

## Resolution of Council

**4 March 2024**

### Item 2.1

#### Action on Asbestos

#### Minute by the Lord Mayor

To Council:

Having safe parks and playgrounds is a vital part of the work we do at the City of Sydney.

When asbestos was found in mulch in the park above the Rozelle interchange on 10 January 2024, City staff sought and were given assurance that we did not use the same supplier.

Under our contracts, all delivery of services and materials must comply with Australian Standards and Resource Recovery Orders, and suppliers must ensure materials are free from foreign materials.

The City has about 350 parks and 5,750 garden beds. Given the assurances we had received, there was no indication that the City needed to test any individual park or garden beds.

Following a month-long deep supply chain investigation, the NSW Environmental Protection Authority (EPA) discovered that there might be contaminated mulch in the supply chain and recommended that the City test five of our parks for asbestos traces.

#### Swift action

Our tests revealed that asbestos samples were found in three of the five locations: bonded asbestos was found at Victoria and Belmore Parks, and friable asbestos at Harmony Park.

According to NSW Health, friable asbestos can be crumbled to a powder easily while non-friable, or bonded asbestos is material containing asbestos fibres reinforced with bonding materials (like cement sheeting or roofing).

Following guidelines set by SafeWork NSW, staff immediately began to source fencing and signs to stop people from entering affected parks. It took us less than 12 hours overnight, to source and erect fences.

There has been a suggestion that we should have begun testing all 350 parks and 5,750 garden beds in the City of Sydney after contaminated mulch was found in Rozelle Parklands. There was no evidence to indicate that we should, and even now that would be difficult to do given there are limited numbers of people qualified to do the testing and many schools and hospitals, and higher risk sites are currently being tested.

We continue to take advice from the EPA as it carries out its extensive supply chain investigation to track where potentially contaminated mulch has been deposited and prioritises those sites for remediation.

Remediation of contaminated areas is being undertaken in accordance with Work, Health and Safety Regulations and the SafeWork NSW How to Safely Remove Asbestos Code of Practice.

The City will continue to update Council and the community with information via our website and other communication channels.

### **Facts not fear-mongering**

I want to assure the community that staff are working swiftly and effectively to address this incredibly serious situation and we note that there are now multiple sites across NSW that have been found to be contaminated.

I have faith in the ability of our staff to keep our community safe. I won't abide misleading criticism to the contrary. It has been deeply disappointing to witness the politicisation of such an important and serious issue for the City and the community.

Supplying mulch contaminated with asbestos is a serious offence, and the increase in discovery of the product – in NSW schools, hospital sites and public parks – is of serious concern.

Supply chain investigations are complicated, and I welcome the establishment of an Asbestos Taskforce by the NSW Government.

I note that the former NSW Government commissioned the Office of the NSW Chief Scientist and Engineer (OCSE) to carry out a review into the management of asbestos which the current NSW Government has not released or provided any update on.

### **COUNCILLOR CLOVER MOORE AO**

Lord Mayor

Moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

It is resolved that:

(A) Council note:

- (i) that the City of Sydney acted swiftly and responsibly when the NSW Environment Protection Authority first advised that there may have been contamination further down the mulch supply chain and recommended we test five parks in our area for asbestos contaminants;
- (ii) that the remediation of contaminated areas is being undertaken in accordance with Work, Health and Safety Regulations and the SafeWork NSW How to Safely Remove Asbestos Code of Practice and under the ongoing advice of the NSW Environment Protection Authority; and
- (iii) that the NSW Government has established an Asbestos Taskforce to give more resources and support to the NSW Environment Protection Authority's investigation into asbestos contaminated mulch involving multiple sites across NSW;

(B) Council further note that the Chief Executive Officer continues to regularly update Council and the community about the extent and impact of contaminated mulch in our area through the City of Sydney website and other communication channels; and

(C) the Lord Mayor be requested to write to the NSW Premier, Minister for Health, Minister for Environment, and the Minister for Work Health and Safety with a copy of the subject Minute, and:

- (i) express Council's serious concern about the contamination of mulch supply chains and how this happened and urging the NSW Government to release information on the progress of the Office of the NSW Chief Scientist and Engineer's asbestos management review, which was commissioned in December 2022;
- (ii) request information from the NSW Government's Asbestos Taskforce including:
  - (a) the current regulations covering the processing and quality control of mulch product and whether the prohibitive cost of asbestos disposal was a factor in mulch being contaminated;
  - (b) the current penalties for breach of relevant regulations;
  - (c) the Terms of Reference for the Asbestos Taskforce and whether it will make recommendations on any changes required to avoid a repeat of this regulatory failure; and
  - (d) details of progress with their investigations to date; and
- (iii) urge the NSW Government to introduce stricter rules and penalties to prevent mulch supply chains being contaminated with asbestos in the future.

The substantive Minute was carried on the following show of hands –

Ayes (7)            The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Kok, Gannon and Worling

Noes (3)            Councillors Jarrett, Scott and Weldon\*.

\*Note – Councillor Weldon abstained from voting on this matter. Pursuant to the provisions of clause 10.4 of the Code of Meeting Practice, Councillor Weldon is taken to have voted against the Minute.

Minute carried.

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