ASBESTOS RESPONSE TASKFORCE

DEMOLITION OVERVIEW

The safe demolition of houses affected by loose fill asbestos insulation is happening across Canberra. Experienced licensed contractors undertake the works with oversight from WorkSafe ACT.

Removing an affected house involves the following stages:



STAGE 1 - PLANNING & ASSESSMENT

No two houses are the same. In order to understand the complexity of each affected house and site, detailed scoping and assessment work is undertaken by the Taskforce, asbestos assessors and demolition contractors. This can happen well in advance of demolition.

The Taskforce prepares a Demolition Pack for each house that includes a settlement checklist, recent maintenance reports, special considerations and, if needed, historical files. For more information visit www.asbestostaskforce.act.gov.au and search for 'demolition scoping'.

Licensed asbestos assessors undertake work to inform the methodology used to safely manage all forms of asbestos in the property, and contractors may prepare temporary traffic management plans and erosion control plans appropriate to the site. All necessary documentation is submitted to WorkSafe ACT.

STAGE 2 - SITE SET UP

Before work begins, fencing is erected around the property and fence wrap installed.

Site signage on the fence provides information on when asbestos removal is expected to start, when demolition is scheduled to begin, and the contractor's contact details.






Site preparation works are then undertaken. This can include a range of activities such as installing equipment, trimming trees, creating access pathways and removing fixtures and furniture as identified and approved by an independent licensed asbestos assessor.

Staying Informed

Contractors will engage with immediate neighbours to discuss the upcoming demolition activity.

It is important to note that the timing of a demolition is influenced by a range of variables, including weather, staff and equipment availability, and demolition complexity.

The best way to stay informed is to refer to the site signage which is regularly updated by the contractor and shows the expected asbestos removal date and anticipated demolition date.

	ACT Government	Asbestos Response Taskforce
Indicative Dates for Activity on this Site:		
Asbestos Removal Expected to start		
Generally asbestos removal will be completed within 5 working days		
Demolition Expected on		
Site Contact		
Dates may change due to a range of factors, including adverse weather conditions		
For More Information:		
<ul style="list-style-type: none"> ➤ Call: 13 22 61 ➤ Email: asbestostaskforce@act.gov.au ➤ www.act.gov.au/asbestostaskforce ➤   @taskforceACT 		

STAGE 3 - INTERNAL ASBESTOS REMOVAL

The internal asbestos removal process involves creating a negative air environment to ensure that no fibres escape during the removal works.

The first step in this process is to seal the house. There are two methods currently being used by contractors engaged by the Taskforce.



One method involves placing plastic sheeting on the roof and sealing all windows and vents.



The other method involves using shrink wrap to encapsulate the entire house.



Once the houses are sealed, negative air pressure units are placed in windows or doors. These units generally operate for about five days during the asbestos removal stage.

Air monitors are installed on perimeter fences prior to asbestos removal works commencing. They remain in place until completion of structural demolition.

For more information visit the Taskforce website and search for 'air monitoring'.

ASBESTOS RESPONSE TASKFORCE

DEMOLITION OVERVIEW



Under negative air conditions the house is deconstructed internally. Ceilings and walls are pulled away to expose the cavities where loose fill asbestos insulation fibres have settled.

Asbestos fibres are then vacuumed and sealed in heavy duty plastic bags. The bags are processed through a decontamination unit and transported to a special asbestos disposal site at the Mugga Lane Resource Management Centre.



The remaining internal structure of the house is then coated with a coloured PVA glue or paint to bind any residual fibres to the structure prior to demolition.

The contractors will also remove any non-friable or bonded asbestos prior to structural demolition. This does not need to happen under negative air conditions but must be carried out with appropriate controls in place, including the use of protective equipment.

The house is demolished only when a clearance certificate for both friable and non-friable asbestos removal has been issued by an independent licensed asbestos assessor.

ASBESTOS RESPONSE TASKFORCE

DEMOLITION OVERVIEW

STAGE 4 - DEMOLITION

Demolition of the structure generally only takes a couple of hours.

Noise

The day of the demolition will be the noisiest part of the work as excavators pull the house down and rubble is loaded into trucks.



For more information visit the Taskforce website and search 'noise and demolition'.

Traffic

Just like any house demolition there may be some minor traffic impacts in local streets as equipment is moved to and from the site. Traffic management plans are put in place where necessary to ensure the safety of the public.



Dust

During demolition, water is sprayed onto the structure and rubble to suppress dust. This spray can look like dust but is actually a misty cloud of fine water droplets.



Rubble removal

Demolition rubble is loaded into covered trucks and then transported directly to the asbestos tip site at the West Belconnen Resource Management Centre. On occasion, the rubble may remain on site for a few days, particularly in bad weather. If this happens, appropriate dust suppression controls are implemented as directed by an independent licensed asbestos assessor.



For more information visit the Taskforce website and search 'disposal of affected properties'.

STAGE 5 – SOIL TESTING

Once the rubble is cleared, a layer of soil is removed from the demolition site. Samples of this soil are sent for testing. If asbestos fibres are found, further soil is removed and additional testing is carried out.

This process, which may take a number of weeks, continues until all samples are clear. For more information on soil testing visit the Taskforce website and search 'soil validation'.

The soil clearance report, along with the demolition certificate and the asbestos clearance certificate, are then provided to the Taskforce. These documents provide the required evidence to the Taskforce to allow the property to be removed from the Affected Residential Premises Register. For more information visit the Taskforce website and search 'deregistration'.



ACT
Government

Asbestos Response Taskforce

FURTHER INFORMATION:

Asbestos Response Taskforce:

Visit www.asbestostaskforce.act.gov.au/demolition or call Access Canberra on **13 22 81** and ask to speak to the Asbestos Response Taskforce.

Noise:

Call Access Canberra on **13 22 81** and ask to speak to the Environment Protection Authority.

Work site safety:

Call WorkSafe ACT on **6207 3000**.

Criminal activity:

If you see anything suspicious on a vacant Mr Fluffy property call Crime Stoppers on **1800 333 000**, and if you see a crime occurring call **131 444** for police assistance.

ACCESSIBILITY

The ACT Government is committed to making its information, services, events and venues as accessible as possible.

If you have difficulty reading a standard printed document and would like to receive this publication in an alternative format, such as large print, please phone 13 22 81 or email asbestostaskforce@act.gov.au

If English is not your first language and you require a translating and interpreting service, please phone 13 14 50 and ask for 13 22 81.



If you are deaf, or have a speech or hearing impairment, and need the teletypewriter service, please phone 13 36 77 and ask for 13 22 81.

For speak and listen users, please phone 1300 555 727 and ask for 13 22 81. For more information on these services visit <http://www.relayservice.com.au/>

Sewer connection

ActewAGL's requirements for demolition work which could potentially damage ACTEW assets or result in discharge of stormwater, or other unapproved wastes (other than domestic sewage) to the ACTEW sewerage network.

The property owner (or their design or construction agent) is responsible for the following.

1. Where an ACTEW sewer main traverses a property or an ACTEW sewer main is outside the property boundary (and proposed demolition works may impact on the sewer main's pipe-protection-envelope), accurate sewer network survey plans must be obtained from ActewAGL or from a registered surveyor. Sewer asset locations need to be shown on relevant demolition plans including manhole, boundary riser and tie location with off-set dimensions from site boundaries.
2. Recording the condition of manhole covers. ActewAGL can be contacted on 13 11 93 to repair damaged components. A failure to identify any faults before demolition commences may result in the property owner (or their contractors) being held responsible to pay for the repair caused by a failure to adequately protect ACTEW's assets during the demolition or building construction works.
3. Engaging a licenced drainer to disconnect the internal sanitary drains before any demolition works commence. The discharge of debris, stormwater or other unapproved liquid wastes (other than domestic sewage into the sewerage networks) is an offence under the *Utilities Act 2000*.
4. Identifying, flagging, barricading and protecting the sanitary drainage 'riser' (if installed) and manholes from demolition operations.
5. Where further construction works is planned, sanitary drains are to be temporarily sealed by capping no closer than 3 metres from the ACTEW tie. Excavation and capping is to be undertaken by licensed drainers at the customer's expense. The capping point is to be staked behind the cap and identified at ground level. Please note the subsequent building contractor will be required to make a new sanitary drainage connection at the designated tie (not at the temporary cap). This may require the removal of old jump-ups in the customer's sanitary drains. When the tie is exposed it is recommended to ask ActewAGL to inspect the branch-line to ensure it is in good condition.
6. Where further construction work is not proposed to commence within 12 months from the date demolition commences, permanent disconnection may be required. Please consult ActewAGL at this time for a definitive answer.

For more information contact:

ActewAGL Water division technical enquiry line

Phone: 6248 3555 (press '2' for Water)

Fax: 6242 1459

Or visit the customer service counter during business hours
12 Hoskins Street, Mitchell.

Water supply

ActewAGL requirements for demolition works which could potentially damage ACTEW assets or result in contamination of the potable water supply.

The property owner (or their design or construction agent) is responsible for the following.

1. Where an ACTEW water main traverses a property (and where an ACTEW water main is outside the property boundary but proposed demolition works may impact on the water main's pipe-protection-envelope), accurate water network survey plans must be obtained from ActewAGL or from a registered surveyor. Water asset locations need to be shown (including mains, valves and hydrants) on relevant demolition plans (with off-set dimensions to site boundaries).
2. Identifying the location of the ACTEW isolation valve and water meter on the site plan (with off-set dimensions from site boundaries).
3. Recording the condition of the water connection pipe, isolation valve, water meter, verge hydrants and verge network valves. Please contact ActewAGL on 13 11 93 to repair damaged components. Failure to identify any faults before demolition works commence may result in the property owner (or their contractors) being held responsible to pay for the repair caused by a failure to adequately protect those assets during the demolition or building construction.
4. Engaging a licenced plumber to disconnect the internal plumbing service at the water meter before any demolition commences. The discharge of debris, stormwater or other unapproved liquid wastes (other than domestic sewage into the sewerage networks) is an offence under the *Utilities Act 2000*.
5. Where further construction works are planned, install a temporary hose cock adjacent to the meter. Retain the meter, meter box and hose cock for the duration of any building works. Identify, flag, barricade and protect the meter assembly from demolition operations and accidental damage. To avoid accidental wastage, turn off the isolation valve until required.
6. Where further construction works is not proposed to commence within 12 months from the date demolition commences, permanent disconnection and removal of the meter may be required. Please consult ActewAGL at this time for a definitive answer.
7. Flagging and protecting network isolation valves and hydrants (on the verge) from demolition operations and accidental damage.
8. Advising ActewAGL when demolition is complete. ActewAGL may take the opportunity to install a new isolation valve and meter assembly to the current ACTEW standard.

For more information contact:

ActewAGL Water division technical enquiry line

Phone: 6248 3555 (press '2' for Water)

Fax: 6242 1459

Or visit the customer service counter during business hours

12 Hoskins Street, Mitchell.

Statement of Compliance information sheet

The following elements must be included in an application to ActewAGL when seeking a Water and Sewerage Statement of Compliance.

Before plans can be prepared at a standard suitable for submission to ActewAGL and later ACTPLA (or in some cases a private certifier), development applicants must obtain the location of any water/sewerage assets on the land from ActewAGL. This information can be obtained by providing block and section details to one of the contact points shown on the back of this information sheet.

1. Requirements for all application types

All plans are to have a designated scale, for example 1:500, 1:200, 1:100, 1:50. Plans should have a bar-scale.

2. Location of water and sewerage network mains

Plans must show utility assets when submitted to ACTPLA in order to comply with ACTPLA's new Territory Plan application approval process. Water mains (and valves) and sewerage mains (and manholes) must be located accurately with dimensions showing distances from boundaries or where they cross boundaries. ActewAGL strongly recommend you advise us of your intentions, bring a sketch plan of your proposed development and determine what setbacks are required to comply with utility requirements. Where necessary or when requested, ActewAGL will provide survey information for water and sewerage network pipes on (or near) single unit or dual occupancy residential properties to permit you to develop your plans for submission to ActewAGL and subsequently to ACTPLA. Please note that the developer is responsible to provide survey information for multi-unit residential and non-residential properties.

3. Site plans to include the following:

- The footprint of proposed structures with dimensioned setbacks from boundaries.
- The footprint of all existing structures (including minor structures such as sheds, rainwater tanks, fences and retaining walls) nominating their ACTPLA approval status and showing dimensioned setbacks from boundaries.
- ACTEW water and sewerage assets (located within and adjacent to the block) with dimensions showing distances from boundaries or where they cross boundaries (see point 2 above).
- Location of easements shown on the Deposited Plan.

4. Construction plans to include the following:

- Plans, elevations and sections of proposed structures.
- Plans of all levels (basements, ground, first, etc).
- Cross-sections showing the location and depth of water or sewerage utility services where they are in the general vicinity of proposed works (i.e. footings, retaining walls, slabs, basements, landscape features, cut or fill).
- Notes explaining how water and sewerage network mains will be protected and stabilised when excavation works occur in the vicinity of these assets.
- Notes confirming compliance with ACTEW Standards and rules for the protection of the water supply (including the water meter) and sewer tie during construction or demolition works. Please note backflow prevention devices may be required on water taps used for construction purposes.
- Where sanitary fixtures in basement structures cannot be protected from sewage surcharge by an approved Overflow Relief Gully (an ORG with an overflow drainage path draining away from the building) drawings must confirm these sub-floor structures are serviced by a sillage pump.

5. Additional requirements where demolition of buildings is proposed

- Demolition plans showing ACTEW water and sewerage assets (located within and adjacent to the block) to the boundary and proposed or existing structures (see point 2 above)
- Cross-sections and notes explaining how water and sewerage network mains will be protected and stabilised when excavation works occur in the vicinity of these assets.
- Notes confirming disconnections (including temporary sewer) from the ACTEW water and sewerage networks comply with ActewAGL's Sewer connection requirements.
- Plans indicating how access routes to utility assets are to be retained for ActewAGL during the period of the works.
- Confirmation that any water taps to be used during demolition will have ACTPLA approved backflow prevention installed.

6. Additional multi residential and commercial requirements

- A preliminary external services plan (for the sizing and locating of water and sewerage network connections) to ACTEW Water Supply and Sewerage Standards and the ACTEW Water and Sewerage Service and Installation Rules.
- All residential and commercial units are required to be individually metered. Metering of tenanted flats is optional but recommended where possible. Submissions must include a 'meter location' plan complying with ActewAGL guidelines.
- Offsite works plan (for works proposed on public land related to the site including landscaping, minor structures and ramps).

7. Swimming pool applications

- All applications for swimming pools must include pool dimension and surrounds, landscaping, safety fences, pool equipment and pool pumps.

8. Special cases

- On occasion additional information may be required due to site specific conditions.

To lodge a water/sewerage compliance application:

- bring your drawings to the Water division service centre
- lodge electronically at www.actewagl.com.au/advice/buildingandrenovations/onlineplanningform

The protocols for submitting an electronic application.

- Drawings in A3 format (each PDF to be no larger than two megabytes in size).
- Send one email for each application.
- Each PDF can contain multiple drawings however if you have more than five PDFs in an application, please send multiple emails (i.e. part 1, part 2 etc.)
- All submissions must be accompanied by a completed Utility Compliance application form which is available from the ActewAGL website.

For further information

Information about any of the requirements raised in this document can be obtained by contacting ActewAGL Water division:

Water division Service Centre:

12 Hoskins Street

Mitchell ACT 2911

Phone: 6248 3555 (press 2 for Water)

Office hours: 9.00am and 4.00pm.

ActewAGL's website:

www.actewagl.com.au/advice/BuildingAndRenovations/

The online enquiry form is available from:

www.secure.actewagl.com.au/forms/enquiry/bnua.aspx

Please note that separate applications are required for ActewAGL's electricity and gas networks and to other utility providers such as stormwater or telecommunications.



















From: [Reece, Jayne](#)
To: [Fitzgerald, Bruce](#)
Cc: [Rutledge, Geoffrey](#)
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith)
Date: Tuesday, 6 February 2018 7:52:59 AM

I will speak to GSO about this one this morning. Will also give ACTIA the heads up that it may turn into a compensation claim.

Sent from my iPhone

On 6 Feb 2018, at 7:42 am, Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au> wrote:

Just a heads up on this one. Jayne can provide the background if needed.

Cheers
Bruce

Begin forwarded message:

From: [REDACTED]
To: "Reece, Jayne"
<Jayne.Reece@act.gov.au<<mailto:Jayne.Reece@act.gov.au>>>, "Fitzgerald, Bruce"
<Bruce.Fitzgerald@act.gov.au<<mailto:Bruce.Fitzgerald@act.gov.au>>>, "Willimott, Samantha"
<Samantha.Willimott@act.gov.au<<mailto:Samantha.Willimott@act.gov.au>>>
Subject: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith)

Attention Asbestos Response Taskforce,

We are taking this opportunity to document our conversations to date with the Asbestos Response Taskforce regarding Block 9 Section 32 Griffith (13 Mitchell Street, Griffith).

As discussed with your office, on Friday 2 February my builder commenced preparing the site for the slab. However as part of the preparation he found all existing plumbing (both clay and PVC pipes - refer to attached photos) still is situ on site.

Even more distressing is that as part of the site preparation, he found also bonded asbestos in an area on site (refer to attached photos). This bonded asbestos is now mixed in with the soil which was scraped from the site for the preparation of the slab and thus the soil is contaminated.

On finding out about this situation we immediately contacted the Asbestos Response Taskforce to understand how we could proceed with the building process with the issues on hand. To my surprise the Taskforce said that they are not responsible for the issues in any shape or form and referred me to the contract for sale and told me to log the issue with WorkSafe ACT. They also advised me that there was a Site Soil Variation Report done on samples of the site and an asbestos clearance certificate issued indicating there were no issues

with the site.

While we appreciate the report suggests there are no issues, we would like to highlight that it was only done on samples and that despite what a report or certificate says, the building was not demolished correctly, with clear evidence of asbestos and as such the site is not safe.

And to suggest that the contract for sale indemnifies the ACT Government is irresponsible when clearly the demolition was not carried out as described in Clause 5.3 "Demolition Works". The reasons why the Demolition Works clauses have not been met can be evidenced as follows:

- Asbestos was not removed in line with Work Safe Australia and ACT Demolition Work Code of Practice
- Services were not disconnected in line with ACTEWAGL's regulations regarding disconnection of services with both clay and PVC pipes still on site
- Building rubble from the existing dwelling was found on site including roof tiles, bricks and bonded asbestos as per the photo.
- The removal of asbestos was not undertaken as described in the Asbestos Response Taskforce's Demolition Overview where - "The contractors will also remove any non-friable or bonded asbestos prior structural demolition... The house is demolished only when a clearance certificate for both friable and non-friable asbestos removal has been issued by an independent licensed asbestos assessor."

We have paid over \$1.6 million for a site that has clearly not been remediated correctly despite the Taskforce's claims that it has. Further disturbing issues is that [REDACTED] have played on site digging around in the dirt which we understood to be remediated. We now also find we are in breach of the building contract where slab preparation is to commence on Friday 9 February and because site has not been remediated we cannot proceed further until it is rectified.

With the major issues on hand, we are seeking immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble (including pipes etc) by 6pm Thursday 8 February 2018.

We ask that you respond via email by 4pm Tuesday 6 February 2018 on your intended course of action otherwise we will have no choice except to take this matter further with legal representation and contacting the press.



<Work Safe Australia - mcop-demolition-work-v4.pdf>

<ART - DemolitionBooklet-April2017.pdf>

<ACTEWAGL - Demolition-checklist-water-sewer.pdf>

<ACTEWAGL - Statement-of-compliance-factsheet-water-sewer.pdf>

<IMG_7057.jpg>

<IMG_7046.jpg>

<IMG_7048.jpg>

<IMG_7050.jpg>

<IMG_7051.jpg>

<IMG_7053.jpg>

<IMG_7054.jpg>

<IMG_7055.jpg>

<IMG_7056.jpg>

From: Horsburgh, Stephen
Sent: Tuesday, 6 February 2018 8:48 AM
To: Jamieson, Victoria
Subject: Re: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]

What is the purchaser complaining about?

Regards

Stephen Horsburgh
Asset Management Officer
Asbestos Response Taskforce
[Redacted]

On 6 Feb 2018, at 08:46, Jamieson, Victoria <Victoria.Jamieson@act.gov.au> wrote:

Hey everyone,
Odd one for you. The above property settled mid last year. I have a request to Property group for 'First clean up' but no photos and can't seem to find anything in my emails.
I was wondering if everyone can have a look to see what they have on this property and forward it through pretty please 😊

WO #	STATUS	Site Address	Contractor	Work Requested	Date R
TF0172		13 Mitchell St Griffith	ACT Property Group	First Cleanup	25/10/

We are investigating a complaint from the purchaser.

Regards,

Victoria Jamieson | Inventory Manager

Acquisition, Demolition and Sales

Asbestos Response Taskforce | Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 620 77590 | Email: Victoria.Jamieson@act.gov.au

Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Jamieson, Victoria on behalf of ART Maintenance
Sent: Tuesday, 6 February 2018 10:15 AM
To: Reece, Jayne; Willimott, Samantha
Subject: FW: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]
Attachments: image1.jpeg

FYI

Regards,

Victoria Jamieson | Inventory Manager

Acquisition, Demolition and Sales

Asbestos Response Taskforce | Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 620 77590 | Email: Victoria.Jamieson@act.gov.au

Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au
<<http://www.asbestostaskforce.act.gov.au/>> | www.environment.act.gov.au
<<http://www.environment.act.gov.au/>> | www.planning.act.gov.au <<http://www.planning.act.gov.au/>>

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Hickey, Dave
Sent: Tuesday, 6 February 2018 8:54 AM
To: Jamieson, Victoria <Victoria.Jamieson@act.gov.au>
Cc: Horsburgh, Stephen <Stephen.Horsburgh@act.gov.au>; Folkard, Peter <Peter.Folkard@act.gov.au>; Sinfield, Andrew <Andrew.Sinfield@act.gov.au>
Subject: Re: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]

image1.jpeg

His was taken in September 17

Cheers

Dave Hickey

Asset Manager

Asbestos Response Taskforce



On 6 Feb 2018, at 8:46 am, Jamieson, Victoria <Victoria.Jamieson@act.gov.au> wrote:

Hey everyone,

Odd one for you. The above property settled mid last year. I have a request to Property group for 'First clean up' but no photos and can't seem to find anything in my emails.

I was wondering if everyone can have a look to see what they have on this property and forward it through pretty please J

WO #

STATUS

Site Address

Contractor

Work Requested

Date Requested

Date Due

Pre Intrusive Sent

Complete

TF0172

13 Mitchell St Griffith

ACT Property Group

First Cleanup

25/10/2016

08/11/2016

YES

13/12/2016

We are investigating a complaint from the purchaser.

Regards,

Victoria Jamieson | Inventory Manager

Acquisition, Demolition and Sales

Asbestos Response Taskforce | Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 620 77590 | Email: Victoria.Jamieson@act.gov.au

Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au
<<http://www.asbestostaskforce.act.gov.au/>> | www.environment.act.gov.au
<<http://www.environment.act.gov.au/>> | www.planning.act.gov.au <<http://www.planning.act.gov.au/>>

<image001.png>

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.



From: Jamieson, Victoria on behalf of ART Maintenance
Sent: Tuesday, 6 February 2018 10:15 AM
To: Reece, Jayne; Willimott, Samantha
Subject: FW: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]
Attachments: image1.jpg

We have also replaced a renece – photo from December 2016

Regards,

Victoria Jamieson | Inventory Manager

Acquisition, Demolition and Sales

Asbestos Response Taskforce | Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 620 77590 | Email: Victoria.Jamieson@act.gov.au

Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au
<<http://www.asbestostaskforce.act.gov.au/>> | www.environment.act.gov.au
<<http://www.environment.act.gov.au/>> | www.planning.act.gov.au <<http://www.planning.act.gov.au/>>

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Sinfield, Andrew
Sent: Tuesday, 6 February 2018 9:02 AM
To: Hickey, Dave <Dave.Hickey@act.gov.au>; Jamieson, Victoria <Victoria.Jamieson@act.gov.au>
Cc: Horsburgh, Stephen <Stephen.Horsburgh@act.gov.au>; Folkard, Peter <Peter.Folkard@act.gov.au>
Subject: RE: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]

Hi Victoria,

I've been through and had a look, the grounds work was completed but we did not take photos, sorry.

There was also some fencing work done on the same WO #, I've attached the photo from that (December 16).

Thank you,

Andrew

Andrew Sinfield | Asbestos Taskforce Support Officer ACT Property Group Chief Minister, Treasury and Economic Development Directorate

Phone: (02) 6205 0299 | Email: andrew.sinfield@act.gov.au

255 Canberra Avenue FYSHWICK ACT 2609 | www.act.gov.au <<http://www.act.gov.au/>>

From: Hickey, Dave

Sent: Tuesday, 6 February 2018 8:54 AM

To: Jamieson, Victoria <Victoria.Jamieson@act.gov.au>

Cc: Horsburgh, Stephen <Stephen.Horsburgh@act.gov.au>; Folkard, Peter <Peter.Folkard@act.gov.au>; Sinfield, Andrew <Andrew.Sinfield@act.gov.au>

Subject: Re: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]

image1.jpeg

His was taken in September 17

Cheers

Dave Hickey

Asset Manager

Asbestos Response Taskforce



On 6 Feb 2018, at 8:46 am, Jamieson, Victoria <Victoria.Jamieson@act.gov.au> wrote:

Hey everyone,

Odd one for you. The above property settled mid last year. I have a request to Property group for 'First clean up' but no photos and can't seem to find anything in my emails.

I was wondering if everyone can have a look to see what they have on this property and forward it through pretty please J

WO #

STATUS

Site Address

Contractor

Work Requested

Date Requested

Date Due

Pre Intrusive Sent

Complete

TF0172

13 Mitchell St Griffith

ACT Property Group

First Cleanup

25/10/2016

08/11/2016

YES

13/12/2016

We are investigating a complaint from the purchaser.

Regards,

Victoria Jamieson | Inventory Manager

Acquisition, Demolition and Sales

Asbestos Response Taskforce | Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 620 77590 | Email: Victoria.Jamieson@act.gov.au

Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au
<<http://www.asbestostaskforce.act.gov.au/>> | www.environment.act.gov.au
<<http://www.environment.act.gov.au/>> | www.planning.act.gov.au <<http://www.planning.act.gov.au/>>

<image001.png>

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.



From: Hickey, Dave
Sent: Tuesday, 6 February 2018 3:25 PM
To: ART Maintenance
Cc: Reece, Jayne; Willimott, Samantha; Horsburgh, Stephen
Subject: Re: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]
Attachments: image1.jpeg

Follow Up Flag: Follow up
Flag Status: Completed

Categories: //ACTIONED/ UNDERWAY, Actioned

This was after settlement.
The new purchaser did major clearing of vegetation after settlement.

We were there investigating a complaint about the nature strip/driveway.



Cheers

Dave Hickey
Asset Manager
Asbestos Response Taskforce
[Redacted]

On 6 Feb 2018, at 10:24 am, ART Maintenance <ARTMaintenance@act.gov.au> wrote:

Hey Dave,

Can you confirm this photo was taken in 2017 after settlement or September 2016 before auction ?

Regards,

Victoria Jamieson | Inventory Manager
Acquisition, Demolition and Sales
Asbestos Response Taskforce | Environment, Planning and Sustainable Development Directorate |
ACT Government
Phone: 620 77590 | Email: Victoria.Jamieson@act.gov.au
Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 |
www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

<image001.png>

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Jamieson, Victoria **On Behalf Of** ART Maintenance
Sent: Tuesday, 6 February 2018 10:15 AM

To: Reece, Jayne <Jayne.Reece@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: FW: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]

FYI

Regards,

Victoria Jamieson | Inventory Manager

Acquisition, Demolition and Sales

Asbestos Response Taskforce | Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 620 77590 | Email: Victoria.Jamieson@act.gov.au

Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

<image001.png>

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Hickey, Dave

Sent: Tuesday, 6 February 2018 8:54 AM

To: Jamieson, Victoria <Victoria.Jamieson@act.gov.au>

Cc: Horsburgh, Stephen <Stephen.Horsburgh@act.gov.au>; Folkard, Peter

<Peter.Folkard@act.gov.au>; Sinfield, Andrew <Andrew.Sinfield@act.gov.au>

Subject: Re: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]



His was taken in September 17

Cheers

Dave Hickey

Asset Manager

Asbestos Response Taskforce

On 6 Feb 2018, at 8:46 am, Jamieson, Victoria <Victoria.Jamieson@act.gov.au> wrote:

Hey everyone,

Odd one for you. The above property settled mid last year. I have a request to Property group for 'First clean up' but no photos and can't seem to find anything in my emails.

I was wondering if everyone can have a look to see what they have on this property and forward it through pretty please ☺

WO #	STATUS	Site Address	Contractor	Work Requested
TF0172		13 Mitchell St Griffith	ACT Property Group	First Cleanup

We are investigating a complaint from the purchaser.

Regards,

Victoria Jamieson | Inventory Manager

Acquisition, Demolition and Sales

Asbestos Response Taskforce | Environment, Planning and Sustainable

Development Directorate | ACT Government

Phone: 620 77590 | Email: Victoria.Jamieson@act.gov.au

Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

<image001.png>

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Optus 3G

3:21 pm

21%



Griffith

18 September 2017 5:02 pm

[Edit](#)



From: Horsburgh, Stephen
Sent: Tuesday, 6 February 2018 3:35 PM
To: Hickey, Dave; ART Maintenance
Cc: Reece, Jayne; Willimott, Samantha
Subject: RE: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]

Here are photos I covertly took today.







Regards

Stephen Horsburgh | Asset Management Officer

Acquisition, Demolition and Sales

Asbestos Response Taskforce | Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: +61 2 620 59540 | Mobile: [REDACTED]

| Email: stephen.horsburgh@act.gov.au

Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au |

www.environment.act.gov.au | www.planning.act.gov.au

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.



This message is intended for the recipient's use only. It may contain confidential and legally privileged information. If you receive this document in error, you must not use or disclose it or its contents. If you are not the intended recipient please contact the sender and dispose of the message.

From: Hickey, Dave

Sent: Tuesday, 6 February 2018 3:25 PM

To: ART Maintenance
Cc: Reece, Jayne ; Willimott, Samantha ; Horsburgh, Stephen
Subject: Re: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]

This was after settlement.
The new purchaser did major clearing of vegetation after settlement.

We were there investigating a complaint about the nature strip/driveway.



Cheers

Dave Hickey
Asset Manager
Asbestos Response Taskforce
[Redacted]

On 6 Feb 2018, at 10:24 am, ART Maintenance <ARTMaintenance@act.gov.au> wrote:

Hey Dave,

Can you confirm this photo was taken in 2017 after settlement or September 2016 before auction ?

Regards,

Victoria Jamieson | Inventory Manager
Acquisition, Demolition and Sales
Asbestos Response Taskforce | Environment, Planning and Sustainable Development Directorate |
ACT Government
Phone: 620 77590 | Email: Victoria.Jamieson@act.gov.au
Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au
| www.environment.act.gov.au | www.planning.act.gov.au

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Jamieson, Victoria **On Behalf Of** ART Maintenance
Sent: Tuesday, 6 February 2018 10:15 AM
To: Reece, Jayne <Jayne.Reece@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>
Subject: FW: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]

FYI

Regards,

Victoria Jamieson | Inventory Manager
Acquisition, Demolition and Sales
Asbestos Response Taskforce | Environment, Planning and Sustainable Development Directorate |
ACT Government

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Hickey, Dave
Sent: Tuesday, 6 February 2018 8:54 AM
To: Jamieson, Victoria <Victoria.Jamieson@act.gov.au>
Cc: Horsburgh, Stephen <Stephen.Horsburgh@act.gov.au>; Folkard, Peter <Peter.Folkard@act.gov.au>; Sinfield, Andrew <Andrew.Sinfield@act.gov.au>
Subject: Re: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED]



His was taken in September 17

Cheers

Dave Hickey
Asset Manager
Asbestos Response Taskforce
[Redacted]

On 6 Feb 2018, at 8:46 am, Jamieson, Victoria <Victoria.Jamieson@act.gov.au> wrote:

Hey everyone,

Odd one for you. The above property settled mid last year. I have a request to Property group for 'First clean up' but no photos and can't seem to find anything in my emails.

I was wondering if everyone can have a look to see what they have on this property and forward it through pretty please 😊

WO #	STATUS	Site Address	Contractor	Work Requested
TF0172		13 Mitchell St Griffith	ACT Property Group	First Cleanup

We are investigating a complaint from the purchaser.

Regards,

Victoria Jamieson | Inventory Manager
Acquisition, Demolition and Sales
Asbestos Response Taskforce | Environment, Planning and Sustainable
Development Directorate | ACT Government
Phone: 620 77590 | Email: Victoria.Jamieson@act.gov.au
Level 2, 221 London Circuit | GPO Box 158 Canberra ACT 2601 |
www.asbestostaskforce.act.gov.au | www.environment.act.gov.au |
www.planning.act.gov.au

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Reece, Jayne
Sent: Tuesday, 6 February 2018 6:21 PM
To: Griffiths, Louise (CSD); Thompson, Bruce
Cc: Fitzgerald, Bruce
Subject: FW: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

For information. Response to [REDACTED] below.

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: Reece, Jayne
Sent: Tuesday, 6 February 2018 6:20 PM
To: [REDACTED]
Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>
Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED]

I refer to your email sent to the Asbestos Response Taskforce at 9.34pm on 5 February 2018 on behalf of [REDACTED] in relation to issues identified on the block purchased by [REDACTED] known as 13 Mitchell Street, Griffith. Those issues were identified as:

1. all existing plumbing is still in situ; and
2. bonded asbestos has been identified on the block which has led to soil contamination.

In respect of the second issue, you have requested 'immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble by 6pm on 8 February 2018'. You have also requested that the Taskforce indicate its intention in relation to this request by 4pm today, 6 February 2018.

As previously advised the Asbestos Response Taskforce does not consider it has an obligation to remove soil and rubble contaminated by the presence of bonded asbestos identified after the affected structure has been demolished and the block has been deregistered and sold. Accordingly, it does not agree to meet the cost of this remediation or arrange a contractor to undertake this work.

Prior to entering into the Contract, the Asbestos Response Taskforce was in possession of a Loose Fill Asbestos – Site Soil Validation Report prepared by Parsons Brinckerhoff Australia Pty Ltd. A copy of this report was provided to you on 5 February 2018. This report concluded the following:

'The asbestos in soil investigation and remediation work to address potential impact of asbestos fibres in the demolition work area of a former house affected by loose fill asbestos at Block 9, Section 32, 13 Mitchell Street Griffith, has been completed as detailed in this report, in accordance with the NEPM ASC and the WA Guidelines. On that basis, I recommend to the Territory that the demolition work area of this property is suitable for residential reuse with respect to asbestos fibres.'

On the basis of this report, the property was removed from the Affected Residential Premises Register on 23 September 2016.

At the time of entry into the Contract for the Grant of Crown Lease, the Territory, by way of the Asbestos Response Taskforce, provided no warranties or representations as to the condition or state of the soil or contamination, or the existence or non-existence of any Substance on or affecting the land. Further, the Territory is indemnified and released from any claims whatsoever arising from or in respect of the condition of the Land and surrounding areas. These

Accordingly, consistent with the advice provided to you by phone on 5 February 2018, I recommend you contact Worksafe and/or an asbestos assessor to seek advice in relation to the removal and disposal of the bonded asbestos identified.

In respect of the first issue above, and as confirmed in an earlier email to you dated 5 February 2018, the demolition contractor is required to organise a plumbing and drainage inspection with Access Canberra as part of the Certificate of Completion of Demolition process. The Asbestos Response Taskforce does not have documents evidencing this process that it can provide to you, apart from the Certificate of Completion of Demolition itself. Any inquiries in relation to the plumbing in these circumstances should be directed to Access Canberra's Plumbing and Gas team on 6207 6907 or 6207 1923.

Should you require any further information, please do not hesitate to contact me.

Regards

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Monday, 5 February 2018 9:34 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>; Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith)

Attention Asbestos Response Taskforce,

We are taking this opportunity to document our conversations to date with the Asbestos Response Taskforce regarding Block 9 Section 32 Griffith (13 Mitchell Street, Griffith).

As discussed with your office, on Friday 2 February my builder commenced preparing the site for the slab. However as part of the preparation he found all existing plumbing (both clay and PVC pipes - refer to attached photos) still is situ on site.

Even more distressing is that as part of the site preparation, he found also bonded asbestos in an area on site (refer to attached photos). This bonded asbestos is now mixed in with the soil which was scraped from the site for the preparation of the slab and thus the soil is contaminated.

On finding out about this situation we immediately contacted the Asbestos Response Taskforce to understand how we could proceed with the building process with the issues on hand. To my surprise the Taskforce said that they are not responsible for the issues in any shape or form and referred me to the contract for sale and told me to log the issue with WorkSafe ACT. They also advised me that there was a Site Soil Variation Report done on samples of the site and an asbestos clearance certificate issued indicating there were no issues with the site.

While we appreciate the report suggests there are no issues, we would like to highlight that it was only done **on samples** and that despite what a report or certificate says, the building was not demolished correctly, with clear evidence of asbestos and as such the site is not safe.

And to suggest that the contract for sale indemnifies the ACT Government is irresponsible when clearly the demolition was not carried out as described in Clause 5.3 "Demolition Works". The reasons why the Demolition Works clauses have not been met can be evidenced as follows:

- Asbestos **was not** removed in line with Work Safe Australia and ACT Demolition Work Code of Practice
- Services **were not** disconnected in line with ACTEWAGL's regulations regarding disconnection of services with both clay and PVC pipes still on site
- Building rubble from the existing dwelling **was found on site** including roof tiles, bricks and bonded asbestos as per the photo.
- The removal of asbestos **was not** undertaken as described in the Asbestos Response Taskforce's Demolition Overview where - "The contractors will also remove any **non-friable or bonded asbestos** prior structural demolition... The house is demolished only when a clearance certificate for **both friable and non-friable** asbestos removal has been issued by an independent licensed asbestos assessor."

We have paid over \$1.6 million for a site that has clearly not been remediated correctly despite the Taskforce's claims that it has. Further disturbing issues is that [REDACTED] have played on site digging around in the dirt which we understood to be remediated. We now also find we are in breach of the building contract where slab preparation is to commence on Friday 9 February and because site has not been remediated we cannot proceed further until it is rectified.

With the major issues on hand, we are seeking immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble (including pipes etc) by 6pm Thursday 8 February 2018.

We ask that you respond via email by 4pm Tuesday 6 February 2018 on your intended course of action otherwise we will have no choice except to take this matter further with legal representation and contacting the press.





**TALKING POINTS –
Bonded asbestos ‘contamination’ on
sold Mr Fluffy block.**

Minister: Gentleman

Date: 7 February 2018

SUBJECT: Bonded asbestos ‘contamination’ on sold block – 13 Mitchell St., Griffith.

ISSUE: On 5 February 2018 the Taskforce was contacted by [REDACTED] in relation to issues identified on a remediated block at 13 Mitchell Street, Griffith - existing plumbing still in situ and bonded asbestos on the block. [REDACTED] requested “immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble”.

TALKING POINTS:

- The contamination reported is related to the presence of bonded asbestos, not loose fill asbestos insulation fibres.
- The Taskforce has no obligation to remove contaminated soil and rubble identified after the affected structure had been demolished, and the block deregistered and sold.
- This is stated in the Sales Contract.
- Soil clearance, testing and validation is undertaken to ensure the work site is free of loose fill asbestos insulation fibres - the ‘work site’ is the footprint of the demolished house and any attached structures.
- The block was sold by the Territory on 30 May 2017.
- Prior to entering into the Sales Contract, the Asbestos Response Taskforce received a Loose Fill Asbestos Site Soil Validation Report that concluded that ‘the demolition work area of this property is suitable for residential reuse with respect to asbestos fibres.’
- On the basis of this report, the property was removed from the Affected Residential Premises Register on 23 September 2016.
- The Taskforce is unaware of the source of the bonded asbestos.
- The Taskforce has advised the owner to contact Worksafe ACT and/or an asbestos assessor to seek advice in relation to the removal and disposal of the bonded asbestos.
- In relation to the plumbing still in situ - the demolition contractor is required to organise a plumbing and drainage inspection with Access Canberra as part of the Certificate of Completion of Demolition process.
- The Taskforce advised the owner to contact Access Canberra as it does not hold documentation in relation to this matter.

BACKGROUND:

- The sales contract states: *At the time of entry into the Contract for the Grant of Crown Lease, the Territory, by way of the Asbestos Response Taskforce, provided no warranties or representations as to the condition or state of the soil or contamination, or the existence or non-existence of any Substance on or affecting the land. Further, the Territory is indemnified and released from any claims whatsoever arising from or in respect of the condition of the Land and surrounding areas.*

Previous media

- On 4 June 2016 a related issue attracted media attention
<http://www.canberratimes.com.au/act-news/mr-fluffy-block-buyers-get-no-government-guarantee-the-blocks-are-safe-20160604-gpblijy.html>
- The article focused on ACT government sales contracts for former Mr Fluffy blocks not giving buyers any legal guarantees about the condition of the land.
- ACT Law Society Property Chair asserted that the contract's clauses prevent a buyer from making a claim against the ACT government or the contractors doing the demolition should there be any concerns about the veracity of the cleanup.
- An affected purchaser claimed there was no accountability from Government.
- Quote from buyer - "What's hard to understand is if they're so confident in the process why they won't stand by it legally."

Action officer: Bruce Thompson

Cleared by (Business Unit Head):

Date: February 2018

Cleared by (DG or D/DG):

From: Horsburgh, Stephen
Sent: Thursday, 8 February 2018 3:59 PM
To: Willimott, Samantha
Subject: Accepted: Onsite meeting - 13 Mitchell St, Griffith

From: Willimott, Samantha
Sent: Friday, 9 February 2018 9:53 AM
To: Griffiths, Louise (CSD)
Subject: FW: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

For CRM

Samantha Willimott | Demolition Program Manager

Phone: 6205 8668 | Email: samantha.willimott@act.gov.au
Asbestos Response Taskforce | Acquisition, Demolition and Sales | Environment, Planning and Sustainable Development Directorate | ACT Government
Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au
| www.environment.act.gov.au | www.planning.act.gov.au

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [REDACTED]
Sent: Thursday, 8 February 2018 4:34 PM
To: Willimott, Samantha <Samantha.Willimott@act.gov.au>
Cc: Reece, Jayne <Jayne.Reece@act.gov.au>; Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Thank you Samantha.

We will see you there.

Regards
[REDACTED]

On 8 Feb 2018, at 4:32 pm, Willimott, Samantha <Samantha.Willimott@act.gov.au> wrote:

Hi [REDACTED]

Jayne, a representative of the Taskforce and a representative of our Infrastructure and Capital Works team are available to meet you on site at 9am Friday 9 February.

Please let me know if you have any issues with this.

Regards
Sam

Samantha Willimott | Demolition Program Manager

Phone: 6205 8668 | Email: samantha.willimott@act.gov.au
Asbestos Response Taskforce | Acquisition, Demolition and Sales | Environment, Planning and Sustainable Development Directorate | ACT Government
Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |
www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [REDACTED]
Sent: Thursday, 8 February 2018 3:14 PM
To: Reece, Jayne <Jayne.Reece@act.gov.au>
Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

We would like to meet you, a representative of your office and the managing contractor on site tomorrow (Friday 9 February) so we can explain further the situation, show you the issues we are facing and hopefully come up with an amicable arrangement so we can proceed with our build.

Can you please confirm by close of business today when someone would be able to meet us tomorrow?

Kind Regards

[REDACTED]

From: Reece, Jayne <Jayne.Reece@act.gov.au>
Sent: Tuesday, 6 February 2018 6:19:41 PM
To: [REDACTED]
Cc: Fitzgerald, Bruce; Willimott, Samantha
Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED]

I refer to your email sent to the Asbestos Response Taskforce at 9.34pm on 5 February 2018 on behalf of you and your wife, [REDACTED] in relation to issues identified on the block purchased by [REDACTED] and [REDACTED] known as 13 Mitchell Street, Griffith. Those issues were identified as:

1. all existing plumbing is still in situ; and
2. bonded asbestos has been identified on the block which has led to soil contamination.

In respect of the second issue, you have requested 'immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble by 6pm on 8 February 2018'. You have also requested that the Taskforce indicate its intention in relation to this request by 4pm today, 6 February 2018.

As previously advised the Asbestos Response Taskforce does not consider it has an obligation to remove soil and rubble contaminated by the presence of bonded asbestos identified after the affected structure has been demolished and the block has been deregistered and sold. Accordingly, it does not agree to meet the cost of this remediation or arrange a contractor to undertake this work.

Prior to entering into the Contract, the Asbestos Response Taskforce was in possession of a Loose Fill Asbestos – Site Soil Validation Report prepared by Parsons Brinckerhoff Australia Pty Ltd. A copy of this report was provided to you on 5 February 2018. This report concluded the following:

‘The asbestos in soil investigation and remediation work to address potential impact of asbestos fibres in the demolition work area of a former house affected by loose fill asbestos at Block 9, Section 32, 13 Mitchell Street Griffith, has been completed as detailed in this report, in accordance with the NEPM ASC and the WA Guidelines. On that basis, I recommend to the Territory that the demolition work area of this property is suitable for residential reuse with respect to asbestos fibres.’

On the basis of this report, the property was removed from the Affected Residential Premises Register on 23 September 2016.

At the time of entry into the Contract for the Grant of Crown Lease, the Territory, by way of the Asbestos Response Taskforce, provided no warranties or representations as to the condition or state of the soil or contamination, or the existence or non-existence of any Substance on or affecting the land. Further, the Territory is indemnified and released from any claims whatsoever arising from or in respect of the condition of the Land and surrounding areas. These

Accordingly, consistent with the advice provided to you by phone on 5 February 2018, I recommend you contact Worksafe and/or an asbestos assessor to seek advice in relation to the removal and disposal of the bonded asbestos identified.

In respect of the first issue above, and as confirmed in an earlier email to you dated 5 February 2018, the demolition contractor is required to organise a plumbing and drainage inspection with Access Canberra as part of the Certificate of Completion of Demolition process. The Asbestos Response Taskforce does not have documents evidencing this process that it can provide to you, apart from the Certificate of Completion of Demolition itself. Any inquiries in relation to the plumbing in these circumstances should be directed to Access Canberra’s Plumbing and Gas team on 6207 6907 or 6207 1923.

Should you require any further information, please do not hesitate to contact me.

Regards

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101
Environment, Planning and Sustainable Development Directorate | ACT Government
Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |
www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Monday, 5 February 2018 9:34 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>; Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>;
Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith)

Attention Asbestos Response Taskforce,

We are taking this opportunity to document our conversations to date with the Asbestos Response Taskforce regarding Block 9 Section 32 Griffith (13 Mitchell Street, Griffith).

As discussed with your office, on Friday 2 February my builder commenced preparing the site for the slab. However as part of the preparation he found all existing plumbing (both clay and PVC pipes - refer to attached photos) still is situ on site.

Even more distressing is that as part of the site preparation, he found also bonded asbestos in an area on site (refer to attached photos). This bonded asbestos is now mixed in with the soil which was scraped from the site for the preparation of the slab and thus the soil is contaminated.

On finding out about this situation we immediately contacted the Asbestos Response Taskforce to understand how we could proceed with the building process with the issues on hand. To my surprise the Taskforce said that they are not responsible for the issues in any shape or form and referred me to the contract for sale and told me to log the issue with WorkSafe ACT. They also advised me that there was a Site Soil Variation Report done on samples of the site and an asbestos clearance certificate issued indicating there were no issues with the site.

While we appreciate the report suggests there are no issues, we would like to highlight that it was only done **on samples** and that despite what a report or certificate says, the building was not demolished correctly, with clear evidence of asbestos and as such the site is not safe.

And to suggest that the contract for sale indemnifies the ACT Government is irresponsible when clearly the demolition was not carried out as described in Clause 5.3 "Demolition Works". The reasons why the Demolition Works clauses have not been met can be evidenced as follows:

- Asbestos **was not** removed in line with Work Safe Australia and ACT Demolition Work Code of Practice
- Services **were not** disconnected in line with ACTEWAGL's regulations regarding disconnection of services with both clay and PVC pipes still on site
- Building rubble from the existing dwelling **was found on site** including roof tiles, bricks and bonded asbestos as per the photo.
- The removal of asbestos **was not** undertaken as described in the Asbestos Response Taskforce's Demolition Overview where - "The contractors will also remove any **non-friable or bonded asbestos** prior structural demolition... The house is demolished only when a clearance certificate for **both friable and non-friable** asbestos removal has been issued by an independent licensed asbestos assessor."

We have paid over \$1.6 million for a site that has clearly not been remediated correctly despite the Taskforce's claims that it has. Further disturbing issues is that [REDACTED] have played on site digging around in the dirt which we understood to be remediated. We now also find we are in breach of the building contract where slab preparation is to commence on Friday 9 February and because site has not been remediated we cannot proceed further until it is rectified.

With the major issues on hand, we are seeking immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble (including pipes etc) by 6pm Thursday 8 February 2018.

We ask that you respond via email by 4pm Tuesday 6 February 2018 on your intended course of action otherwise we will have no choice except to take this matter further with legal representation and contacting the press.

[REDACTED]

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Reece, Jayne](#)
To: [Griffiths, Louise \(CSD\)](#); [Willimott, Samantha](#); [Kingham, Richard](#); [Thompson, Bruce](#); [Horsburgh, Stephen](#)
Subject: FW: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Monday, 12 February 2018 12:00:00 PM

FYI see below.

Jayne Reece

Director |Asbestos Response Taskforce| Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

From: Reece, Jayne

Sent: Monday, 12 February 2018 12:00 PM

To: [REDACTED]

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED],

Thank you for your email below.

I have discussed this issue further with my colleagues and whilst we remain of the opinion that the Taskforce has no liability to assist in these circumstances we are prepared to facilitate access to the West Belconnen Tip. This is on the condition that payment for the services of a suitable contractor appropriately dispose of waste is your responsibility.

If this arrangement is acceptable to you can you please advise as soon as possible.

Regards,

Jayne Reece

Director |Asbestos Response Taskforce| Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Saturday, 10 February 2018 4:12 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

We are extremely upset with the Government's decision on this case.

Just to clarify, you are rejecting our offer of paying for the services of a suitable Taskforce contractor to pick up the contaminated soil on our block and haul it to the Taskforce's asbestos dump site at West Belconnen where you would provide us free access. This would result in a no cost option to the Government except to provide free access to the site so we could dump the contaminated soil.

As I understand from your email, you are denying us access to the site to dump the asbestos contaminated soil which is work that should have been carried out by the Government as part of the original demolition of the dwelling.

We are horrified by the unconscionable stand the Government is taking on this. Clearly, the original works have not been carried out to ensure the block was safe. In addition, to remove the parcel of land from the Affected Residential Premises Register is nothing short of misleading and deceptive conduct.

Can you please confirm that my understanding of your position is correct by **noon Monday 12 February 2018**. If it is the case, we will continue our alternate courses of action as we have indicated in previous correspondence.

Regards

[Redacted]

From: Reece, Jayne [<mailto:Jayne.Reece@act.gov.au>]

Sent: Friday, 9 February 2018 4:22 PM

To: [Redacted]

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [Redacted],

Thank you for meeting us on your block this morning.

The Taskforce has reviewed the information you provided by email along with the discussions which occurred on site. We have also considered the proposal put forward by you regarding disposal of the soil on your site. Whilst sympathetic to your circumstances the Taskforce remains of the view that it cannot assist any further given the clauses contained in 7.1,7.2, 7.3 and 7.7 of your sales contract.

Kind Regards

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government
Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

From: [REDACTED]
Sent: Thursday, 8 February 2018 3:14 PM
To: Reece, Jayne <Jayne.Reece@act.gov.au>
Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

We would like to meet you, a representative of your office and the managing contractor on site tomorrow (Friday 9 February) so we can explain further the situation, show you the issues we are facing and hopefully come up with an amicable arrangement so we can proceed with our build.

Can you please confirm by close of business today when someone would be able to meet us tomorrow?

Kind Regards

[REDACTED]

[REDACTED]

From: Reece, Jayne <Jayne.Reece@act.gov.au>
Sent: Tuesday, 6 February 2018 6:19:41 PM
To: [REDACTED]
Cc: Fitzgerald, Bruce; Willimott, Samantha
Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED]

I refer to your email sent to the Asbestos Response Taskforce at 9.34pm on 5 February 2018 on behalf of you and your wife, [REDACTED] in relation to issues identified on the block purchased by [REDACTED] and [REDACTED] known as 13 Mitchell Street, Griffith. Those issues were identified as:

1. all existing plumbing is still in situ; and
2. bonded asbestos has been identified on the block which has led to soil contamination.

In respect of the second issue, you have requested 'immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble by 6pm on 8 February 2018'. You have also requested that the Taskforce indicate its intention in relation to this request by 4pm today, 6 February 2018.

As previously advised the Asbestos Response Taskforce does not consider it has an obligation to remove soil and rubble contaminated by the presence of bonded asbestos identified after the affected structure has been demolished and the block has been deregistered and sold. Accordingly, it does not agree to meet the cost of this remediation or arrange a contractor to undertake this work.

Prior to entering into the Contract, the Asbestos Response Taskforce was in possession of a Loose Fill Asbestos – Site Soil Validation Report prepared by Parsons Brinckerhoff Australia Pty Ltd. A copy of this report was provided to you on 5 February 2018. This report concluded the following:

'The asbestos in soil investigation and remediation work to address potential impact of asbestos fibres in the demolition work area of a former house affected by loose fill asbestos at Block 9, Section 32, 13 Mitchell Street Griffith, has been completed as detailed in this report, in accordance with the NEPM ASC and the WA Guidelines. On that basis, I recommend to the Territory that the demolition work area of this property is suitable for residential reuse with respect to asbestos fibres.'

On the basis of this report, the property was removed from the Affected Residential Premises Register on 23 September 2016.

At the time of entry into the Contract for the Grant of Crown Lease, the Territory, by way of the Asbestos Response Taskforce, provided no warranties or representations as to the condition or state of the soil or contamination, or the existence or non-existence of any Substance on or affecting the land. Further, the Territory is indemnified and released from any claims whatsoever arising from or in respect of the condition of the Land and surrounding areas. These

Accordingly, consistent with the advice provided to you by phone on 5 February 2018, I recommend you contact Worksafe and/or an asbestos assessor to seek advice in relation to the removal and disposal of the bonded asbestos identified.

In respect of the first issue above, and as confirmed in an earlier email to you dated 5 February 2018, the demolition contractor is required to organise a plumbing and drainage inspection with Access Canberra as part of the Certificate of Completion of Demolition process. The Asbestos Response Taskforce does not have documents evidencing this process that it can provide to you, apart from the Certificate of Completion of Demolition itself. Any inquiries in relation to the plumbing in these circumstances should be directed to Access Canberra's Plumbing and Gas team on 6207 6907 or 6207 1923.

Should you require any further information, please do not hesitate to contact me.

Regards

Jayne Reece

Director |Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Monday, 5 February 2018 9:34 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>; Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith)

Attention Asbestos Response Taskforce,

We are taking this opportunity to document our conversations to date with the Asbestos Response Taskforce regarding Block 9 Section 32 Griffith (13 Mitchell Street, Griffith).

As discussed with your office, on Friday 2 February my builder commenced preparing the site for the slab. However as part of the preparation he found all existing plumbing (both clay and PVC pipes - refer to attached photos) still is situ on site.

Even more distressing is that as part of the site preparation, he found also bonded asbestos in an area on site (refer to attached photos). This bonded asbestos is now mixed in with the soil which was scraped from the site for the preparation of the slab and thus the soil is contaminated.

On finding out about this situation we immediately contacted the Asbestos Response Taskforce to understand how we could proceed with the building process with the issues on hand. To my surprise the Taskforce said that they are not responsible for the issues in any shape or form and referred me to the contract for sale and told me to log the issue with WorkSafe ACT. They also advised me that there was a Site Soil Variation Report done on samples of the site and an asbestos clearance certificate issued indicating there were no issues with the site.

While we appreciate the report suggests there are no issues, we would like to highlight that it was only done **on samples** and that despite what a report or certificate says, the building was not demolished correctly, with clear evidence of asbestos and as such the site is not safe.

And to suggest that the contract for sale indemnifies the ACT Government is irresponsible when clearly the demolition was not carried out as described in Clause 5.3 "Demolition Works". The reasons why the Demolition Works clauses have not been met can be evidenced as follows:

- Asbestos **was not** removed in line with Work Safe Australia and ACT Demolition Work Code of Practice
- Services **were not** disconnected in line with ACTEWAGL's regulations regarding disconnection of services with both clay and PVC pipes still on site
- Building rubble from the existing dwelling **was found on site** including roof tiles, bricks and bonded asbestos as per the photo.
- The removal of asbestos **was not** undertaken as described in the Asbestos Response Taskforce's Demolition Overview where - "The contractors will also remove any **non-friable or**

bonded asbestos prior structural demolition... The house is demolished only when a clearance certificate for **both friable and non-friable** asbestos removal has been issued by an independent licensed asbestos assessor.”

We have paid over \$1.6 million for a site that has clearly not been remediated correctly despite the Taskforce’s claims that it has. Further disturbing issues is that [REDACTED] [REDACTED] have played on site digging around in the dirt which we understood to be remediated. We now also find we are in breach of the building contract where slab preparation is to commence on Friday 9 February and because site has not been remediated we cannot proceed further until it is rectified.

With the major issues on hand, we are seeking immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble (including pipes etc) by 6pm Thursday 8 February 2018.

We ask that you respond via email by 4pm Tuesday 6 February 2018 on your intended course of action otherwise we will have no choice except to take this matter further with legal representation and contacting the press.

[REDACTED]
[REDACTED]
[REDACTED]

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Reece, Jayne](#)
To: [Fitzgerald, Bruce](#)
Cc: [Willimott, Samantha](#)
Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Monday, 12 February 2018 11:50:00 AM

I also think the email to [REDACTED] will need to come from you as a review given my views expressed last week.

Jayne Reece

Director |Asbestos Response Taskforce| Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

From: Reece, Jayne

Sent: Monday, 12 February 2018 11:39 AM

To: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>

Cc: Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Bruce,

Email to [REDACTED] below. Can you confirm you are happy with it going?

Thanks

Dear [REDACTED],

Thank you for your email below.

I have discussed this issue further with my colleagues and whilst we remain of the opinion that the Taskforce has no liability to assist in these circumstances we are prepared to facilitate access to the West Belconnen Tip. This is on the condition that payment for the services of a suitable contractor appropriately dispose of waste is your responsibility.

If this arrangement is acceptable to you can you please advise as soon as possible.

Regards

Jayne Reece

Director |Asbestos Response Taskforce| Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Saturday, 10 February 2018 4:12 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

We are extremely upset with the Government's decision on this case.

Just to clarify, you are rejecting our offer of paying for the services of a suitable Taskforce contractor to pick up the contaminated soil on our block and haul it to the Taskforce's asbestos dump site at West Belconnen where you would provide us free access. This would result in a no cost option to the Government except to provide free access to the site so we could dump the contaminated soil.

As I understand from your email, you are denying us access to the site to dump the asbestos contaminated soil which is work that should have been carried out by the Government as part of the original demolition of the dwelling.

We are horrified by the unconscionable stand the Government is taking on this. Clearly, the original works have not been carried out to ensure the block was safe. In addition, to remove the parcel of land from the Affected Residential Premises Register is nothing short of misleading and deceptive conduct.

Can you please confirm that my understanding of your position is correct by **noon Monday 12 February 2018**. If it is the case, we will continue our alternate courses of action as we have indicated in previous correspondence.

Regards

[REDACTED]

From: Reece, Jayne [<mailto:Jayne.Reece@act.gov.au>]

Sent: Friday, 9 February 2018 4:22 PM

To: [REDACTED]

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED],

Thank you for meeting us on your block this morning.

The Taskforce has reviewed the information you provided by email along with the discussions which occurred on site. We have also considered the proposal put forward by you regarding

disposal of the soil on your site. Whilst sympathetic to your circumstances the Taskforce remains of the view that it cannot assist any further given the clauses contained in 7.1,7.2, 7.3 and 7.7 of your sales contract.

Kind Regards

Jayne Reece

Director |Asbestos Response Taskforce| Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Thursday, 8 February 2018 3:14 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha

<Samantha.Willimott@act.gov.au>

Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

We would like to meet you, a representative of your office and the managing contractor on site tomorrow (Friday 9 February) so we can explain further the situation, show you the issues we are facing and hopefully come up with an amicable arrangement so we can proceed with our build.

Can you please confirm by close of business today when someone would be able to meet us tomorrow?

Kind Regards

[REDACTED]

[REDACTED]

From: Reece, Jayne <Jayne.Reece@act.gov.au>

Sent: Tuesday, 6 February 2018 6:19:41 PM

To: [REDACTED]

Cc: Fitzgerald, Bruce; Willimott, Samantha

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED]

I refer to your email sent to the Asbestos Response Taskforce at 9.34pm on 5 February 2018 on behalf of [REDACTED] in relation to issues identified on the block purchased by [REDACTED] and [REDACTED] known as 13 Mitchell Street, Griffith. Those issues were identified as:

1. all existing plumbing is still in situ; and
2. bonded asbestos has been identified on the block which has led to soil contamination.

In respect of the second issue, you have requested 'immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble by 6pm on 8 February 2018'. You have also requested that the Taskforce indicate its intention in relation to this request by 4pm today, 6 February 2018.

As previously advised the Asbestos Response Taskforce does not consider it has an obligation to remove soil and rubble contaminated by the presence of bonded asbestos identified after the affected structure has been demolished and the block has been deregistered and sold. Accordingly, it does not agree to meet the cost of this remediation or arrange a contractor to undertake this work.

Prior to entering into the Contract, the Asbestos Response Taskforce was in possession of a Loose Fill Asbestos – Site Soil Validation Report prepared by Parsons Brinckerhoff Australia Pty Ltd. A copy of this report was provided to you on 5 February 2018. This report concluded the following:

'The asbestos in soil investigation and remediation work to address potential impact of asbestos fibres in the demolition work area of a former house affected by loose fill asbestos at Block 9, Section 32, 13 Mitchell Street Griffith, has been completed as detailed in this report, in accordance with the NEPM ASC and the WA Guidelines. On that basis, I recommend to the Territory that the demolition work area of this property is suitable for residential reuse with respect to asbestos fibres.'

On the basis of this report, the property was removed from the Affected Residential Premises Register on 23 September 2016.

At the time of entry into the Contract for the Grant of Crown Lease, the Territory, by way of the Asbestos Response Taskforce, provided no warranties or representations as to the condition or state of the soil or contamination, or the existence or non-existence of any Substance on or affecting the land. Further, the Territory is indemnified and released from any claims whatsoever arising from or in respect of the condition of the Land and surrounding areas. These

Accordingly, consistent with the advice provided to you by phone on 5 February 2018, I recommend you contact Worksafe and/or an asbestos assessor to seek advice in relation to the removal and disposal of the bonded asbestos identified.

In respect of the first issue above, and as confirmed in an earlier email to you dated 5 February 2018, the demolition contractor is required to organise a plumbing and drainage inspection with Access Canberra as part of the Certificate of Completion of Demolition process. The Asbestos Response Taskforce does not have documents evidencing this process that it can provide to you, apart from the Certificate of Completion of Demolition itself. Any inquiries in relation to the plumbing in these circumstances should be directed to Access Canberra's Plumbing and Gas team on 6207 6907 or 6207 1923.

Should you require any further information, please do not hesitate to contact me.

Regards

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Monday, 5 February 2018 9:34 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>; Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith)

Attention Asbestos Response Taskforce,

We are taking this opportunity to document our conversations to date with the Asbestos Response Taskforce regarding Block 9 Section 32 Griffith (13 Mitchell Street, Griffith).

As discussed with your office, on Friday 2 February my builder commenced preparing the site for the slab. However as part of the preparation he found all existing plumbing (both clay and PVC pipes - refer to attached photos) still is situ on site.

Even more distressing is that as part of the site preparation, he found also bonded asbestos in an area on site (refer to attached photos). This bonded asbestos is now mixed in with the soil which was scraped from the site for the preparation of the slab and thus the soil is contaminated.

On finding out about this situation we immediately contacted the Asbestos Response Taskforce to understand how we could proceed with the building process with the issues on hand. To my surprise the Taskforce said that they are not responsible for the issues in any shape or form and referred me to the contract for sale and told me to log the issue with WorkSafe ACT. They also advised me that there was a Site Soil Variation Report done on samples of the site and an asbestos clearance certificate issued indicating there were no issues with the site.

While we appreciate the report suggests there are no issues, we would like to highlight that it was only done **on samples** and that despite what a report or certificate says, the building was not demolished correctly, with clear evidence of asbestos and as such the site is not safe.

And to suggest that the contract for sale indemnifies the ACT Government is irresponsible when

clearly the demolition was not carried out as described in Clause 5.3 "Demolition Works". The reasons why the Demolition Works clauses have not been met can be evidenced as follows:

- Asbestos **was not** removed in line with Work Safe Australia and ACT Demolition Work Code of Practice
- Services **were not** disconnected in line with ACTEWAGL's regulations regarding disconnection of services with both clay and PVC pipes still on site
- Building rubble from the existing dwelling **was found on site** including roof tiles, bricks and bonded asbestos as per the photo.
- The removal of asbestos **was not** undertaken as described in the Asbestos Response Taskforce's Demolition Overview where - "The contractors will also remove any **non-friable or bonded asbestos** prior structural demolition... The house is demolished only when a clearance certificate for **both friable and non-friable** asbestos removal has been issued by an independent licensed asbestos assessor."

We have paid over \$1.6 million for a site that has clearly not been remediated correctly despite the Taskforce's claims that it has. Further disturbing issues is that [REDACTED] [REDACTED] have played on site digging around in the dirt which we understood to be remediated. We now also find we are in breach of the building contract where slab preparation is to commence on Friday 9 February and because site has not been remediated we cannot proceed further until it is rectified.

With the major issues on hand, we are seeking immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble (including pipes etc) by 6pm Thursday 8 February 2018.

We ask that you respond via email by 4pm Tuesday 6 February 2018 on your intended course of action otherwise we will have no choice except to take this matter further with legal representation and contacting the press.

[REDACTED]
[REDACTED]
[REDACTED]

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Reece, Jayne
Sent: Monday, 12 February 2018 12:37 PM
To: Fitzgerald, Bruce
Cc: Griffiths, Louise (CSD)
Subject: 13 Mitchell Street Griffith [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Bruce,

Just confirming the content of our conversation this morning regarding 13 Mitchell Street Griffith.

- We both remain of the view that there is no liability on the Taskforce to agree with the request from the new owner to allow access to the tip to dispose of building material free of charge;
- We are both concerned about the risks identified in my email of 9 February 2018;
- This is particularly the case where the soil validation came back negative and the block was deregistered on advice contained within the soil validation reports.
- Notwithstanding this the presence of bricks on the block which may have come from the original structure means there is a possibility the demolition was not conducted appropriately by the demolition contractor;
- In the interests of resolving the matter and avoiding possible consequent damage to the reputational risk of the sales program (in circumstances where there is an auction event coming up in two weeks time) it is preferable to take the pragmatic approach to resolving the issue provided it can be confirmed that there is no cost to the Territory in doing so.
- Following discussion with Richard it was confirmed by Nowaste that there will be no addition cost in the waste being taken to West Belconnen.
- I drafted a response to [REDACTED] which you asked me to send to him.
- Further discussions will be held with contractors following the potential issues which have been identified on this block.

Louise, for CRM please.

Thanks
Jayne

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: Reece, Jayne
Sent: Monday, 12 February 2018 12:45 PM
To: Griffiths, Louise (CSD)
Subject: FW: 13 Mitchell Street [SEC=UNCLASSIFIED]
Attachments: 20161129 - Compensation Claim.obr

Earlier email for CRM also

Jayne Reece

Director |Asbestos Response Taskforce| Phone: 02 6207 0660 | Fax: 02 6207 5101 Environment, Planning and Sustainable Development Directorate | ACT Government Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

-----Original Message-----

From: Reece, Jayne
Sent: Friday, 9 February 2018 11:10 AM
To: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>
Subject: 13 Mitchell Street [SEC=UNCLASSIFIED]

Bruce,

For your consideration a similar claim previously received (and resisted) in relation to 2 Fraser Place. The more I think about it the more I do not think we should go down the approach proposed in relation to facilitating access to the tip no matter how pragmatic it may be. The difficulty is even if there are non disclosure agreements in place the builders grapevine will inevitably spread the news around that the ACT Government is a soft touch if bonded asbestos is found on site. There is little we can do about that.

The precedent it would set (putting aside the fact that it would not cost us anything) is potentially huge. I am also concerned that we do not know the origin of the either the bricks or the bonded asbestos and given the length of time since the block was deregistered and sold it could have been placed on site by anyone.

I remain concerned about the potential for this to call into question our clearance of the blocks and the deregistration process.

I think we should decline the request. Over to you for your consideration.

Happy to discuss further

Jayne Reece

Director |Asbestos Response Taskforce| Phone: 02 6207 0660 | Fax: 02 6207 5101 Environment, Planning and Sustainable Development Directorate | ACT Government Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

-----Original Message-----

From: Willimott, Samantha
Sent: Friday, 9 February 2018 10:44 AM
To: Reece, Jayne <Jayne.Reece@act.gov.au>
Subject: 20161129 - Compensation Claim (fA7356875) [SEC=UNCLASSIFIED]

Fraser PI compo claim documents FYI

Samantha Willimott has sent you a link to "20161129 - Compensation Claim" (fA7356875) from Objective.

Open in Navigator

Double click on the attachment

Open in ECM for Browser

<https://objective.act.gov.au:8443/#/documents/fA7356875/details>

Open in Your Browser

<https://objective.act.gov.au/id:fA7356875>

From: [Reece, Jayne](#)
To: [Kingham, Richard](#)
Subject: FW: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Tuesday, 13 February 2018 12:13:00 PM

Thanks Richard,

Can someone pass a message to [REDACTED] advising him arrangements are being made

Jayne Reece

Director |Asbestos Response Taskforce| Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

From: Kingham, Richard
Sent: Tuesday, 13 February 2018 12:12 PM
To: Finch, Stuart <Stuart.Finch@act.gov.au>
Cc: Reece, Jayne <Jayne.Reece@act.gov.au>; Peek, Rohan <Rohan.PEEK@act.gov.au>; Haraldson, Anthony <Anthony.Haraldson@act.gov.au>
Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Thanks Stuart.

From: Finch, Stuart
Sent: Tuesday, 13 February 2018 12:02 PM
To: Kingham, Richard <Richard.Kingham@act.gov.au>
Cc: Reece, Jayne <Jayne.Reece@act.gov.au>; Peek, Rohan <Rohan.PEEK@act.gov.au>; Haraldson, Anthony <Anthony.Haraldson@act.gov.au>
Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Good morning Richard

ACT NoWaste will be able to facilitate the disposal of additional material from 13 Mitchell St, Griffith.

This will be disposed of under the cost recovery arrangements currently in place for the loose fill eradication scheme.

I have been contacted by Indetail to start the arrangements for this and have requested the following information;

1. Rego's
2. Dates of deliveries
3. Number of deliveries

Indetail will provide this information shortly.

I will process the information and provide in detail with the project code and weighbridge disposal books.

Regards
Stuart

Stuart Finch | Project Manager

Phone: 02 6207 6337 | Mob: [REDACTED] | Email: stuart.finch@act.gov.au

ACT NoWaste | Transport Canberra and City Services Directorate | ACT Government

Level 2, 490 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient:

- *Please notify the sender and delete all copies of this transmission along with any attachments immediately.*
- *You should not copy or use it for any purpose, nor disclose its contents to any other person.*

From: Kingham, Richard

Sent: Tuesday, 13 February 2018 11:37 AM

To: Haraldson, Anthony <Anthony.Haraldson@act.gov.au>

Cc: Finch, Stuart <Stuart.Finch@act.gov.au>; Reece, Jayne <Jayne.Reece@act.gov.au>; Peek, Rohan <Rohan.PEEK@act.gov.au>

Subject: FW: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Anthony,

As discussed, we have some material which contains some bonded asbestos from 13 Mitchell St, Griffith that we would like you facilitate the safe disposal of in the DWDA at WBRMC. The material should be disposed of under the cost recovery arrangements in place for the loose fill eradication scheme.

I will provide the Registration number of the Truck that will be used as soon as I find out.

Thanks.

Richard Kingham | Senior Finance Manager

Asbestos Response Taskforce | ACT Government

Phone 02 6207 0234

Level 2, 221 London Cct, Canberra City | GPO Box 158 Canberra ACT 2601 |

<http://www.act.gov.au/asbestos-response-taskforce>

ACT Government



From: Reece, Jayne
Sent: Tuesday, 13 February 2018 11:17 AM
To: Kingham, Richard <Richard.Kingham@act.gov.au>
Subject: FW: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Can you please urgently contact nowaste. Details below.

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.asbestostaskforce.act.gov.au | www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]
Sent: Tuesday, 13 February 2018 11:12 AM
To: Reece, Jayne <Jayne.Reece@act.gov.au>
Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Ms Reece,

Our builder has arranged Indetail to commence the work today, the machinery is on its way to site however I am told there is a need for a book and tokens.

Indetail contacted Rowan however Rowan did not know anything about this.

How do we proceed?

Thanks again

From: Reece, Jayne
Sent: Wednesday, 14 February 2018 1:48 PM
To: Thompson, Bruce
Subject: FW: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

FYI

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: Reece, Jayne
Sent: Wednesday, 14 February 2018 1:36 PM
To: [REDACTED]
Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>
Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED],

The position is as outlined in my email below.

The agreement was to allow access to the West Belconnen Tip for removal of the three piles of debris which your builder's employee had removed and then spread around the site. There was no mention of a 100mm scrape of either the work area (which was the affected house plus the immediate surrounding area) or of the entirety of the block. The work area had previously been tested on removal of the affected structure and on that basis the block had been deregistered in accordance with the requirements of section 47N of the *Dangerous Substances Act*. It had been certified on the basis of that testing as fit for residential reuse. As I have now made clear to you on several occasions the Taskforce does not consider it has any liability at all to provide any assistance in relation to this matter particularly given the provisions of the contract which specifically release the Territory from any claims in circumstances such as yours. Access to the tip was granted as a gesture of goodwill.

The Taskforce remains willing to provide access to the tip to dispose of the three piles of debris identified last Friday. It will not agree to access to the tip for a 100mm scrape nor removal from the site of any other material (I have now been informed that the contractor had also been instructed to remove pavers from the area and scrape the entire block).

At this stage, and until the matter is resolved, the designated "Mr Fluffy disposal site" at West Belconnen will not be able to be accessed for disposal of any waste from your site. West Belconnen may still be accessed for disposal of your waste at a cost of approximately \$83.05 inclusive of GST per tonne.

Regards

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]
Sent: Wednesday, 14 February 2018 12:43 PM
To: Reece, Jayne <Jayne.Reece@act.gov.au>
Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

Our correspondence has always referenced the removal of the contaminated soil on site. This is what has been agreed to between Government and ourselves.

As I mentioned at our meeting on site on Friday last week, I had an individual asbestos assessment about the site. The report documents that we need to remove the stockpiles **and** 100 mm of the site to ensure that the site is remediated from asbestos.

Removing just the stockpiles would not guarantee the remediation of the site and for the Government to place a new condition into this agreement without an understanding of the full situation after we have contracted the services and commenced work is appalling.

Please confirm the Government's stand on this situation immediately as I understand Rowan, the contractor and my builder are on site waiting.

Regards

[REDACTED]

From: Reece, Jayne <Jayne.Reece@act.gov.au>
Sent: Wednesday, 14 February 2018 12:06:19 PM
To: [REDACTED]
Cc: Fitzgerald, Bruce
Subject: FW: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Mr [REDACTED],

It has come to our attention that excavators are currently on site on this block undertaking a 100mm scrape. The Taskforce agreed to facilitate access to the West Belconnen Tip to dispose of the three piles of soil which were on site when I undertook my site visit last Friday morning. There was no mention of a further scrape of the block being undertaken and it was not part of the request as I understood it. It remains the Taskforce's position that it has no liability to assist however as a gesture of goodwill we would be facilitating access to the tip to dispose of the soil contaminated by your builder's employee.

Until confirmation is received that only the agreed piles will be transported the contractor will be unable to access to the tip.

Regards,

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]
Sent: Tuesday, 13 February 2018 11:12 AM
To: Reece, Jayne <Jayne.Reece@act.gov.au>
Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Ms Reece,

Our builder has arranged Indetail to commence the work today, the machinery is on its way to site however I am told there is a need for a book and tokens.

Indetail contacted Rowan however Rowan did not know anything about this.

How do we proceed?

Thanks again
[REDACTED]

From: Reece, Jayne <Jayne.Reece@act.gov.au>
Sent: Monday, 12 February 2018 4:06:05 PM
To: [REDACTED]
Cc: Fitzgerald, Bruce
Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED],

I have been given the name of two companies. I understand each them have EPA authorisation and have been inducted to West Belconnen:

- AJD Demos – they can be contacted on [REDACTED]; and
- Fab Indetail – they can be contacted on [REDACTED]

Regards,

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]
Sent: Monday, 12 February 2018 1:38 PM
To: Reece, Jayne <Jayne.Reece@act.gov.au>
Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

Thank you for your email.

We wish to confirm that we will pay for the services of a suitable contractor to appropriately dispose of the waste on the basis that we get access to the West Belconnen site to dump the contaminated soil at no charge.

Can you please send through a list of suitable contractors by the end of the day so I am able to obtain quotes and timeframes for their services as soon as possible?

Regards

From: Reece, Jayne <Jayne.Reece@act.gov.au>

Sent: Monday, 12 February 2018 11:59:45 AM

To: [REDACTED]

Cc: Fitzgerald, Bruce

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED],

Thank you for your email below.

I have discussed this issue further with my colleagues and whilst we remain of the opinion that the Taskforce has no liability to assist in these circumstances we are prepared to facilitate access to the West Belconnen Tip. This is on the condition that payment for the services of a suitable contractor appropriately dispose of waste is your responsibility.

If this arrangement is acceptable to you can you please advise as soon as possible.

Regards,

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Saturday, 10 February 2018 4:12 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

We are extremely upset with the Government's decision on this case.

Just to clarify, you are rejecting our offer of paying for the services of a suitable Taskforce contractor to pick up the contaminated soil on our block and haul it to the Taskforce's asbestos dump site at West Belconnen where you would provide us free access. This would result in a no cost option to the Government except to provide free access to the site so we could dump the contaminated soil.

As I understand from your email, you are denying us access to the site to dump the asbestos contaminated soil which is work that should have been carried out by the Government as part of the original demolition of the dwelling.

We are horrified by the unconscionable stand the Government is taking on this. Clearly, the original works have not been carried out to ensure the block was safe. In addition, to remove the parcel of land from the Affected Residential Premises Register is nothing short of misleading and deceptive conduct.

Can you please confirm that my understanding of your position is correct by **noon Monday 12 February 2018**. If it is the case, we will continue our alternate courses of action as we have indicated in previous correspondence.

Regards

From: Reece, Jayne [<mailto:Jayne.Reece@act.gov.au>]

Sent: Friday, 9 February 2018 4:22 PM

To: [REDACTED]

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED],

Thank you for meeting us on your block this morning.

The Taskforce has reviewed the information you provided by email along with the discussions which occurred on site. We have also considered the proposal put forward by you regarding disposal of the soil on your site. Whilst sympathetic to your circumstances the Taskforce remains of the view that it cannot assist any further given the clauses contained in 7.1,7.2, 7.3 and 7.7 of your sales contract.

Kind Regards

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Thursday, 8 February 2018 3:14 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

We would like to meet you, a representative of your office and the managing contractor on site tomorrow (Friday 9 February) so we can explain further the situation, show you the issues we are facing and hopefully come up with an amicable arrangement so we can proceed with our build.

Can you please confirm by close of business today when someone would be able to meet us tomorrow?

Kind Regards

From: Reece, Jayne <Jayne.Reece@act.gov.au>

Sent: Tuesday, 6 February 2018 6:19:41 PM

To: [REDACTED]

Cc: Fitzgerald, Bruce; Willimott, Samantha

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED]

I refer to your email sent to the Asbestos Response Taskforce at 9.34pm on 5 February 2018 on behalf of you and your wife, [REDACTED] in relation to issues identified on the block purchased by [REDACTED] and [REDACTED] Jeffcott known as 13 Mitchell Street, Griffith. Those issues were identified as:

1. all existing plumbing is still in situ; and
2. bonded asbestos has been identified on the block which has led to soil contamination.

In respect of the second issue, you have requested 'immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble by 6pm on 8 February 2018'. You have also requested that the Taskforce indicate its intention in relation to this request by 4pm today, 6 February 2018.

As previously advised the Asbestos Response Taskforce does not consider it has an obligation to remove soil and rubble contaminated by the presence of bonded asbestos identified after the affected structure has been demolished and the block has been deregistered and sold. Accordingly, it does not agree to meet the cost of this remediation or arrange a contractor to undertake this work.

Prior to entering into the Contract, the Asbestos Response Taskforce was in possession of a Loose Fill Asbestos – Site Soil Validation Report prepared by Parsons Brinckerhoff Australia Pty Ltd. A copy of this report was provided to you on 5 February 2018. This report concluded the following:

'The asbestos in soil investigation and remediation work to address potential impact of asbestos fibres in the demolition work area of a former house affected by loose fill asbestos at Block 9, Section 32, 13 Mitchell Street Griffith, has been completed as detailed in this report, in accordance with the NEPM ASC and the WA Guidelines. On that basis, I recommend to the Territory that the demolition work area of this property is suitable for residential reuse with respect to asbestos fibres.'

On the basis of this report, the property was removed from the Affected Residential Premises Register on 23 September 2016.

At the time of entry into the Contract for the Grant of Crown Lease, the Territory, by way of the Asbestos Response Taskforce, provided no warranties or representations as to the condition or state of the soil or contamination, or the existence or non-existence of any Substance on or affecting the land. Further, the Territory is indemnified and released from any claims whatsoever arising from or in respect of the condition of the Land and surrounding areas. These

Accordingly, consistent with the advice provided to you by phone on 5 February 2018, I recommend you contact Worksafe and/or an asbestos assessor to seek advice in relation to the removal and disposal of the bonded asbestos identified.

In respect of the first issue above, and as confirmed in an earlier email to you dated 5 February 2018, the demolition contractor is required to organise a plumbing and drainage inspection with Access Canberra as part of the Certificate of Completion of Demolition process. The Asbestos Response Taskforce does not have documents evidencing this process that it can provide to you, apart from the Certificate of Completion of Demolition itself. Any inquiries in relation to the plumbing in these circumstances should be directed to Access Canberra's Plumbing and Gas team on 6207 6907 or 6207 1923.

Should you require any further information, please do not hesitate to contact me.

Regards

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101
Environment, Planning and Sustainable Development Directorate | ACT Government

From: [REDACTED]
Sent: Monday, 5 February 2018 9:34 PM
To: Reece, Jayne <Jayne.Reece@act.gov.au>; Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>
Subject: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith)

Attention Asbestos Response Taskforce,

We are taking this opportunity to document our conversations to date with the Asbestos Response Taskforce regarding Block 9 Section 32 Griffith (13 Mitchell Street, Griffith).

As discussed with your office, on Friday 2 February my builder commenced preparing the site for the slab. However as part of the preparation he found all existing plumbing (both clay and PVC pipes - refer to attached photos) still is situ on site.

Even more distressing is that as part of the site preparation, he found also bonded asbestos in an area on site (refer to attached photos). This bonded asbestos is now mixed in with the soil which was scraped from the site for the preparation of the slab and thus the soil is contaminated.

On finding out about this situation we immediately contacted the Asbestos Response Taskforce to understand how we could proceed with the building process with the issues on hand. To my surprise the Taskforce said that they are not responsible for the issues in any shape or form and referred me to the contract for sale and told me to log the issue with WorkSafe ACT. They also advised me that there was a Site Soil Variation Report done on samples of the site and an asbestos clearance certificate issued indicating there were no issues with the site.

While we appreciate the report suggests there are no issues, we would like to highlight that it was only done **on samples** and that despite what a report or certificate says, the building was not demolished correctly, with clear evidence of asbestos and as such the site is not safe.

And to suggest that the contract for sale indemnifies the ACT Government is irresponsible when clearly the demolition was not carried out as described in Clause 5.3 "Demolition Works". The reasons why the Demolition Works clauses have not been met can be evidenced as follows:

- Asbestos **was not** removed in line with Work Safe Australia and ACT Demolition Work Code of Practice
- Services **were not** disconnected in line with ACTEWAGL's regulations regarding disconnection of services with both clay and PVC pipes still on site
- Building rubble from the existing dwelling **was found on site** including roof tiles, bricks and bonded asbestos as per the photo.
- The removal of asbestos **was not** undertaken as described in the Asbestos Response Taskforce's Demolition Overview where - "The contractors will also remove any **non-friable or bonded asbestos** prior structural demolition... The house is demolished only when a clearance certificate for **both friable and non-friable** asbestos removal has been issued by an independent licensed asbestos assessor."

We have paid over \$1.6 million for a site that has clearly not been remediated correctly despite the Taskforce's claims that it has. Further disturbing issues is that [REDACTED] have played on site digging around in the dirt which we understood to be remediated. We now also find we are in breach of the building contract where slab preparation is to commence on Friday 9 February and because site has not been remediated we cannot proceed further until it is rectified.

With the major issues on hand, we are seeking immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble (including pipes etc) by 6pm Thursday 8 February 2018.

We ask that you respond via email by 4pm Tuesday 6 February 2018 on your intended course of action otherwise we will have no choice except to take this matter further with legal representation and contacting the press.



This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Reece, Jayne
Sent: Wednesday, 14 February 2018 2:24 PM
To: [REDACTED]
Cc: Fitzgerald, Bruce
Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED],

Following our telephone conversation I have instructed West Belconnen Tip to allow access "Mr Fluffy Disposal site" for disposal of the three piles of debris identified in my site visit last Friday.

Regards

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]
Sent: Wednesday, 14 February 2018 1:33 PM
To: Reece, Jayne <Jayne.Reece@act.gov.au>
Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hello again Ms Reece,

Further to my email, I have just received two photos from our builder which shows that at about 250mm down there is still footings and asbestos from the previous dwelling.

It seems as though the original demolition contractor (AGH as I recall) did not remove the footings and only covered them over. The new contractor (Indetail) on site said that on their past demolition sites they have always removed all the building and footings. I am amazed there was a demolition clearance certificate issued on this site considering what we have already uncovered.

As a result of Rowan being on site, the demolition contractor has stopped work. This is now costing me more than originally quoted.

With all this information on hand, I will advise the contractor to continue to work unless I hear from you by 2:00pm 14 February 2018.

Regards

[REDACTED]





From: [REDACTED]
Sent: Wednesday, 14 February 2018 12:43:01 PM
To: Reece, Jayne
Cc: Fitzgerald, Bruce
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

Our correspondence has always referenced the removal of the contaminated soil on site. This is what has been agreed to between Government and ourselves.

As I mentioned at our meeting on site on Friday last week, I had an individual asbestos assessment about the site. The report documents that we need to remove the stockpiles **and** 100 mm of the site to ensure that the site is remediated from asbestos.

Removing just the stockpiles would not guarantee the remediation of the site and for the Government to place a new condition into this agreement without an understanding of the full situation after we have contracted the services and commenced work is appalling.

Please confirm the Government's stand on this situation immediately as I understand Rowan, the contractor and my builder are on site waiting.

Regards

From: Reece, Jayne <Jayne.Reece@act.gov.au>
Sent: Wednesday, 14 February 2018 12:06:19 PM
To: [REDACTED]
Cc: Fitzgerald, Bruce
Subject: FW: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED],

It has come to our attention that excavators are currently on site on this block undertaking a 100mm scrape. The Taskforce agreed to facilitate access to the West Belconnen Tip to dispose of the three piles of soil which were on site when I undertook my site visit last Friday morning. There was no mention of a further scrape of the block being undertaken and it was not part of the request as I understood it. It remains the Taskforce's position that it has no liability to assist however as a gesture of goodwill we would be facilitating access to the tip to dispose of the soil contaminated by your builder's employee.

Until confirmation is received that only the agreed piles will be transported the contractor will be unable to access to the tip.

Regards,

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]
Sent: Tuesday, 13 February 2018 11:12 AM
To: Reece, Jayne <Jayne.Reece@act.gov.au>
Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Ms Reece,

Our builder has arranged Indetail to commence the work today, the machinery is on its way to site however I am told there is a need for a book and tokens.

Indetail contacted Rowan however Rowan did not know anything about this.

How do we proceed?

Thanks again
[REDACTED]

From: Reece, Jayne <Jayne.Reece@act.gov.au>
Sent: Monday, 12 February 2018 4:06:05 PM
To: [REDACTED]
Cc: Fitzgerald, Bruce
Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED],

I have been given the name of two companies. I understand each them have EPA authorisation and have been inducted to West Belconnen:

- AJD Demos – they can be contacted on [REDACTED]; and
- Fab Indetail – they can be contacted on [REDACTED]

Regards,

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]
Sent: Monday, 12 February 2018 1:38 PM
To: Reece, Jayne <Jayne.Reece@act.gov.au>
Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>
Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

Thank you for your email.

We wish to confirm that we will pay for the services of a suitable contractor to appropriately dispose of the waste on the basis that we get access to the West Belconnen site to dump the contaminated soil at no charge.

Can you please send through a list of suitable contractors by the end of the day so I am able to obtain quotes and timeframes for their services as soon as possible?

Regards

From: Reece, Jayne <Jayne.Reece@act.gov.au>

Sent: Monday, 12 February 2018 11:59:45 AM

To: [REDACTED]

Cc: Fitzgerald, Bruce

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED],

Thank you for your email below.

I have discussed this issue further with my colleagues and whilst we remain of the opinion that the Taskforce has no liability to assist in these circumstances we are prepared to facilitate access to the West Belconnen Tip. This is on the condition that payment for the services of a suitable contractor appropriately dispose of waste is your responsibility.

If this arrangement is acceptable to you can you please advise as soon as possible.

Regards,

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Saturday, 10 February 2018 4:12 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

We are extremely upset with the Government's decision on this case.

Just to clarify, you are rejecting our offer of paying for the services of a suitable Taskforce contractor to pick up the contaminated soil on our block and haul it to the Taskforce's asbestos dump site at West Belconnen where you would provide us free access. This would result in a no cost option to the Government except to provide free access to the site so we could dump the contaminated soil.

As I understand from your email, you are denying us access to the site to dump the asbestos contaminated soil which is work that should have been carried out by the Government as part of the original demolition of the dwelling.

We are horrified by the unconscionable stand the Government is taking on this. Clearly, the original works have not been carried out to ensure the block was safe. In addition, to remove the parcel of land from the Affected Residential Premises Register is nothing short of misleading and deceptive conduct.

Can you please confirm that my understanding of your position is correct by **noon Monday 12 February 2018**. If it is the case, we will continue our alternate courses of action as we have indicated in previous correspondence.

Regards

From: Reece, Jayne [<mailto:Jayne.Reece@act.gov.au>]

Sent: Friday, 9 February 2018 4:22 PM

To: [REDACTED]

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED],

Thank you for meeting us on your block this morning.

The Taskforce has reviewed the information you provided by email along with the discussions which occurred on site. We have also considered the proposal put forward by you regarding disposal of the soil on your site. Whilst sympathetic to your circumstances the Taskforce remains of the view that it cannot assist any further given the clauses contained in 7.1,7.2, 7.3 and 7.7 of your sales contract.

Kind Regards

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Thursday, 8 February 2018 3:14 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>

Cc: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: Re: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Ms Reece,

We would like to meet you, a representative of your office and the managing contractor on site tomorrow (Friday 9 February) so we can explain further the situation, show you the issues we are facing and hopefully come up with an amicable arrangement so we can proceed with our build.

Can you please confirm by close of business today when someone would be able to meet us tomorrow?

Kind Regards

From: Reece, Jayne <Jayne.Reece@act.gov.au>

Sent: Tuesday, 6 February 2018 6:19:41 PM

To: [REDACTED]
Cc: Fitzgerald, Bruce; Willimott, Samantha
Subject: RE: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith) [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear [REDACTED]

I refer to your email sent to the Asbestos Response Taskforce at 9.34pm on 5 February 2018 on behalf of you and your wife, [REDACTED] in relation to issues identified on the block purchased by [REDACTED] and [REDACTED] known as 13 Mitchell Street, Griffith. Those issues were identified as:

1. all existing plumbing is still in situ; and
2. bonded asbestos has been identified on the block which has led to soil contamination.

In respect of the second issue, you have requested 'immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble by 6pm on 8 February 2018'. You have also requested that the Taskforce indicate its intention in relation to this request by 4pm today, 6 February 2018.

As previously advised the Asbestos Response Taskforce does not consider it has an obligation to remove soil and rubble contaminated by the presence of bonded asbestos identified after the affected structure has been demolished and the block has been deregistered and sold. Accordingly, it does not agree to meet the cost of this remediation or arrange a contractor to undertake this work.

Prior to entering into the Contract, the Asbestos Response Taskforce was in possession of a Loose Fill Asbestos – Site Soil Validation Report prepared by Parsons Brinckerhoff Australia Pty Ltd. A copy of this report was provided to you on 5 February 2018. This report concluded the following:

'The asbestos in soil investigation and remediation work to address potential impact of asbestos fibres in the demolition work area of a former house affected by loose fill asbestos at Block 9, Section 32, 13 Mitchell Street Griffith, has been completed as detailed in this report, in accordance with the NEPM ASC and the WA Guidelines. On that basis, I recommend to the Territory that the demolition work area of this property is suitable for residential reuse with respect to asbestos fibres.'

On the basis of this report, the property was removed from the Affected Residential Premises Register on 23 September 2016.

At the time of entry into the Contract for the Grant of Crown Lease, the Territory, by way of the Asbestos Response Taskforce, provided no warranties or representations as to the condition or state of the soil or contamination, or the existence or non-existence of any Substance on or affecting the land. Further, the Territory is indemnified and released from any claims whatsoever arising from or in respect of the condition of the Land and surrounding areas. These

Accordingly, consistent with the advice provided to you by phone on 5 February 2018, I recommend you contact Worksafe and/or an asbestos assessor to seek advice in relation to the removal and disposal of the bonded asbestos identified.

In respect of the first issue above, and as confirmed in an earlier email to you dated 5 February 2018, the demolition contractor is required to organise a plumbing and drainage inspection with Access Canberra as part of the Certificate of Completion of Demolition process. The Asbestos Response Taskforce does not have documents evidencing this process that it can provide to you, apart from the Certificate of Completion of Demolition itself. Any inquiries in relation to the plumbing in these circumstances should be directed to Access Canberra's Plumbing and Gas team on 6207 6907 or 6207 1923.

Should you require any further information, please do not hesitate to contact me.

Regards

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: [REDACTED]

Sent: Monday, 5 February 2018 9:34 PM

To: Reece, Jayne <Jayne.Reece@act.gov.au>; Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Willimott, Samantha <Samantha.Willimott@act.gov.au>

Subject: Block 9 Section 32 Griffith (13 Mitchell Street, Griffith)

Attention Asbestos Response Taskforce,

We are taking this opportunity to document our conversations to date with the Asbestos Response Taskforce regarding Block 9 Section 32 Griffith (13 Mitchell Street, Griffith).

As discussed with your office, on Friday 2 February my builder commenced preparing the site for the slab. However as part of the preparation he found all existing plumbing (both clay and PVC pipes - refer to attached photos) still is situ on site.

Even more distressing is that as part of the site preparation, he found also bonded asbestos in an area on site (refer to attached photos). This bonded asbestos is now mixed in with the soil which was scraped from the site for the preparation of the slab and thus the soil is contaminated.

On finding out about this situation we immediately contacted the Asbestos Response Taskforce to understand how we could proceed with the building process with the issues on hand. To my surprise the Taskforce said that they are not responsible for the issues in any shape or form and referred me to the contract for sale and told me to log the issue with WorkSafe ACT. They also advised me that there was a Site Soil Variation Report done on samples of the site and an asbestos clearance certificate issued indicating there were no issues with the site.

While we appreciate the report suggests there are no issues, we would like to highlight that it was only done **on samples** and that despite what a report or certificate says, the building was not demolished correctly, with clear evidence of asbestos and as such the site is not safe.

And to suggest that the contract for sale indemnifies the ACT Government is irresponsible when clearly the demolition was not carried out as described in Clause 5.3 "Demolition Works". The reasons why the Demolition Works clauses have not been met can be evidenced as follows:

- Asbestos **was not** removed in line with Work Safe Australia and ACT Demolition Work Code of Practice
- Services **were not** disconnected in line with ACTEWAGL's regulations regarding disconnection of services with both clay and PVC pipes still on site
- Building rubble from the existing dwelling **was found on site** including roof tiles, bricks and bonded asbestos as per the photo.
- The removal of asbestos **was not** undertaken as described in the Asbestos Response Taskforce's Demolition Overview where - "The contractors will also remove any **non-friable or bonded asbestos** prior structural demolition... The house is demolished only when a clearance certificate for **both friable and non-friable** asbestos removal has been issued by an independent licensed asbestos assessor."

We have paid over \$1.6 million for a site that has clearly not been remediated correctly despite the Taskforce's claims that it has. Further disturbing issues is that [REDACTED] have played on site digging around in the dirt which we understood to be remediated. We now also find we are in breach of the building contract where slab preparation is to commence on Friday 9 February and because site has not been remediated we cannot proceed further until it is rectified.

With the major issues on hand, we are seeking immediate assistance from the Asbestos Response Taskforce by assigning an appropriate contractor to come and remove the contaminated soil and existing rubble (including pipes etc) by 6pm Thursday 8 February 2018.

We ask that you respond via email by 4pm Tuesday 6 February 2018 on your intended course of action otherwise we will have no choice except to take this matter further with legal representation and contacting the press.



This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Reece, Jayne
Sent: Tuesday, 20 February 2018 2:36 PM
To: Griffiths, Louise (CSD)
Subject: FW: Asbestos report [SEC=UNCLASSIFIED]

For CRM

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: Reece, Jayne
Sent: Tuesday, 20 February 2018 2:32 PM
To: Willimott, Samantha <Samantha.Willimott@act.gov.au>
Subject: FW: Asbestos report [SEC=UNCLASSIFIED]

FYI

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: Reece, Jayne
Sent: Monday, 19 February 2018 11:20 AM
To: Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>; Thompson, Bruce <Bruce.Thompson@act.gov.au>
Subject: FW: Asbestos report [SEC=UNCLASSIFIED]

Bruce and Bruce,

For information regarding 13 Mitchell Street Griffith. It seems the owner has approached the asbestos assessor. The response they propose to give is factually correct and in those circumstances I have no comment to make on it (Rohan had sent it to me to make sure it was ok).

Just a heads up to you both.

Jayne Reece

Director | Asbestos Response Taskforce | Phone: 02 6207 0660 | Fax: 02 6207 5101

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 221 London Circuit Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.asbestostaskforce.act.gov.au

| www.environment.act.gov.au | www.planning.act.gov.au

From: Peek, Rohan
Sent: Monday, 19 February 2018 11:14 AM
To: Reece, Jayne <Jayne.Reece@act.gov.au>
Subject: FW: Asbestos report [SEC=UNCLASSIFIED]

From: [REDACTED]

Sent: Monday, 19 February 2018 9:13 AM

To: Martiniello, Patricia <Patricia.Martiniello@act.gov.au>; Peek, Rohan <Rohan.Peek@act.gov.au>; Johnston, Grant <Grant.Johnston@act.gov.au>

Subject: Fwd: Asbestos report

Hi all,

I Hope you are well?

I would like to draw your attention to the email we received below.

This appears to be an issue with historically buried asbestos containing materials, and not malpractice surrounding the removal / demolition process. I was about to email [REDACTED] back and explain the process of our clearance, and the works in general.

However after discussing with [REDACTED] he advised we contact the taskforce first to ask if you had a specific way of handling the issue, and if you have come across anything similar?

Our response would be something the following effect:

Hello [REDACTED],

Thank you for your email. I am sorry that you have uncovered asbestos containing materials. Given the history of the site it must be a frustrating time.

With regard to our visual clearance, it covers the surface area of the site only, and to a depth of around 50mm as we rake the soil to look for asbestos contamination. Unfortunately we cannot confirm or deny buried asbestos. Buried asbestos materials are an unfortunate problem across built up parts of Australia, and are often uncovered during building works, or periods of inclement weather.

With regards to the 'Mr Fluffy' removal and demolition, in order to try identify any subsurface asbestos, and 'validate' the cleanliness of the soil, soil sampling is conducted. This was done by an independent third party (WSP / Parsons Brinkerhoff).

The asbestos fibre in soil investigation was done in accordance with the Asbestos Response Taskforce Information sheet - Soil Validation Process (dated 10 November 2015), the ACT Government-endorsed National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (the NEPM ASC) and the 'Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia (May 2009)' (the WA Guidelines). It should also be noted that twice the recommended density as per table in Appendix A of WA Guidelines1 (2 samples every 100m2).

As such between JMB and WSP the clearance was conducted to the required standard, as far as is reasonably practice.

Warm regards,

Please let me know your thoughts and how you wish to proceed.

I acknowledged [REDACTED] email and would like to respond as soon as possible.

Thanks,

[REDACTED]



[REDACTED], JMB Environmental Consulting Pty Ltd
[REDACTED] www.jmbec.com.au | 3/852
Old Princes Highway, Sutherland, NSW

----- Forwarded message -----

From: [REDACTED]
Date: 16 February 2018 at 16:30
Subject: Asbestos report
To: [REDACTED]

Hi [REDACTED],

We are the new owners of 13 Mitchell Street, Griffith ACT (Block 9 Section 32) where your organisation carried out works for the ACT Asbestos Response Taskforce.

We would like to draw your attention to the attached Soil validation report where your organisation issued an asbestos removal clearance certificate validating the soil was remediated following the demolition of the “Mr Fluff” dwelling.

The report concludes that “A thorough visual inspection of property found no visible asbestos remaining from asbestos removal work in the area or in the vicinity

of the area where the work was carried out. This property has been cleared for demolition and restrictions associated with the asbestos removal must remain in place until the demolition works are completed.”

Unfortunately as part of the building preparation we now find ourselves in a situation where we have uncovered non-friable asbestos in the soil in addition to footings, pipes and bricks from the previous dwelling.

As evidenced in the photos, the asbestos was not removed in line with the Work Health and Safety Regulation 2011, the Dangerous Substances Act 2004 or even the ACT Demolition Work Code of Practice.

I would like to understand the role your organisation took in issuing the certificate verifying the block was remediated and whether you would be interested in inspecting the site to confirm our findings?

Thank you for your time.



--





ACT
Government

Environment, Planning and
Sustainable Development

URGENT

MINISTER	MINISTER GENTLEMAN
SUBJECT	Remediated block under the Loose Fill Asbestos Insulation Eradication Scheme
CORRESPONDENT	[REDACTED]
OBJECTIVE NUMBER	18/04678

	Due Date	Signature	Date
Due to the Ministers Office	6/03/18	[REDACTED]	[REDACTED]
Director-General			
Deputy Director-General	28/02/18	G Rutledge	5/3/18
Government Services	27/02/18	-	
Executive Director		Jayne Reece	
Contact Officer: Sam Willimott		Telephone No: 59973	

<p>Further Action/Comment:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Signature</p>



ACT
Government

Environment, Planning and
Sustainable Development

URGENT

Ministerial Correspondence Checklist

	EA	Gov Services
Green Folder		
Correct letterhead		
Ministers' Signature Block (3 blank lines after yours sincerely and no date)		
Yours sincerely[4 Returns]		
Mick Gentleman MLA Minister for Planning and Land Management or the Environment and Heritage		
Yours sincerely[4 Returns]		
Shane Rattenbury MLA Minister for Climate Change and Sustainability		
Layout and Body of the Correspondence		
SUBURB STATE POSTCODE - ALL CAPS - 2 SPACES BETWEEN EACH		
Two blank lines after the Address and before 'Dear...'		
One blank line after 'Dear' and before 'Thank you' or 'I refer to'		
Apologies for the delay if the Minister is likely to sign the letter one month after the date of the original correspondence		
Dates are on the same line, correct margins, no split names, no double spacing		
Spelling checked		
Correspondence flows and there are no words missing in sentences		
Correct address block / salutation (where email and postal address are given use email)		
The Minister has assisted the reader as much as possible		
Reference to areas that can assist further – provide full name and contact details		
Attachments are marked appropriately (Encl. After the signature block). Suggestion: I have enclosed...		
All actions as requested by the Minister's Office have been addressed (see correspondence request form)		
Clearance sheet completed		

Reminder: publish all draft versions and check the properties have been updated in Objective

From: EPSDD DLO
Sent: Tuesday, 20 February 2018 9:18 AM
To: Hurrell, Erica
Subject: FW: Contact my Minister - Correspondence: 190218 - 1165511 - [REDACTED]
[DLM=For-Official-Use-Only]
Attachments: Asbestos-Letter-to-Minister-Gentleman.pdf

For Asbestos Taskforce under the Urban renewal division

Kind Regards
Kim Bailey | EPSD DLO
#54521

From: Sendaba, Bethel **On Behalf Of** GENTLEMAN
Sent: Monday, 19 February 2018 5:19 PM
To: EPSDD DLO <EPSDDDLO@act.gov.au>
Cc: Reynolds, Chris <Chris.Reynolds@act.gov.au>
Subject: FW: Contact my Minister - Correspondence: 190218 - 1165511 - [REDACTED]

Hi Kim – for reply please.

Thanks,
Bethel

From: minister@act.gov.au [<mailto:minister@act.gov.au>]
Sent: Monday, 19 February 2018 8:27 AM
To: GENTLEMAN <GENTLEMAN@act.gov.au>
Subject: Contact my Minister - Correspondence: 190218 - 1165511 - [REDACTED]



Mick Gentleman, MLA

The following correspondence has been submitted via the Contact my Minister website.

The constituent has indicated that they would like a response to their correspondence.

Remediated block under the Loose Fill Asbestos Insulation Eradication Scheme

Please refer to the attached letter regarding the our remediated block under the Loose Fill Asbestos Insulation Eradication Scheme.

Correspondence Reference # 190218 - 1165511

Submission date: 19 Feb 2018 8:27am

Contact Information





ACT
Government

Environment, Planning and
Sustainable Development

FOR OFFICIAL USE ONLY

MINISTERIAL BRIEF

To: Minister for Planning and Land Management

Tracking No.:

Rec'd Minister's Office .../.../...

From: Director, Asbestos Response Taskforce

Subject: Response to correspondence regarding Block 9 Section 32, Griffith.

Critical Date: 6 March 2018

Critical Reason: To provide an urgent response to correspondence

Purpose

To provide a response to correspondence received via 'Contact my Minister' from the purchaser of Block 9 Section 32, Griffith (13 Mitchell St, Griffith).

Recommendations

That you:

1. **Sign** the letter at Attachment A to the purchasers of 13 Mitchell St, Griffith declining the request for compensation; and

Agreed / Not Agreed / Please Discuss

2. **Note** the information contained in this brief.

Noted / Please Discuss

Mick Gentleman MLA/...../.....

Minister's Office Feedback

Background

1. The affected property at 13 Mitchell St, Griffith was demolished on 17 June 2016.
2. On 30 June 2016, a Site Soil Validation Report was prepared by WSP | Parsons Brinckerhoff containing the results of an investigation and remediation of asbestos fibres in soil of the demolition zone on the block. The demolition zone includes the area immediately around the house footprint and anywhere demolition equipment has operated.
3. The investigation and report, undertaken in accordance with the ACT Government-endorsed 'National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)' and the 'Guidelines for the Assessment, Remediation and Management of Asbestos- Contaminated Sites in Western Australia (May 2009)', recommended that the demolition work area of this property was suitable for residential reuse with respect to asbestos fibres.
4. The block was subsequently removed from the affected properties register on 23 September 2016, in accordance with the requirements of section 47N of the *Dangerous Substances Act 2004*. A copy of the deregistration statement and supporting deregistration documents are available at [Attachment B](#).
5. Following its removal from the register, the block was made available for public sale and sold at auction on 30 March 2017. The block sold for a price of \$1,680,000 to [REDACTED].
6. The block settled to the new purchasers on 30 May 2017.

Issues

7. On both 2 and 5 February 2018, the Asbestos Response Taskforce (the Taskforce) was contacted by phone by [REDACTED] on behalf of the purchasers of 13 Mitchell St, Griffith.
8. [REDACTED] advised that during excavation and construction works on the site, his builder had exposed some sheets of bonded asbestos. As well as this, he stated that the sewer tie had not been disconnected correctly during demolition of the residence. Initially he was seeking advice on where to dispose of the contaminated material.
9. He also wanted to know what assistance the Taskforce could provide.
10. [REDACTED] was advised that the remediation work that the Taskforce undertakes is for loose fill asbestos only, and not for other forms of asbestos or contaminants. He was also advised that the demolition zone had been tested, had been recommended suitable for residential reuse and removed for the Affected Residential Premises Register.
11. [REDACTED] was further advised that a plumbing and drainage inspection was required to be undertaken by Access Canberra as part of the process for issuing a Certificate of Completion of Demolition. As part of this inspection, the sewer tie would have been examined to ensure it had been disconnected as per the requirements.
12. Following that discussion [REDACTED] was provided with a copy of the soil validation report pertaining to the block.
13. On 5 February 2018, [REDACTED] contacted the Taskforce in writing reiterating the above claims, and requesting the Taskforce appoint a contractor to remove the contaminated soil and rubble.
14. [REDACTED]
15. [REDACTED]

- ██████████ was notified on 6 February 2018 that the Taskforce would be taking no action in relation to his request for a contractor to be appointed to remove the contaminated soil and rubble.
16. On 8 February 2018, ██████████ requested an onsite meeting to further explain the situation and the issues. Representatives from the Taskforce and Infrastructure Finance and Capital Works (IFCW) met with ██████████ and his builder on site on 9 February 2018.
 17. As part of the onsite discussions, three large stock piles of soil were identified as contaminated. This amount of contamination was largely due to the builder's employee not following correct procedures following the excavation of the buried bonded asbestos sheet. As a result of the actions of the builder's employee contamination had been spread throughout the site.
 18. During the onsite discussions, ██████████ requested that he be permitted to dispose of the contaminated soil and rubble at the Mr Fluffy disposal site at the West Belconnen Resource Management Centre (WBRMC) at no cost to himself or his builder. He offered to pay for the services of a suitable contractor to dispose of the soil.
 19. Whilst the Taskforce remained of the opinion that it had no liability to assist, in the interests avoiding possible consequent damage to the reputational risk of the Suburban Residential sales program it agreed to ██████████ request.
 20. On 14 February 2018, the Taskforce was made aware that excavators were on site at 13 Mitchell St, Griffith and were undertaking a 100mm scrape of the entire block and removing pavers from the area. Whilst the Taskforce had agreed to the disposal of the stock piles, there was no mention of a further scrape of the block being undertaken and it was not part of the original request.
 21. It was immediately communicated to ██████████ that the additional waste was not part of the agreement and that until the issue had been resolved it would not be possible to access the Mr Fluffy disposal site at the WBRMC. ██████████ was advised that he still had the option to dispose of the waste at the public area of the WBRMC at the commercial rate.
 22. Despite this notification ██████████ contractor continued to send loaded trucks to the Mr Fluffy disposal site at WBRMC.
 23. The Taskforce continued to discuss the matter with ██████████, and reopened access to the disposal site later that day for the disposal of the original three stock piles of waste.
 24. On 19 February 2018, ██████████ contacted your office regarding his original issues and requesting \$8,300 compensation for builder and contractor costs, and penalties. ██████████ has not provided any invoices or supporting information evidencing his claim of the additional costs. A copy of his correspondence is available at [Attachment C](#).
 25. On 26 February 2018, follow up correspondence was sent by ██████████ to your office. A copy of his follow up correspondence is available at [Attachment D](#).
 26. In this correspondence, ██████████ stated that he contacted JMB Environmental Consulting, the asbestos assessor that provided the Post Demolition Clearance Certificate, who subsequently re-inspected the site on 23 February 2018. He advised that JMB Environmental Consulting found that both friable and non-friable asbestos present on site. ██████████ then engage an independent asbestos assessor, L&D Consulting, to test a brick found on site during excavation works, with the brick testing positive for Amosite asbestos.
 27. After receiving a copy of this correspondence the Taskforce requested a copy of those test results which were positive for amosite fibres.
 28. The source of the brick and the fibres is unknown.
 29. The Taskforce is aware that previous demolition work was undertaken on the block in the mid 2000's and it is possible that the brick was buried deep below the demolition zone as

part of that work.

30. This is a common issue across many sites in Canberra and is largely due to dated building practices which often involved burying building rubble and other waste on a site.
31. Worksafe ACT has advised that it is not unusual when modern renovations or knock down rebuild works occur in established suburbs (particularly those that had dwellings constructed prior to 1990) that contaminants such as bonded asbestos sheets and fragments, paint tins, lead, treated wood, bricks, gyprock and other items are located.
32. [REDACTED] has now said that his out of pocket costs have risen to over \$18,000, which he believes should be covered by the ACT Government.
33. He has also requested that the Territory provide him with a proposal to remediate the block from asbestos, and details of how the Territory plans to deal with those people who have been on site and had possible exposure to the asbestos.
34. The Taskforce remains of the opinion that it does not have any liability to provide assistance in relation to this matter. Any assistance previously provided to [REDACTED] was granted as a gesture of goodwill.

Financial Implications

35. The Taskforce allowed access to the WBRMC to [REDACTED] at no cost to himself or the builder. The waste was disposed of at the dedicated Mr Fluffy disposal site and as such, resulted in no additional cost to the Taskforce.
36. [REDACTED] originally requested compensation of \$8,300 to cover the additional costs incurred by his builder and contractors. In his follow up correspondence, [REDACTED] has now stated that these costs have increased to over \$18,000.

Consultation

Internal

37. Nil

Cross Directorate

38. [REDACTED]
39. The Taskforce has continued to consult with IFCW, its procurement and contract managers for the demolition of affected properties, in relation to this matter.
40. The Taskforce has consulted with No Waste on this matter, in particular around providing access to the WBRMC for [REDACTED].

External

41. The Taskforce has consulted with AGH Demolition and Asbestos Removal, the contractor who undertook the demolition of the affected residence, in relation to this matter.
42. The Taskforce has consulted with JMB Environmental Consulting, the independent licensed asbestos assessor who issued the Post Demolition Clearance Certificate, in relation to this matter.

Benefits/Sensitivities

43. [REDACTED] has previously stated that he may take legal action in relation to this matter.
44. Should concerns about potential contamination on remediated sites become public, there may be potential ramifications to the broader remediation and Suburban Residential sales program.

45. Any action, assistance or compensation provided by the Territory to [REDACTED] has the potential to set a precedent for all homes which have been acquired and demolished under the Loose Fill Asbestos Insulation Eradication Scheme.

Media Implications

46. [REDACTED] has contacted the media regarding his concerns, with an article published in *The Canberra Times* on 28 February 2018, and all local media outlets subsequently covering the issue.
47. [REDACTED] and his builder attended the public auction for Mr Fluffy blocks on 2 March 2018 and handed out copies of *The Canberra Times* article to attendees. They also made their views known to those in attendance.
48. The Taskforce provided separate talking points and a caveat brief to your office in relation to this coverage.
49. The Deputy Director General (Sustainability & Built Environment) conducted media interviews on requests to reinforce prepared media talking points at Attachment E, in particular that
“... it remains possible that buried contaminants may be present deep below the demolition zone or on other parts of the site... this is largely due to dated building practices which often involved burying building rubble on a site”.
50. It is highly likely that [REDACTED] will again contact the media once in receipt of the Government’s response to his claims.
51. Existing talking points will be used in the event of any further media interest.

Signatory Name:	Jayne Reece	Phone:	70660
Action Officer:	Samantha Willimott	Phone:	59973

Mick Gentleman MLA



Member for Brindabella

Manager of Government Business
Minister for Police and Emergency Services
Minister for the Environment and Heritage
Minister for Planning and Land Management
Minister for Urban Renewal

Obj #A15263515

Dear [REDACTED]

Thank you for your correspondence of 19 and 26 February 2018 regarding the remediated block you purchased at Block 9 Section 32, Griffith, commonly known as 13 Mitchell Street, Griffith.

I have reviewed the information you have provided, in particular your concerns that the block has not been remediated correctly. I note your request for compensation for additional costs and penalties that you state you have incurred as a result of this issue.

Following the demolition of the affected property at 13 Mitchell St, Griffith, an independent expert was engaged by the Asbestos Response Taskforce (the Taskforce) to undertake a thorough soil validation of the demolition zone. The investigation and report, undertaken by WSP | Parsons Brinckerhoff in accordance with the ACT Government-endorsed 'National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)' and the 'Guidelines for the Assessment, Remediation and Management of Asbestos- Contaminated Sites in Western Australia (May 2009)', advised that the demolition work area of this property is suitable for residential reuse with respect to asbestos fibres. I understand that a copy of this report has been provided to you by the Taskforce.

As well as the soil validation report, a Post Demolition Clearance Certificate was issued for the site from an independent licensed Asbestos Assessor following the demolition of the affected property and removal of the demolition waste. In issuing the Certificate, a visual inspection was undertaken of the demolition zone by the Assessor, including raking the soil to a depth of approximately 50mm to look for asbestos contamination. The Clearance Certificate would not have been issued if visible asbestos were present in the demolition zone at that time.

In order to be removed from the Affected Residential Premises Register (the Register), the block must have a Certificate of Completion of Demolition issued by Access Canberra Building Services. This Certificate certifies that the demolition of the residence at 13 Mitchell St, Griffith was completed in accordance with the prescribed requirements. It is issued in accordance with Section 71 (2) of the *Building Act 2004*. The Certificate of Completion for this block was issued on 29 July 2016.

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601, Australia
Phone +61 2 6205 0218

GPO Box 1020, Canberra ACT 2601, Australia
Email gentleman@act.gov.au



@GENTLEMANMick

MickGentleman

Following receipt of these documents, Block 9 Section 32, Griffith (known as 13 Mitchell St) was removed from the Register in accordance with Section 47N of the *Dangerous Substances Act 2004* on 23 September 2016. I understand a copy of the Deregistration Statement was an annexure to the Contract for Grant of Crown Lease for this property.

Whilst all practicable efforts are made to ensure that sites are free from contaminants, buried contaminants are an issue across many sites in Canberra, largely due to dated building practices which often involved burying building rubble and other waste on a site. As such, the 'Work Health and Safety (Excavation Work Code of Practice)', under the *Work Health and Safety Act 2011*, lists buried contaminants, such as asbestos, as a common hazard associated with excavation work and identifies controls to put in place to minimise this risk.

To this end, at the time of entry into the Contract for the Grant of Crown Lease, the Territory provided no warranties or representations as to the condition or state of the soil or contamination, or the existence or non-existence of any substance on or affecting the land. In particular, I draw your attention to the following clauses within the Contract:

- 7.1 *On Completion, the Seller gives no warranties as to the state of repair of any of the Retained Improvements or Unapproved structures (if applicable) or condition of the Land including the soil classification, except as required by law.*
- 7.2 *The Buyer acknowledges and agrees that the Seller makes no warranty or representation as to the environmental condition or state of the soil, ground water, contamination or the existence or non-existence of any Substance on or affecting the Land.*
- 7.3 *The Buyer understands and accepts that the existence of the Retained Improvements including any Unapproved Structures, decommissioned Utility Services, footings, regrading, fill, contamination or a soil classification of or upon the Land may result in work for the construction of any building on the Land being more extensive and expensive than it may have been in the absence of such Retained Improvements including any Unapproved Structures, decommissioned Utility Services, footings, regrading, fill, contamination or soil classification.*
- 9.1 *On and from the date of Completion, the Buyer is liable for, releases the Seller, and indemnifies and shall keep the Seller indemnified, from and against demands, actions, claims, losses, damages, proceedings, liabilities and expenses (collectively Liabilities) whatsoever and however arising from or in respect of the condition of the Land and surrounding areas (including the presence of and Substance or contamination on the Land).*

I understand that as a goodwill gesture, the Taskforce permitted three stock piles of soil and rubble to be disposed of free of charge at the West Belconnen Resource Management Centre. However, as the Territory has no legal liability in relation to this matter, it is unable to meet the costs associated with any further remediation works on the site or provide reimbursement for the costs you have incurred.

If you have concerns about the physical health of those who have entered your site to date, I would encourage them to seek advice from a qualified medical practitioner who can assess individual circumstances and exposure risks.

Thank you for raising this matter with me. I trust this information is of assistance.

Yours sincerely

Mick Gentleman MLA
Minister for Planning and Land Management