

10 March 2022

[REDACTED]
Kia ora [REDACTED]

Shelly Bay Asbestos Information

Thank you for your request made under the Local Government Official Information and Meetings Act 1987 (the Act), received on 22 November 2021. Please see the below response to your request. Please accept my apologies for the delay in responding to your request. We appreciate your patience as we have progressed our response.

1. Documents released by WCC last week show that an asbestos report was concluded on 10 November 2021 after a careful evaluation of all the issues by the consultants. The report recommended placing fences around a number of buildings with asbestos and that those fences be placed two metres from the buildings to include any contaminated earth. The very next day, 11 November 2021, the consultants gave new advice recommending fences further out from the buildings.

a) Why was the advice changed between 10 and 11 November? Please include documents supporting your answer. (*documents will be in the wider correspondence provided*)

The initial advice received on 10 November 2021 was generic regarding asbestos contaminated buildings. Council officers asked for further advice which was provided on 11 November 2021, and which took a wider site management approach taking into account such things as Council's ability to appropriately manage asbestos risk onsite.

b) Who asked for the advice to be reconsidered between 10 and 11 November? Please include documents supporting your answer (*documents will be in the wider correspondence provided*).

The advice was not reconsidered, it was updated to be site-specific and reflect the activities on site. This was requested by Council officers.

c) Was there any discussion between WCC and the staff of The Wellington Company, Egmont Dixon or Port Nicholson Block Settlement concerning the 10 November fencing advice and if so what was it? Please include documents supporting your answer. (*Documents will be in the wider correspondence provided*).

No.

d) I request all emails (including attachments) and other reports and correspondence held by WCC, from 1 November 2021 onwards, about asbestos in Shelly Bay buildings and the plans to deal with this issue.

Please see the attached link: [Information for release \(note the password is the ref for this request: IRC-2605\)](#)

2. The second consultant report contained a map of the recommended (greater than 2m) fence positions. I request a copy of that map.

This information was emailed to you separately. As it is publicly available: <https://wellington.govt.nz/your-council/projects/shelly-bay-development>.

3. On the basis of the asbestos report(s), WCC sought to use WCC Bylaw 4.2 to close the public land at Shelly Bay, including the occupation site.

**a) How many times, to the best of your knowledge, has WCC Bylaw 4.2 been used to close Council land to deal with an asbestos issue in a building?
For each instance, what was the specific location and date?**

To the best of our knowledge bylaw 4.2 has not been used before to “deal with an asbestos issue in a building”. However, we also haven’t had to deal with extensive and active public activity on public land, and within closed buildings, which are contaminated with asbestos. With people continuing to stay on site and/or enter the buildings, the risk associated with asbestos contamination is increased.

b) How many WCC-owned buildings and buildings on WCC land (eg sports buildings) have been identified as containing asbestos?

The total number of Council sites identified as having asbestos is 133. All identified sites have been either remediated or are subject to an ongoing Asbestos Management Plan.

4. Of the total in your answer to 3(b), how many have had fences placed around them because of the asbestos risk and how far out from the buildings were the fences placed (ie break down the total fenced buildings by the distance(s) out from the buildings)?

The use of fencing around sites with significant health and safety risks is a standard industry practice. We have fenced the following sites containing asbestos:

- (i) St John’s Hall Karori - although not exclusively for the asbestos hazard, as there were structural concerns also, fencing was erected around the building;
- (ii) Circa Theatre – the site was fenced until the remediation was complete.

We note that in all instances the decisions made are based on the circumstances and conditions for each particular site.

Right of review

If you are not satisfied with the Council’s response, you may request the Office of the Ombudsman to investigate the Council’s decision. Further information is available on the Ombudsman website, www.ombudsman.parliament.nz.

Please note, we may proactively release our response to your request with your personal information removed.

Thank you again for your request, if you have any questions, please feel free to contact me. Once again thank you for your patience.

Kind regards

A handwritten signature in blue ink, appearing to read 'Gareth Hancock', is positioned below the text 'Kind regards'.

Gareth Hancock
Team Leader Official Information