

# NOTICE OF MEETING

Pursuant to the provisions of section 88 (1) of the  
*Local Government Act 1999*

**The Governance Advisory Panel of the**



will be held in

**Council Chambers  
Redbanks Road  
Mallala**

on

**Wednesday, 18 October 2017 at 2.00 PM**

.....  
James Miller

**CHIEF EXECUTIVE OFFICER**

# **AGENDA**

Page  
Number

**1      ATTENDANCE RECORD**

- 1.1    Present
- 1.2    Apologies
- 1.3    Not Present/Leave of Absence

**2      CONFIRMATION OF MINUTES**

- 2.1    Minutes of Governance Advisory Panel meeting held on 8 June 2017      2

**3      BUSINESS ARISING**


**4      DECLARATION OF MEMBERS' INTEREST (material, actual, perceived)**

**5      REPORTS**

- 5.1    Discovery of Asbestos – Two Wells Waste Transfer Station      7

**6      CONFIDENTIAL ITEMS**

**7      CLOSURE**

 <b>Adelaide Plains Council</b>	<b>2. CONFIRMATION OF MINUTES</b>
<b>Wednesday 18 October 2017</b>	

**Items:**

**2.1 Minutes of Governance Advisory Panel meeting held on 8 June 2017**

“that the minutes of the Governance Advisory Panel meeting held on 8 June 2017 (MB Folios 39 to 43 inclusive), be accepted as read and confirmed.”

# MINUTES

of

## **The Governance Advisory Panel Meeting of the**



**Adelaide  
Plains  
Council**

Pursuant to the provisions of section 88 (1) of the  
*Local Government Act 1999*

HELD IN

**Council Chambers  
Redbanks Road  
Mallala**

on

**Thursday, 8 June 2017**

The meeting commenced at 11.10 AM.

**1. ATTENDANCE**

**1.1 Present**

Hon Graham Gunn, AM (Chairperson)

Mrs Judith Jones

Mayor A J (Tony) Flaherty, OAM

**Also in Attendance for the Meeting:**

Chief Executive Officer

General Manager, Governance and Communications

Partner – Norman Waterhouse Lawyers

Director – Byrt Corporate Advisory

Mr James Miller

Ms Sheree Schenk

Ms Felice D'Agostino

Mr Ted Byrt

**1.2 Apologies**

Mr Ted Byrt

Cr Melville Lawrence

**1.3 Absent**

**2. CONFIRMATION OF MINUTES**

Nil

**3. BUSINESS ARISING**

Nil

**4. DECLARATION OF MEMBERS' INTEREST**

Nil

**5. REPORTS FOR DECISION**

Nil

## 6. **CONFIDENTIAL ITEMS**

### 6.1 Code of Conduct – Independent Investigation

<b>Panel Resolution</b>	<b>2017/ 019</b>
Moved Mrs Judith Jones      Seconded Mayor Flaherty	
“that:	
1. Pursuant to Section 90(2) of the <i>Local Government Act 1999</i> the Panel orders that all members of the public, except the Chief Executive Officer, General Manager Governance and Communications, Mr Ted Byrt – Director of Byrt Corporate Advisory, Felice D’Agostino of Norman Waterhouse Lawyers, be excluded from attendance at the meeting for Agenda Item 6.1 – ‘ <i>Code of Conduct – Independent Investigation</i> ’.	
2. The Panel is satisfied that, pursuant to Section 90(3)(a) of the <i>Local Government Act 1999</i> , information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and on the basis that information within the report and annexures contains information about the personal affairs of a person, constituting untested allegations about their conduct; and it would be unreasonable to disclose this information prior to the allegations being tested by an investigative process.	
3. The Panel is satisfied that the principle that meetings of the Panel should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”	
	<b>CARRIED</b>

Mr Ted Byrt was invited to present his investigation report to the Panel.

6.1	<b>Panel Resolution</b>	<b>2017/ 020</b>
	Moved Mrs Judith Jones      Seconded Hon Graham Gunn	
	“that the Panel, having considered Item 6.1 – ‘ <i>Code of Conduct – Independent Investigation</i> ’ dated 8 June 2017, receive and note the report and in doing so makes the following recommendation to Council:-	
	1. That Council request Councillor Lawrence to provide a written apology to both the Council and the staff concerned.”	
		<b>CARRIED</b>

Mr Ted Byrt left the Chamber at 11.34 AM.

6.1	<b>Panel Resolution</b>	<b>2017/ 021</b>
	Moved Mrs Judith Jones      Seconded Hon Graham Gunn	
	“that the Panel, having considered Item 6.1 – ‘ <i>Code of Conduct – Independent Investigation</i> ’ dated 8 June 2017, suggests that the Chief Executive Officer invite the Immediate Past President of the Local Government Association, Mr David Burgess, to address Council at a closed informal gathering in relation to the importance of fostering positive relations between the elected body and the administration as a means of advancing Council’s objectives.”	
		<b>CARRIED</b>

6.1	<b>Panel Resolution</b>	<b>2017/ 022</b>
	Moved Mayor Flaherty      Seconded Hon Graham Gunn	
	“that:	
	<ol style="list-style-type: none"><li>1. Having considered the matter of Agenda Item 6.1 – ‘<i>Code of Conduct – Independent Investigation</i>’ (‘the matter’) in confidence under Sections 90(2) and 90(3)(a) of the <i>Local Government Act 1999</i>, Council orders under the provisions of Sections 91(7) and (9) of the <i>Local Government Act 1999</i> that the report, annexures, associated information and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection.</li><li>2. Pursuant to Section 91(9)(a) of the <i>Local Government Act 1999</i>, this confidentiality order be reviewed every 12 months.</li><li>3. Pursuant to Section 91(9)(c) of the <i>Local Government Act 1999</i>, the Panel delegates the power to revoke this confidentiality order to the Chief Executive Officer.”</li></ol>	
		<b>CARRIED</b>

The Chairperson re-opened the meeting to the public at 11:51 AM.

7. **CLOSURE**

The Chairperson declared the meeting closed at 11.51 AM.

Confirmed as a true record.

Chairperson: .....

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Subject to Confirmation



 <b>Adelaide Plains Council</b>	<b>5.1</b>	<b>Discovery of Asbestos – Two Wells Waste Transfer Station</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Governance and Communications</b>  <b>General Manager – Governance and Communications</b>
<b>Date: 18 October 2017</b>	<b>Container No:</b>	<b>CON16/8</b>
	<b>Document No:</b>	<b>D17/25909</b>

### **EXECUTIVE SUMMARY**

- In accordance with the functions of the Governance Advisory Panel, the Chief Executive Officer has requested that the Panel consider Council's recent discovery and handling of Asbestos Containing Material (ACM) at the Two Wells Waste Transfer Station and subsequent handling thereof.
- Advice and/or recommendation(s) from the Governance Advisory Panel is sought in relation to this matter with a view to improving Council's processes and practices.

### **RECOMMENDATION(S)**

**“that the Panel, having considered Item 5.1 – *Discovery of Asbestos – Two Wells Transfer Station*, dated 18 October 2017, receives and notes the report and in doing so makes the following recommendation(s) to Council:-**

**1. \_\_\_\_\_”**

### **BUDGET IMPACT**

Estimated Cost:	To be advised
Future ongoing operating costs:	Nil
Is this Budgeted?	No

## **RISK ASSESSMENT**

The Governance Advisory Panel's independent consideration and assessment of this matter will help to ensure that Council can continue to review and improve its risk management and in particular, the mitigation of any risks.

---

### **Attachments**

1. **Agenda Report 'Item 3.1 – Two Wells Transfer Station – Waste Matters, dated 3 October 2017.**
2. **Adelaide Plains Council Media Release distributed on 6 October 2017.**

## **DETAILED REPORT**

### **Purpose**

The purpose of this report is for the Governance Advisory Panel to consider the matter of Asbestos Containing Material (ACM) being discovered at the Two Wells Waste Transfer Station and the hard waste material being transported to the Dublin Borrow Pit site. Council is seeking to address any shortcomings and areas for future improvement in relation to the handling of this matter.

### **Background/History**

Details relating to the discovery of the ACM referred to are contained within the report that was considered by Council at its Special Meeting held on 3 October 2017 (**Attachment 1**). At that meeting, Council resolved as follows (Resolution No. 2017/307):-

***“that Council, having considered Item 3.1 – ‘Two Wells Transfer Station – Waste Matters’, dated 3 October 2017, receives and notes the report and in doing so:-***

- 1. Acknowledges that unlawfully disposed Asbestos Containing Material (ACM) was discovered at the Two Wells Waste Transfer Station amongst approximately 450 tonne of building waste material and notes the actions taken by staff post its discovery to mitigate health and safety risks;***
- 2. Acknowledges that an unexpected expense will be incurred by Council in order to remove the ACM currently located at the Dublin quarry site and to remediate the affected areas at the Two Wells Waste Transfer Station and Dublin quarry site and in doing so acknowledges that an adjustment will need to be made as part of the 2017/2018 budget review process;***
- 3. Delegates the authority to the Chief Executive Officer to engage a suitably qualified contractor(s) to remove the ACM currently located at the Dublin quarry site and remediate the site to the satisfaction of the Environment Protection Authority;***
- 4. Delegates the authority to the Chief Executive Officer to engage a suitably qualified contractor(s) to assess and, if necessary, remediate the Two Wells Waste Transfer Station building waste area (now void of building waste) to the satisfaction of the EPA;***
- 5. Calls for a further report to the October ordinary meeting of Council to consider any further requirements that may be imposed by the EPA or SafeWork SA;***

***6. Endorses the actions of the Chief Executive Officer to continue to undertake internal investigations in relation to this matter, with a view of improving processes and practices in the event that shortcomings are discovered; and***

***7. Instructs the Chief Executive Officer to prepare a media release outlining recent events identified at both the Two Wells Transfer Station and the Dublin Borrow Pit with a view to adequately informing the residents of Adelaide Plains Council of the location of the ACM present at both sites and the action that Council has taken to ameliorate the matter.”***

Following Council’s consideration of the matter, a media release was distributed on 6 October 2017 (**Attachment 2**).

## **Discussion**

Attachment 1 provides the details of what transpired in relation to the discovery of ACM amongst building waste unlawfully disposed at the Two Wells Waste Transfer Station over a prolonged period of time.

There are several aspects and considerations to take into account in relation this matter, including (but not limited to):-

- Licensing requirements (dealing with waste material etc)
- Work Health and Safety
- Risk Management
- Medical Management
- Advice and Internal Procedures
- Training and Awareness

There is therefore involvement from several parties (as alluded to in Attachment 1), including SafeWork SA and the Environment Protection Authority (EPA) of which Council are continuing to liaise with.

While the amelioration of this matter is currently being undertaken, Management (with the general support of Council Members) is seeking to undertake a detailed review of its processes and practices to ensure that Council is equipped to deal with a wide variety of instances where ACM may be encountered in the future.

## **Conclusion**

It is requested that the Governance Advisory Panel now consider this matter in accordance with its Terms of Reference, and make any recommendations to Council it believes necessary to assist Council with improving its practices and thereby ensuring good governance.

---

## **References**

### Legislation

*Environment Protection Act 1999*

*Work Health Safety Act 2012*


*Local Government Act 1999*

### Council Policies

Asbestos Procedure

Contractor Management Policy and Procedure

Hazard Management Policy and Procedure

 <b>Adelaide Plains Council</b>	<b>3.1</b>	<b>Two Wells Transfer Station – Waste Matters</b>
	<b>Department:</b>	<b>Infrastructure</b>
	<b>Report Author:</b>	<b>General Manager - Infrastructure</b>
<b>Date: 3 October 2017</b>	<b>Container No:</b>	<b>CON17/347</b>
	<b>Document No:</b>	<b>D17/24259</b>

### **EXECUTIVE SUMMARY**

- The purpose of this report is to advise Council Members of recent activity at the Two Wells Waste Transfer Station in relation to Asbestos Containing Material (ACM) being found amongst building waste unlawfully disposed at the site over a prolonged period of time.
- Following the identification of ACM, Council duly engaged a licensed contractor to provide guidance and advice in relation the removal of the offending material.
- After this process was concluded, the remaining waste, estimated to comprise approximately 460 tonne, was transported to Council’s Dublin quarry site for recycling.
- Further evidence of asbestos was found while preparing waste for recycling and the licensed contractor previously engaged was called back to provide further advice.
- Council has heavily engaged the following agencies as a means of providing support and guidance:-
  - Environment Protection Authority
  - SafeWork SA
  - Local Government Association Mutual Liability Scheme
  - Local Government Association Asset Mutual Fund
  - Local Government Risk Services
- Management has provided staff involved with the appropriate medical services to ensure their health, safety and wellbeing.
- Management, in concert with the aforementioned agencies and contractor, are currently exploring remedial action at the Two Wells Transfer Station and quarry site.
- The Chief Executive Officer is continuing the undertake internal investigations in relation to this matter, with a view of improving processes and practices in the event that shortcomings are discovered.

## **RECOMMENDATION(S)**

**“that Council, having considered Item 3.1 – *Two Wells Transfer Station – Waste Matters*, dated 3 October 2017, receives and notes the report and in doing so:-**

- 1. Acknowledges that unlawfully disposed Asbestos Containing Material (ACM) was discovered at the Two Wells Waste Transfer Station amongst approximately 450 tonne of building waste material and notes the actions taken by staff post its discovery to mitigate health and safety risks;**
- 2. Acknowledges that an unexpected expense will be incurred by Council in order to remove the ACM currently located at the Dublin quarry site and to remediate the affected areas at the Two Wells Waste Transfer Station and Dublin quarry site and in doing so acknowledges that an adjustment will need to be made as part of the 2017/2018 budget review process;**
- 3. Delegates the authority to the Chief Executive Officer to engage a suitably qualified contractor(s) to remove the ACM currently located at the Dublin quarry site and remediate the site to the satisfaction of the Environment Protection Authority;**
- 4. Delegates the authority to the Chief Executive Officer to engage a suitably qualified contractor(s) to assess and, if necessary, remediate the Two Wells Waste Transfer Station building waste area (now void of building waste) to the satisfaction of the EPA;**
- 5. Calls for a further report to the October ordinary meeting of Council to consider any further requirements that may be imposed by the EPA or SafeWork SA; and**
- 6. Endorses the actions of the Chief Executive Officer to continue to undertake internal investigations in relation to this matter, with a view of improving processes and practices in the event that shortcomings are discovered.”**

## **BUDGET IMPACT**

Estimated Cost:	To be advised
Future ongoing operating costs:	Nil
Is this Budgeted?	No

## **RISK ASSESSMENT**

The greatest risk is that which concerns the health and wellbeing of staff who have been inadvertently exposed to Asbestos Containing Material (ACM) and the potential future risks to their physical and mental health.

There is a risk to the public if they continue to access the Two Wells Waste Transfer Station. This risk has been mitigated by following Environment Protection Authority (EPA) and the Industrial Hygienists advice to keep the immediate site (waste footprint) damp, signed and cordoned off.

The risks associated with the placement of the waste at the quarry site has also been mitigated by following EPA directions to keep the waste damp, signed and cordoned off.

In the long term, each of the areas will require to be deemed safe to the satisfaction of the EPA.

---

## **Attachments**

1. **Council's Internal Investigation Report (SafeWork SA) – redacted version**



## **DETAILED REPORT**

### **Purpose**

The purpose of this report is to inform Council that asbestos waste has been discovered at Council's Two Wells Waste Transfer Station and what steps are being taken to safely deal with the matter.

### **Background/History**

On 22 August 2017, a cleanup operation of accumulated building waste (consisting mainly of concrete and bricks) received over a number of years from the public at the Two Wells Waste Transfer Station began. At the early stages of preparing for the cleanup an amount of unlawfully disposed suspected asbestos material was discovered.

The building waste was originally going to be crushed up to make recycled road base, but this discovery triggered a change of plan. Council's asbestos removal contractor, [REDACTED] was engaged to provide advice and remove the ACM in accordance with Council policy. The contractor duly removed the asbestos and the remaining material was subsequently deemed safe to move. Accordingly the remaining material was moved to the crushing plant located at the Dublin quarry site.

Once the remaining material was moved and a subsequent operation commenced to separate steel reinforcement from the concrete, more evidence of asbestos was discovered. The asbestos removal contractor was again called to advise what should be done. The contractor provided three options:

1. Management and disposal of hard waste material via a licensed Contractor to certified landfill.
2. Contract an Occupational Hygienist to attend site, conduct sampling and provide additional advice regarding management of the hard waste material.
3. Engage a contractor to conduct an "Emu pick". [REDACTED] quoted \$1,100 a day and estimated it would take three (3) days to complete.

Option 3 was selected and the material spread out as instructed by the contractor whereupon the contractor commenced his search for asbestos. At this juncture staff became uncomfortable with proceedings and the EPA and SafeWork SA were called to provide advice. The EPA subsequently attended the sites and met with the General Manager Infrastructure, Depot Operations Coordinator and the Health and Safety Officer on 15 September 2017.

The General Manager Infrastructure, Depot Operations Coordinator and the Health and Safety Officer also met with representatives from LGA's Mutual Liability Scheme, Asset

Mutual Fund and Workers Compensation Scheme on 20 September 2017 to brief them on the matter.

Refer to **Attachment 1** which contains Council's Internal Investigation Report (SafeWork SA) – redacted version, which provides further details on the chronology of events.

## Discussion

At the time of agenda distribution, Council has not received a formal response from neither the EPA nor SafeWork SA. Notwithstanding, Council staff have taken verbal advice from those agencies and also engaged an Industrial Hygienist as well as medical experts to ensure that appropriate steps are taken to control health risks and appropriately dispose of the waste. These include:

- Stockpiles of hard waste have been cordoned off and warning signage installed at the quarry site. Normal operation around the site have ceased until further notice.
- Obtaining quotes from licensed contractors for the safe handling and disposal of the hard waste from the quarry site to an appropriately licensed landfill in strict accordance with EPA requirements.
- Followed Safework SA advice to seek medical treatment for four potentially affected workers who attended a General Practitioner appointment at Two Wells Medical Clinic and were referred to Benson Radiology in Gawler for chest x-rays.
- Followed EPA advice that both sites should be kept damp until confirmed safe.
- Engaged an Industrial Hygienist who provided confirmation that the Two Wells Transfer Station should be kept damp and the area where the waste was located cordoned off and signs erected.
- Industrial Hygienist to take test samples at the two sites as they see necessary and provide advice regarding site remediation.
- The Industrial Hygienist has also confirmed that the steps taken to safeguard the machinery used in the operation is appropriate. This included changing cabin filters and their safe disposal.
- Understandably, the staff involved are concerned about their health under these circumstances, and so a psychologist has been engaged to talk to the affected workers about the incident and provide support.
- Met with LGA's Mutual Liability Scheme, Asset Mutual Fund and Workers Compensation Scheme to brief them on the matter.
- Advised land owner of the matter.

## Conclusion

Whereas ACM was previously unknown to exist at the Two Wells Waste Transfer Station, once discovered, all relevant steps have been taken to handle and remove the material in a safe and compliant manner in strict accordance with EPA and SafeWork SA directions.

Given this unexpected occurrence, Management is continuing to undertake a detailed review of its processes and practices to ensure that Council is equipped to deal with a wide variety of instances where ACM may be encountered in the future.

Staff are working closely with the EPA and SafeWork SA to ensure a safe resolution to the matter.

---

## References

### Legislation

*Environment Protection Act 1993*

*Work Health Safety Act 2012*

*Local Government Act 1999*

### Council Policies

Asbestos Procedure

Contractor Management Policy and Procedure

Hazard Management Policy and Procedure



## Media Release

Adelaide Plains Council reminds residents and business owners to always engage the experts when disposing of asbestos.

It is illegal to dump asbestos at Council transfer stations and any other areas not licensed to receive such waste. To do so can attract heavy penalties.

Council recently discovered an amount of the hazardous material in the building waste area of its Two Wells Transfer Station. As is standard procedure, the Environmental Protection Agency (EPA) was advised and the area closed to the public. The asbestos was examined, removed and disposed of by a licensed contractor. The remaining building waste was also removed and taken to Council's Carslake Road quarry site where it awaits final inspection and appropriate disposal.

The material was stable with little risk of airborne particles, however, as a precaution, the affected area at the Two Wells Transfer Station remains cordoned off while Council works with the EPA to ensure it is properly remediated. The remainder of the transfer station is safe, accessible and open to the public.

Asbestos is no longer used but it is still found in items such as old pipes, insulation and vinyl flooring.

If you know or suspect you may have asbestos on your property and are concerned you may be exposed to it, you should consult a registered asbestos specialist for advice.

For further information about Two Wells Transfer Station and other Council waste facilities call 8527 0200.

James Miller  
**Chief Executive Officer**