


 Adelaide Plains Council	21. CONFIDENTIAL ITEMS
20 August 2018	

21.2 Asbestos Contamination – Stony Point

## **RECOMMENDATION**

**“that:-**

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Communications, General Manager – Development and Community, General Manager – Infrastructure and Environment, General Manager – Finance and Economic Development, Governance Officer / Minute Taker and Executive Assistant be excluded from attendance at the meeting of the Council for Agenda Item 21.2 – *Asbestos Contamination – Stony Point*;**
- 2. Council is satisfied that, pursuant to section 90(3)(b)(i) of the *Local Government Act 1999*, Agenda Item 21.2 – *Asbestos Contamination – Stony Point* concerns information the disclosure of which could reasonably be expected to prejudice the commercial position of Council, being information relating to a potential contractual dispute, and on balance it would be contrary to the public interest;**
- 3. Council is satisfied that the principle that Council meetings 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>Adelaide Plains Council</b>	<b>21.2</b>	<b>Asbestos Contamination - Stony Point</b>
	<b>Department:</b>  <b>Report Author:</b>	<b>Infrastructure and Environment</b>  <b>General Manager - Infrastructure and Environment</b>
<b>Date: 20 August 2018</b>	<b>Document Ref:</b>	<b>D18/37557</b>

## **OVERVIEW**

The purpose of this report is to update Council in relation to the status of the asbestos contamination at Stony Point.

Council, at its 28 May 2018 Ordinary Council Meeting, resolved to remove Asbestos Contaminated Material (**ACM**) from two (2) Council owned sites, namely the Mallala Resource Recovery Centre and the site at the corner of Shannon and Dublin Road, Stony Point (**Stony Point**). The ACM has been identified as longstanding in nature.

Following Council endorsement, a licensed contractor carried out the clean up operation on 20-22 June 2018, in keeping with the requirements of the Environment Protection Authority (**EPA**) Clean Up Order (**Clean Up Order**).

The remediation work commenced on 20 June 2018 at the Mallala Resource Recovery Centre. The ACM was removed, and clearance was provided confirming that Council had removed all ACM at that site.

Following this, remediation at Stony Point took place. On 22 June 2018, Management was informed that additional tonnage of ACM was present at Stony Point, beyond the thresholds outlined in the initial quotation, and subsequent purchase order.

It is acknowledged that the EPA provided Council, by way of the Clean Up Order, with an end date of 22 June 2018 for all ACM to be removed from the respective sites. It is also acknowledged that a maximum tonnage threshold was provided for in the contractor's purchase order, and this tonnage threshold needs to be exceeded to comply with the Clean Up Order.

Management, upon becoming aware of the tonnage threshold being exceeded to comply with the Clean Up Order, instructed the contractor to cease all work on site until further notice.

Since the afternoon of 22 June 2018, Management has liaised with the contractor, Greencap, EPA and Norman Waterhouse Lawyers in relation to this matter.

The removal has not proceeded any further, due to a number of factors:

- The removal report has not been completed by Greencap;
- The contractor has not provided a final account for the cost of works (an initial invoice was received, which formed the basis of a purchase order);
- Key staff members have been on leave and unable to assist with investigations; and
- Norman Waterhouse Lawyers is in the process of considering Council's position, and are yet to provide formal advice to Council.

Management is reporting to the EPA on a weekly basis in relation to this matter. At this stage, the EPA has indicated that it is satisfied with issues of site safety and risk mitigation. Council continues to meet the conditions imposed, namely:

- The site is fully fenced including locked gates;
- Regular watering to reduce dust; and
- Weekly reports provided to the EPA regarding the progress of the clean up.

There is additional ACM to be removed. The extent of remaining works, and how much additional ACM is at Stony Point, will be more clear once Council receives and considers the Greencap removal report.

A further report will be provided to Council at the Ordinary Council Meeting to be held on 17 September 2018.

## **RECOMMENDATION**

**“that Council, having considered Item 21.2 – *Asbestos Contamination – Stony Point*, dated 20 August 2018, receives and notes the report, and in doing so, requests that the Chief Executive Officer brings back a further report to the Ordinary Meeting of Council to be held on 17 September 2018 in relation to this matter.”**

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## **Attachments**

Nil

## **References**

### Legislation

*Environment Protection Act 1993*

### Council Policies/Plans

*Procurement Policy*

### **RECOMMENDATION**

**“that Council, having considered the matter of Agenda Item 21.2 – *Asbestos Contamination – Stony Point* in confidence under sections 90(2) and 90(3)(b)(i) of the *Local Government Act 1999*, resolves that:-**

- 1. The agenda item, report and any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection until further order of Council;**
- 2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and**
- 3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”**