Enclosures

Monthly Progress Report on Improvement Plans Adopted in Response to Investigation Reports (enclosure 1)

Meeting: 11 December, 2018
PERFORMANCE IMPROVEMENT ORDER
COMPLIANCE REPORT 6A

PROGRESS ACHIEVED AGAINST
CONSOLIDATED ASBESTOS INVESTIGATION
IMPROVEMENT PLAN

December 2018
1. **Overall Rating and Summary of Actions Status**

**Action Recommendation Status**

- **COMPLETE:** Tasks Completed. No additional or ongoing action required.
- **ON TRACK:** Tasks aligned to the recommendation are in the process of being implemented are on track for completion within the allocated completion timeframe. No additional action required.
- **AT RISK:** Tasks aligned to the recommendation are in the process of being implemented, but may not be finalised within the allocated completion timeframe. Actions and resource allocation to be reviewed.
- **BEHIND SCHEDULE:** Tasks aligned to the recommendation must undergo review and determination of resource allocation and enhanced priority.

**Investigation Recommendations – Status of Actions**

<table>
<thead>
<tr>
<th>Status</th>
<th>RED</th>
<th>AMBER</th>
<th>GREEN</th>
<th>BLUE</th>
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<tr>
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<td>1</td>
<td>32</td>
<td>51</td>
<td>84</td>
</tr>
<tr>
<td>% of total</td>
<td>0%</td>
<td>1%</td>
<td>38%</td>
<td>61%</td>
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</tbody>
</table>

Where an action is complete but marked ongoing it remains green.

**Report Summary**

The scope of this report covers all recommendations contained within the series of Investigation Reports authored by Clyde & Co and tabled to the Blue Mountains City Council in March 2018.

The intent of this report is to provide the Office of Local Government the Elected Council and the Blue Mountains City Council Senior Management Team with a regular update on the implementation status of each recommendation accepted by the Council.

The report provides details of 84 action tasks, designated to meet the intent of the recommendations.

**Investigation Recommendations Actions Summary: December 2018**

- 0 actions with red status.
- 1 action with amber status
- 32 actions with green status
- 51 actions with blue status - completed.

Refer to the comments below.
### Overview

#### Background

This Improvement Plan Status Report responds to the recommendations of the Clyde & Co Blue Mountains City Council Asbestos Investigation Interim Reports 1, 2, 3 and Final Report.

This Improvement Plan responds to interim reports and the final report. Input on this Plan has been sought from key agencies including SafeWork NSW, the Environmental Protection Authority and the Office of Local Government as well as from the BMCC staff.

#### Scope of Asbestos investigation

Clyde & Co was engaged by McPhee Kelshaw on behalf of the Blue Mountains City Council (Council) to conduct an independent investigation into a number of matters relating to asbestos management at the Council (Asbestos Investigation). The Asbestos Investigation uncovered a number of deficiencies in relation to the approach and management of asbestos at the Council and a number of recommendations for improvement have been made.

#### Key Information on Interim Reports

**Interim Report 1** - Asbestos Management at Lawson Carpark, Lawson Mechanics Institute and Lawson Depot, delivered to McPhee Kelshaw on 16 February 2018 (Interim Report 1)

**Interim Report 2** - Identification of ACM at the former Blackheath Tip site and access to that site once asbestos was known, delivered to McPhee Kelshaw on 28 February 2018 (Interim Report 2)

2. Recommendations

3.1 Recommendations of Clyde & Co

RECOMMENDATIONS DETAILED WITHIN BMCC ASBESTOS INVESTIGATION INTERIM REPORT ONE AND TWO

INTERIM REPORT ONE

- **RECOMMENDATION 1**: Council develop and implement a policy to ensure that Council controlled contaminated sites are remediated as soon as reasonably practicable and immediate steps taken to isolate contaminated sites until such remediation takes place.

- **RECOMMENDATION 2**: Council conducts a risk assessment upon the acquisition of any property (whether as a lease or ownership).

- **RECOMMENDATION 3**: Council review the roles, responsibilities and accountabilities in position descriptions of all staff in City & Community Outcomes to ensure they adequately cover Council’s obligations in relation to dealing with asbestos contamination in land.

- **RECOMMENDATION 4**: Council undertakes a training needs analysis and delivers training to all staff in relation to asbestos management.

- **RECOMMENDATION 5**: Council develop a staff programme designed to empower staff to stop work for health and safety concerns and encourage staff to report matters directly to the elected Council if necessary.

- **RECOMMENDATION 6**: Council undertakes a review and assessment of middle management capability to provide adequate supervision to ensure health and safety.

- **RECOMMENDATION 7**: Council implements a safety culture program to improve ownership of safety issues, reporting and learning from incidents.

- **RECOMMENDATION 8**: Council implement a safety leadership program which includes processes for ensuring due diligence by Council senior officers through:
  
  a. Training and awareness of relevant legal obligations in relation to asbestos
  b. Reporting and first hand verification of the implementation of systems and processes
  c. Assessment and reporting to Council’s elected members on the adequacy of resources for discharging safety legal duties regarding asbestos

- **RECOMMENDATION 9**: Council implements a product stewardship approach to stockpile management.

- **RECOMMENDATION 10**: Council develops an audit program to verify that the above recommendations have been implemented.
INTERIM REPORT TWO

• RECOMMENDATION 1: Council consider implementing the recommendations made by previous consultants to ensure that the Blackheath Tip Site is fenced to prevent future unlawful dumping of waste (including asbestos) at the site.

• RECOMMENDATION 2: Council considers implementing the following at the Former Blackheath Tip:
  a. Security cameras to monitor illegal dumping. Locations for those cameras could rotate based on information obtained through intelligence gathering to determine popular locations for illegal dumping;
  b. Warning signs to identify that dumping of material in the area is illegal, that security measures are in place to monitor activities in the location and enforcement action will be taken when illegal dumping occurs. That signage could also direct members of the public to the Council’s operating waste disposal facilities; and
  c. An inspection program for monitoring activities at the site and identifying high risk locations.

• RECOMMENDATION 3: Council reviews its contractor health and safety management processes and procedures to ensure that there is effective management of, and consultation and co-ordination with contractors. Council adopts a whole-of-lifecycle approach to the management of contractors that provides for health and safety considerations in scoping, procurement and contractor selection, planning of work, on boarding of contractors, monitoring operations during the performance of work, responding to and reporting on health and safety issues raised during the performance of work, review of contractors’ performance, completion and hand over as well as the conduct of project completion briefs for learning and continuous improvement for future projects

• RECOMMENDATION 4: Following the implementation of Recommendation 3 above, Council undertakes a training needs analysis and delivers training to all staff required to engage contractors and monitor their activities.

• RECOMMENDATION 5: As part of the review and assessment undertaken to meet Recommendation 6 in Interim Report 1, Council specifically consider middle management capability to provide adequate supervision of contractors’ health and safety.

• RECOMMENDATION 6: That the Council continue its advocacy for the removal of financial disincentives at the State level for the lawful disposal of asbestos by members of the public

• RECOMMENDATION 7: That the Council may wish to consider whether there is a benefit in becoming involved in one of the Regional Illegal Dumping (RID)
RECOMMENDATIONS DETAILED WITHIN BMCC ASBESTOS INVESTIGATION INTERIM REPORT THREE & FINAL REPORT

INTERIM REPORT THREE

• RECOMMENDATION 1: Council needs to develop a long term program for the elimination of asbestos from all Council owned and managed properties (including both buildings and land) (Asbestos Elimination Program). In making that recommendation we accept that the availability of resources will require the Asbestos Elimination Program to have a sufficient timeframe to allow that elimination to occur in a reasonably practicable manner and may require multiple budgetary cycles. Council should determine the appropriate timeframe for that given its resource constraints. The Asbestos Elimination program must be accompanied by accountabilities and reporting framework for the program that includes reporting to elected Councillors’ on the implementation of the Asbestos Elimination Program.

• RECOMMENDATION 2: In relation to every Council owned or managed property where asbestos has not already been eliminated:

  a. review or prepare an asbestos register for each Council workplace where ACM has been identified or is likely to be present at the workplace from time to time. Ensure that the asbestos register is kept at each workplace. Ensure that the asbestos register for each workplace records the asbestos or ACM identified at the workplace including the date on which it was identified, its location, type and condition. Where an asbestos register is reviewed, ensure that it is revised if further asbestos or ACM is identified at the specific workplace or if asbestos is removed from, disturbed, sealed or enclosed at the workplace.

  b. review and maintain or prepare a documented Asbestos Management Plan for each Council workplace where asbestos or ACM has been identified or is likely to be present at the workplace from time to time. That workplace-specific Asbestos Management Plan must include information about the identification of asbestos or ACM (including links to the relevant asbestos register at the workplace and sign age and labelling), decisions and reasons for decisions about the management of asbestos at the workplace (including information about the safe operating procedures and control measures to implement, provide procedures for incident and emergency management relating to asbestos or ACM at that workplace and information regarding consultation, roles, responsibilities, information and training for workers carrying out work involving asbestos. Ensure that the Asbestos Management Plan for the workplace is readily accessible to all workers who may carry out work at the workplace (including contractors), Health and Safety Representatives and WHS Committee members.

  c. where occupational hygienists have recommended labelling of asbestos and the labelling of the specific locations has not yet occurred, Council must adopt one of the following courses of action:

     i. engage a licensed asbestos removalist to remove the ACM; or
     ii. attend to labelling the relevant locations; or
     iii. where it is not possible to affix the label to the specific location itself, place a prominent warning sign in its immediate vicinity.

It would be prudent for the Council to undertake a high level risk assessment and cost benefit analysis to determine which strategy to adopt for each of those locations with particular regard to high use locations and leased premises with unpredictable usage (such as childcare centres or community halls where the predominant usage involves activities for Children), particularly in light of Recommendation 1 above.

• RECOMMENDATION 3: Raise community awareness with respect to effective management of asbestos to enhance the Council’s approach to prevention in addressing illegally dumped asbestos, particularly in relation to home renovations. The community awareness campaign needs to include content on what asbestos looks like and how to identify it as well as providing education and awareness on the health impacts of asbestos. We note that this recommendation broadly aligns with plans under Theme 3: Community Education of the Appendix B Strategic Action Plan within the Council’s Illegal Dumping Strategy but the recommended focus on health impacts may include material beyond the current plans.
• RECOMMENDATION 1: Review Councils framework for managing asbestos in Council owned or managed propieties (land and buildings) including:
  - The asbestos policy
  - Asbestos registers for each property
  - Asbestos management plans for each property
  - Legally compliant labelling of ACM in properties
  - Training to staff in relation to asbestos management
  - Reporting procedures for reporting asbestos related incidents at properties
  - Appropriate processes for health monitoring of workers and others exposed to asbestos through Councils undertaking at properties and
  - Processes for identifying and accessing relevant asbestos related expertise (such as industrial hygienists, asbestos removal contractors and occupational physicians).

• RECOMMENDATION 2: Review the accountabilities and responsibilities of all council staff in relation to asbestos management and create a change management process for
ensuring that any such accountabilities and responsibilities remain appropriate in the event of a material change (such as a change in roles, organisational structure or
reporting lines).

• RECOMMENDATION 3: Develop and implement a stakeholder (community & workers) awareness and engagement program in relation to the identification of asbestos, the
management of risks arising from asbestos, the management of risks arising from asbestos and the health effects of asbestos exposure. In relation to health effects such
information must be prepared and provided by a person with appropriate expertise such as an occupational physician.

• RECOMMENDATION 4: Review the communication and consultation channels between the directorates to ensure effective cooperation and coordination of asbestos
management.

• RECOMMENDATION 5: Develop and implement a long term Asbestos Eradication Program which is adequately resourced with clear reporting and accountability.

• RECOMMENDATION 6: Develop and implement a Safety Culture Program for managing risks of asbestos.

• RECOMMENDATION 7: Review existing 'Whistleblower' protections to ensure that they extend to safety related exposure particularly in the context of asbestos related
compliance.

• RECOMMENDATION 8: Develop and implement a Safety Leadership Program for managing risks of asbestos.

• RECOMMENDATION 9: Develop and implement a due diligence program at the Elected Council and senior management level for managing risks of asbestos.

• RECOMMENDATION 10: Develop a program for review, assessment and reporting to the elected Council for the implementation of the recommendations in the Final Report
and the Interim Reports.
## 3. Progress Report

### 3.2 Investigation findings, recommendations and management actions - Interim Report One

<table>
<thead>
<tr>
<th>Action No.</th>
<th>Action</th>
<th>Responsibility</th>
<th>Status Rating</th>
<th>PCG Review</th>
<th>Start</th>
<th>Finish</th>
<th>% Complete</th>
<th>Comment</th>
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<tbody>
<tr>
<td></td>
<td>Identify and review all known potentially contaminated sites within Council ownership or care, control and management (including Council, community and/or commercial sites/properties).</td>
<td>City &amp; Community Outcomes</td>
<td>Green</td>
<td>1/07/2018</td>
<td>31/12/2018 30/01/2019</td>
<td>50%</td>
<td>An initial review of the Contaminated Lands Database is currently underway in relation to known sites. This review is anticipated to be completed ahead of schedule (prior to the end of August 2018.)&lt;br&gt;The Council is converting its Corporate Asbestos Register for Council owned assets with asbestos into the Council's Land Information System (LIS). This will identify and document all known as risk sites managed by the Council. An example/extract of the Register is provided at TRIM 18/128450.&lt;br&gt;To provide an audit of all stockpile sites within the specified timeframe, a timetable has been drawn up showing deliverable actions TRIM 18/210589.&lt;br&gt;A meeting of relevant Council staff was called to discuss the definition of ‘contamination’ within the context of this PIO Action. (18/212169)&lt;br&gt;The timeframe has been altered by resolution of the Council at its Ordinary Meeting of 21 August 2018 (see Minute TRIM 18/214885).&lt;br&gt;Draft Policy Review Report received from Policy Control Team (18/232287): PCT feedback was to endorse preferred method for policy development is to review existing Asbestos Management Plan and Policy and amend as required.&lt;br&gt;ELT endorsed this approach on 19 September 2018 (18/230464).&lt;br&gt;August Response: This compliance comment relates to an aspect of the Council's Asbestos Register and its approach to risk assessment.&lt;br&gt;C&amp;CO will meet with the CSO to create a consistent Risk Categorisation profile. This will be included along with due dates for the next inspection in the Revised Risk Matrix.&lt;br&gt;August Assessment: Proposed action supported. Date extension is also noted.&lt;br&gt;September Assessment: Compliant&lt;br&gt;October Assessment: Compliant. However a more detailed progress to date would be required to assess compliance and delivery of timeline in the November report please.</td>
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Developed GIS layer and mapping of Council owned and/or managed contaminated lands as per the current contaminated lands database
18/246331, 18/246333, 18/246334, 18/246335, 18/246336, 18/246337, 18/246338, 18/246339, 18/246341, 18/246342 and 18/246643

Where sites are listed for Asbestos contamination, staff are ensuring a current, site specific Asbestos Management Plan is available

Work to ensure land Council leases or licences from other organisations are also mapped is currently underway, along with identification of potentially contaminated sites in Natural Areas

December Update:
The following spreadsheets contain the review information:
Council, community and commercial sites are identified in TRIM 17/122268. These are being migrated to the Pathway Asset management system for further classification
Lands are detailed in TRIM 18/293950. PMP is current 18/259497

1.1b
Ensure appropriate steps have been taken as soon as possible to isolate contaminated sites until required remediation has been completed – including installation of appropriate access barriers, warning signage and site monitoring.

City & Community Outcomes

Complete

1/07/2018 31/12/2018 100%

The Council has taken the appropriate steps of isolating asbestos contaminated sites by adopting an Asbestos Management Plan on 20 October (TRIM 17/265194), which is supported by Asbestos Standard Operational Procedures (SOPs) adopted by the Executive Leadership Team on 20 October 2017 (TRIM 18/114131).

SOP 2 (Accidental disturbance of Asbestos), SOP 3 (Orphaned Asbestos), SOP 5 (Asbestos-related work requirements) and SOP 18 (Contaminated Land/Soils) specifically require action by the Council to isolate sites until remediation is completed. SafeWork NSW have reviewed this policy and SOPs.

As part of the SafeWork re-inspection program, SafeWork have inspected and cleared in the order of 30 sites, thus

November Assessment
Progress noted. It is also noted that 50% progress against this action is yet to be completed over the next 2 months. This potentially may put this recommendation at risk of being completed on time.
1.1b. Develop policy and procedures to ensure Council engages the services of Licensed Asbestos Analysts and Licensed Asbestos Removalists by providing detailed and documented scopes of works to implement and oversee required remediation works in strict accordance with legislative and regulatory provision requirements.

Chief Safety Officer: Complete

1/07/2018 31/08/2018 100%

Policies and Procedures have been developed to ensure Council engages the services of Licensed Asbestos Analysts and Licensed Asbestos Removalists in accordance with its adopted Strategic Procurement Policy TRIM 18/129306 via detailed and documented scopes of works in reference to the conduct of remediation work in strict accordance with legislative and regulatory provision requirements. Exceptions are made when immediate work must be undertaken to safeguard the health and safety of employees and or the public. On such occasions work may be directed via telephone or email and works as executed are provided by the contractor in writing post event. Examples of detailed scope of works are provided TRIM 18/159760, 18/159769, 18/159779, 18/159793, 18/159795, 18/159796, 18/159798, 18/159799, 18/159802, 18/159804, 18/159807, 18/159809, 18/159811, 18/159813, 18/159814, 18/159815, 18/159817 and 18/159818.

The Procurement Policy was adopted by ELT on 20 June 2018 TRIM 18/148142. The Procurement Manual and Engaging Consultant Procedure are scheduled for adoption by the ELT on 22 August, within the required due date.

August Response: The Strategic Procurement Policy was adopted by ELT on 20 June 2018, TRIM 18/148142. The Procurement Manual and Engaging Consultant Procedure are scheduled for adoption by the ELT on 22 August, within the required due date.

August Assessment: Based on response above, compliance will be re-assessed in September 2018.

Response: See comments

September Assessment: Compliant and Complete.

It is noted that with the adoption of the Procedure by ELT on 19 September, Council is now fully compliant with the recommendation.
The procurement of contractors and the council requirement for the management of procured services comes under the remit of contract and procurement policies which have been reviewed and amended by Council.

No additional action required by the Asbestos Management Consultant.

1.1c. Develop and implement a Policy that supports a program of remediation works for sites contaminated with asbestos using a risk management approach, in strict accordance with legislative and regulatory requirements.

City & Community Outcomes

<table>
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<th>Score</th>
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<td>Green</td>
<td>1/07/2018</td>
<td>31/12/2018, 30/01/2019, 29/04/2019</td>
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<td>20% 40%</td>
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The Project has commenced and is in scoping phase.

A meeting of relevant Council staff was called to discuss the definition of 'contamination' within the context of this PIO Action TRIM 18/212169.

The timeframe has been altered by resolution of the Council at its Ordinary Meeting of 21 August 2018 (see Minute TRIM 18/214885).

A Draft Policy Review Report received from the Policy Control Team (TRIM 18/232287); PCT feedback was to endorse preferred method for policy development is to review existing Asbestos Management Plan and Policy and amend as required.

ELT endorsed this approach on 19 September 2018 (TRIM 18/230464).

Council’s adopted Asbestos Management Plan TRIM 18/284669 (Section 2, part 2 (p.20)) deals with contaminated land and requires either the person responsible for the contamination, or the landowner to remediate contaminated land. The adopted Plan (Part 1, Section 7 (p.15)) details the requirements for contractors undertaking remediation.

The Asbestos Safe Operating procedure 18 – Contaminated Lands Soils provides guidance on the management of suspected soil contamination. TRIM 18/284685.

The approach required to finalise this action was summarised for the ELT.
meeting on 14 November 2018 (TRIM 18/284318 and 18/284710).

**Background**

- The Council endorsed that the Asbestos Management Policy meets the Requirement of this PIO Action
- An update to the wording of this Policy will improve the clarity of the wording of the Policy with respect to Lands
- Council sought an Opinion from the Project Control Team 13 September regarding whether the council should have a separate policy for Asbestos Elimination. The response was that we should have one holistic Asbestos Management policy rather than create a new Policy specifically for Elimination
- ELT endorsed the proposed wording on 7 November (TRIM 18/284931) that will appropriately update the existing Asbestos Management Policy

**Approach**

- Council will implement the changes that were endorsed by ELT on 7 November (TRIM 18/284931) during the next review cycle
- Council will continue to create the Elimination Procedures which will reference the updated Asbestos Management Policy as the guiding document

Council will continue to create the Elimination Procedures which will reference the updated Asbestos Management Policy as the guiding document. This action will be finalised by the required completion date.

**December Update:**

Completion date has been updated to align with the completion of Actions
| 1.1d. | Engage the services of Licensed Asbestos Analysts and Licensed Asbestos Removalists to implement and oversee required remediation works in strict accordance with legislative and regulatory provision requirements. | City & Community Outcomes | Complete | 1/07/2018 | 31/12/2018 | 30/01/2019 | 50% | 100% |

3.1a, 3.1b, 3.1c and 4.5a. These actions represent the creation of the Asbestos Elimination Procedures which the Policy will govern.

Policies and Procedures have been developed to ensure Council engages the services of Licensed Asbestos Analysts and Licensed Asbestos Removalists in accordance with its adopted Strategic Procurement Policy TRIM 18/129306 via detailed and documented scopes of works in reference to the conduct of remediation work in strict accordance with legislative and regulatory provision requirements. Exceptions are made when immediate work must be undertaken to safeguard the health and safety of employees and or the public. On such occasions work may be directed via telephone or email and works as executed are provided by the contractor in writing post event. Examples of detailed scope of works are provided TRIM 18/159760, 18/159769, 18/159773, 18/159793, 18/159795, 18/159796, 18/159798, 18/159799, 18/159802, 18/159804, 18/159807, 18/159809, 18/159811, 18/159813, 18/159814, 18/159815, 18/159817 and 18/159818.

Project has commenced and is in scoping phase.

The project will involve the establishment of two consultant panels: 1 – for analyse experts able to scope required removalist works and 2 – for removal experts.

The engagement of Licensed Asbestos Analysts and Licensed Asbestos Removalists is and will remain ongoing.

Project will also require the addition of asbestos related items into major projects brief to ensure compliance with asbestos related legislation and regulation.

The timeframe has been altered by resolution of the Council at its Ordinary Meeting of 21 August 2018 (see Minute TRIM 18/214885).

October Assessment: Compliant. However no information has been provided to assess compliance with PIO (ie. the detail of work undertaken to date).

November Assessment: Substantial progress made is noted. It is also noted that the project brief for the Panel is near completion, it will take significant time to go through advertising, tender evaluation and finalisation process. Factoring the lag over the Christmas period it may be unlikely for this to be completed within the revised timeline. This action could be potentially at risk.
|   |   | Project Management Plan for the delivery of this action is now completed (18/259528).  
Project brief (18/260452) to establish a panel of pre-qualified asbestos analysts (LAA panel) and asbestos removalists (LA panel) is complete and has been reviewed by Major Projects and the Safety Team.  
Review of project brief against the Workplace Health and Safety Regulation (2017) 80% complete, and shows regulatory compliance will be achieved in this method (18/283385)  
**December Update:**  
The 3 paragraphs above include reference to creating a panel of licensed asbestos analysts and removalists. **This is out of scope for Action 1.1d**  
The Requirements of 1.1d have been met; however, the efficient way to operationalise Action 1.1d is to create Panels of pre-qualified licensed asbestos analysts and removalists. Action 1.1da has been created for the creation of these Panels. |
|   |   |   |   |   |   |
| **1.1da** | Create a Panel of Licensed Asbestos Analysts and Removalists | Green | 20% | 29/10/2018 | 26/03/2018 |
|   |   |   |   |   |   |
|   |   | Timeline for this Action takes into account that the tender for this project will have to go through Council in accordance with Section 55, Part 7 of the LGA.  
Project brief (18/260452) to establish a panel of pre-qualified asbestos analysts (LAA panel) and asbestos removalists (LA panel) is complete and has been reviewed by Major Projects and the Safety Team.  
A Project Brief has been created for the establishment of the Panels. Review of project brief against the Workplace Health and Safety Regulation (2017) 80% complete, and shows regulatory |
Council will review its asset management to improve short, medium and long term approach to asset maintenance and incorporate a preventative maintenance program that facilitates identification and ongoing regular assessment of all in situ ACM.

City & Community Outcomes

Green

1/09/2018
30/04/2019
25%

A Maintenance Programs Milestone schedule has been developed, TRIM 18/268329. Work has commenced on Milestones M1 and M3, the review of Maintenance Agreements and Budgets respectively. Identifying existing current programs and developing a framework based on prioritisation going forward. Programs have been found in various information sources and these are being collated into one system and format. Compliance programs identified in Work Request System and need to be reviewed with Asset Inspectors.

Terms of Reference have been drafted for Best Value Steering Committee TRIM 18/265032. This will act as part of the project governance for asset improvement.

As part of the asset management improvement this action has commenced by reviewing and identifying the roles and responsibilities in relation to inspections and the types of inspections. A template is being developed to document this process that will include the identification of ACM.

A protocol for the record management is also being reviewed to support this process.

An asset management records structure has been set up to classify documents and strengthen asset planning and management frameworks. F11828 will contain all business processes.

To assist in the implementation of these processes for asset management improvements a project control group is critical. A draft has been developed for a terms of reference and project

October Assessment:
The process adopted appears to be sound. However no information attached to assess progress and direction compliance with the PIO.

November Assessment
Progress noted. Compliant.
| 1.1f | In respect to this recommendation and all ensuing actions against all recommendations in the Safety Improvement Plan council to develop and implement consultative mechanisms which facilitate the active involvement of all BMCC personnel. | People & Systems | Green | Ongoing | Ongoing | 100% and ongoing | Asbestos Training completed by all available staff at BMCC. Ongoing training provided as required. Safety team has updated BMCC Staff Training Register systems. All training being tracked in the Council’s e-learning system (LEARN) TRIM 18/118610 & 18/118615 | Compliant |

2. Council conducts a risk assessment upon the acquisition of any property (whether as a lease or ownership).

| 1.2a | Develop a Council Policy and Procedures to ensure risk assessment is implemented upon the acquisition of any property (whether as lease or ownership). | City & Community Outcomes | Complete | 1/04/2018 | 30/06/2018 | 100% | The Commercial Property policy – Procedures TRIM 18/118700 will be adopted by ELT. Council Policy and Procedure have been developed. They were endorsed by Council on 26 June 2018 for the purposes of public exhibition 2018 (Minute No. 230), TRIM 18/163072. They were further considered by ELT on 27 June 2018, TRIM 18/154504. It is intended that these procedures, together with a summary of comments received from the Commercial Property Policy (on public exhibition until 16 August), will be presented to ELT ahead of the 18 September 2018 Council Meeting where the final Policy will be seeking Council adoption. The supporting Commercial Property Policy Procedures includes details of Risk & Benefit Analysis required to be conducted on the acquisition of any property. The Executive Leadership Team will be considering the Terms of Reference and the Procedure at its meeting of 5 September 2018. | August Response: Council Policy and Procedure have been developed as per Action 1.2a. They were considered by ELT on 27 June 2018, TRIM 18/154504; and endorsed by Council on 26 June 2018, TRIM 18/163072. Both documents are currently on public exhibition until 16 August. Final endorsement will be made at the completion of public exhibition. August Assessment: Response above is noted and compliance will be reassessed in September 2018. However, the status should be changed from green to Red as action has gone past the due date. |
### 1.2aa

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<tr>
<th>Action</th>
<th>Complete</th>
<th>Start Date</th>
<th>Due Date</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>Publicly exhibit and submit to the Council for adoption a Council Property Policy to ensure risk assessment is implemented upon the acquisition of any property (whether as lease or ownership).</td>
<td>Complete</td>
<td>1/7/2018</td>
<td>1/10/2018</td>
<td>100%</td>
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### Response:
The timeline provided for development of the policy by 30 June 2018, but did not account for the public consultation and adoption process. The policy is submitted for final adoption at the 18 September 2018 Council meeting. Subject to adoption, this action will be complete.

### September Assessment:
Compliant and Complete.
It is noted that with the adoption of the Policy by Council on 18 September 2018, it is fully compliant with this recommendation.

The Policy and procedure were further considered by ELT on 27 June 2018, TRIM 18/154504.

It is intended that these procedures, together with a summary of comments received from the Commercial Property Policy (on public exhibition until 16 August), will be presented to ELT ahead of the 18 September 2018 Council Meeting where the Policy will be submitted for Council adoption after the public consultation period.

The supporting Commercial Property Policy Procedures includes details of Risk & Benefit Analysis required to be conducted on the acquisition of any property.

The ELT will be considering the Terms of Reference and the Procedure at its meeting of 5 September 2018. In conjunction with this, the Council’s final adoption of the Commercial Policy is scheduled for 18 September 2018.

Both documents are currently on public exhibition until 16 August 2018. Final endorsement will be made at the completion of public exhibition.

The policy is submitted for final adoption at the 18 September 2018 Council meeting.

At its Ordinary Meeting of 18 September 2018, the Council:
- Adopted the additional action which provides for public exhibition and adoption of the Policy by the Council, and
- Adopted the Commercial Property Policy
The Council adopted the Commercial Property Policy on 18 September 2018. Refer to Item 6 (Property Policy) as relevant. TRIM 18/235158

September Assessment:
Compliant and Complete.
It is noted that with the adoption of the Policy by Council on 18 September 2018, it is fully compliant with this recommendation.

<p>| | | | | |</p>
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<tbody>
<tr>
<td><strong>1.2b.</strong></td>
<td>As part of risk assessment policy and procedures: ensure mechanisms are in place for obtaining advice from external bodies on management of risk matters if required; and requirement for the findings of property acquisition risk assessments to be reported to the Executive Leadership Team and the Elected Council for their consideration.</td>
<td>City &amp; Community Outcomes</td>
<td>Complete</td>
<td>1/04/2018</td>
</tr>
<tr>
<td></td>
<td>The Commercial Property Terms of Reference TRIM 18/98997 provide a mechanism for obtaining advice from external bodies on risk management matters, if required.</td>
<td></td>
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<tr>
<td></td>
<td>The Commercial Property Policy TRIM 18/118320 stipulates that the Property Investment Panel are able to refer matters to the Executive Leadership Team and the elected body for their consideration, if required.</td>
<td></td>
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<td></td>
<td>The Commercial Property Policy was endorsed for Public Exhibition at the Ordinary Meeting of Council 26 June 2018 (Minute No. 230) TRIM 18/163072.</td>
<td></td>
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<tr>
<td></td>
<td>The ELT will be considering the Terms of Reference and the Procedure at its meeting of 5 September 2018. In conjunction with this, the Council’s final adoption of the Commercial Policy is scheduled for 18 September 2018.</td>
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<tbody>
<tr>
<td><strong>1.2c.</strong></td>
<td>Ensure risk assessment is undertaken in accordance with methodologies and systems detailed within ISO 31000: Risk Management.</td>
<td>People &amp; Systems</td>
<td>Amber</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td>The Council initiated the Enterprise Risk Management (ERM) Project to review existing policy and procedures (ERM Framework). The Framework was developed based on ISO 31000 (2018).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ERM Policy approved by ELT on 30 May 2018, TRIM 18/106011. Policy presented to Audit and Risk Committee on 10 July 2018 TRIM 18/155426.</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>ERM procedures include new risk appetite statements, escalation,</td>
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</table>

**August Assessment:**
A high-level implementation plan is being prepared by Governance and Risk.

**August Response:**
Compliance will be reassessed in accordance with milestones contained in the implementation plan.
accountability and reporting tools that were endorsed by ELT and approved by Group Manager P&S on 22 June 2018. TRIM 18/145229 (ERM procedure) and TRIM 18/144896 (ERM tools).

From 1 July 2018 the ERM will be implemented, which will include an assessment of ongoing resource requirements. The implementation plan is provided. TRIM 18/197232.

At s. 5.3 (Milestones) of implementation plan a resourcing risk is identified: “Delivery dates are all rescheduled back by 3 months due to requirement to employ Program Leader Governance and Risk.”

The action will remain in Amber until recruitment finalised and milestones reviewed and confirmed.

The Program Leader for Risk & Assurance commenced in October 2018 (TRIM 18/285055).

The recruitment of a Manager to focus on the implementation will be conducted in November 2018 (TRIM 18/285054 and 18/285052). When the Manager has commenced, they will be focussing on the ERM implementation.

ELT continues to work on ways to ensure the effective implementation of the ERM into the organisation including the framework’s alignment to other risk related activities such as Asset Management and the potential sharpening of matrix definitions in the workplace safety given recent work on an overall safety strategy. This has been monitored and reported to Council at the Ordinary Meeting on 13 November 2018 extract from Minutes at TRIM 18/284753.

**September Assessment:**

Update noted and oversight of implementation will be reviewed in October 2018, where it is expected that the newly appointed positions would have had the opportunity to review and confirm the implementation plan.

**October assessment:**

At Risk

No further update provided to assess ongoing implementation of the ERM. It is understood that positions have been temporarily appointed to undertake these roles. Please provide update and evidence in November to better assess ongoing compliance.

**November Assessment**

At Risk

It is acknowledged that since the finalisation and adoption of the ERM process by the Executive in May 2018, very little or no progress has been made by the organisation to implement it. This is of significant concern and prioritisation should be given by the Executive to accelerate action in this regard. Progress is assessed as being at Risk.

### Recording or risk management actions

Recording or risk management actions are a key deliverable of Council’s Enterprise Risk Management (ERM) Framework which will be embedded into the organisation from 1 July 2018.

| 1.2d. | As part of risk assessment policy and procedures – ensure documentation and recording of risk management actions and that such actions are subject to review and audit. | People & Systems | Green | Ongoing | Ongoing | 100% and ongoing |

| **October assessment:** | | | | | | |

In the absence of evidence of implementation of the
The ERM Framework will also consist of a range of tools and documentation for risk management. The implementation of these tools and documents is a key deliverable.

ERM Policy approved by ELT on 30 May 2018, TRIM 18/106011, Policy presented to Audit and Risk Committee on 10 July 2018 TRIM 18/155426.

Refer to evidence in 1.2c above.

The Chief Safety Officer has outlined the strategy to implement the ERM as part of the overall WHS Strategy; which includes identifying, documenting and mitigating risk events. This Strategy presentation, TRIM 18/285606, will be presented to ELT on 21/11/19 and to Council on 11/12/18.

ERM, it is unable to make an assessment that staff will be documenting and recording risk management actions, and that they are periodically reviewed and audit as required. More information in relation to this is required for assessment in the November update please.

November Assessment
At Risk
It is acknowledged that since the finalisation and adoption of the ERM process by the Executive in May 2018, very little or no progress has been made by the organisation to implement it. This is of significant concern and prioritisation should be given by the Executive to accelerate action in this regard.

It should also be noted that implantation should be consistent across the organisation i.e. a consistent approach should be taken across the organisation for identifying, documenting and mitigating risks and the process should not be customised across functional areas.

Progress is assessed as being at Risk

3. Council review the roles, responsibilities and accountabilities in position descriptions of all staff in City & Community Outcomes to ensure they adequately cover Council’s obligations in relation to dealing with asbestos contamination in land.
### 1.3a
Clarify and reconfirm Council obligations in relation to dealing with land where asbestos may be present.

| People & Systems / All Directorates & Groups | Complete | 1/06/2018 | 31/08/2018 | 100% |

Council’s obligations in relation to dealing with land where asbestos may be present has been clarified TRIM 18/154208.

Scoping meeting arranged with key stakeholders 17 May 2018 to confirm obligations and requirements. TRIM 18/109061 and 18/122204.

Additional meetings with key experts for further clarification TRIM 18/149809, 18/149820.

Clarity confirmed and final statements determined TRIM 18/154208, 18/162348.

**August Response:**
The TRIM references above have been updated; and the hyperlink fixed.

**August Assessment:**
Compliant

### 1.3b
Develop brief and implement review of required roles, responsibilities and accountabilities of staff within the City & Community Outcomes Directorate (and in other Directorates & Groups as identified as being required) related to meeting Council’s obligations in relation to dealing with asbestos contamination in land.

| People & Systems | Complete | 1/06/2018 | 31/08/2018 | 100% |

Review of required roles and responsibilities of all staff in relation to meeting Council’s obligations dealing with asbestos contamination in land has been completed TRIM 18/154208.

Agenda for meeting to discuss and determine approach for recommendation 3 - TRIM 18/109061.

Minutes of meeting TRIM 18/122204.

Brief developed with implementation plan TRIM 18/149447.

Completion of the Action is dependent upon Action 1.3a which has been completed on schedule (by 31/8/18). The Implementation Plan has been updated as per TRIM 18/149447.

Review of required roles, responsibilities and accountabilities completed. The review of positions has been completed as per TRIM 18/149663.

Confirmation of council obligations and instructions to managers to review positions is provided at TRIM 18/193216, 18/193217, 18/193216, 18/193213, 18/193212, 18/193211, 18/193208, 18/222868.

Summary of responses received from ELT on Standard Statements to PDs TRIM 18/223276 (individual responses)

**August Response:**
Review of required roles, responsibilities, and accountabilities of all staff has been completed. TRIM 18/154208.

The action is 100% complete but amber (at risk) status to be maintained until independent auditor reviews updated evidence.

**August Assessment:**
Email dated 2 July and its contents are noted. In order to fully close of this recommendation as 100% it is suggested that evidence of confirmation/response to the email be also attached. In the absence of responses from the Directorates, it is recommended that an email it forwarded to the Group Manager People & Systems confirming the adoption of proposed changes to roles contained in the 2 July 2018 email.
| 1.3c. | **Complete a review of existing position descriptions of staff in City & Community Outcomes (and in other Directorates & Groups as identified as being required) to ensure required roles, responsibilities and accountabilities relative to dealing with asbestos contamination in land have been incorporated adequately and appropriately (as per outcomes of 3.b above)** | People & Systems | **Green** | 1/06/2018 | 31/08/2018 | 31/12/2018 | 50% | Initial position review commenced TRIM 18/149663. Training on contaminated land currently being organised with EPA TRIM 18/149801.

Proposed updated requirements for position descriptions TRIM 18/154208.18/162348.

The General Manager has extended consultation on 17 August 2018 TRIM 18/200817.

As a result of the General Manager extending consultation, the timeframe has been altered by resolution of the Council at its Ordinary Meeting of 21 August 2018 (see Minute TRIM 18/214885).

Revised approach endorsed by ELT – ELT Paper TRIM 18/268529 & ELT Meeting Minutes TRIM 18/268528. | **Response:**

See comment regarding confirmation/response from Directors/Group Managers.

**September Response:**

Review of required roles, responsibilities, and accountabilities of all staff has been completed. TRIM 18/154208.

The action is 100% complete but amber (at risk) status to be maintained until independent auditor reviews updated evidence.

**September Assessment:**

Compliance and Complete.

Evidence of confirmation/response from the Directorates is noted.

**October Assessment:**

No new progress detail or evidence provided to assess ongoing progress or compliance.

**November Assessment At Risk**

Update noted. However, the latest evidence attached is reflective of progress as at 17 October 2018. No further information since then is provided to assess compliance to date. On that basis it is unlikely that this completes the task.

| **Response:**

See comment regarding confirmation/response from Directors/Group Managers.

**September Response:**

Review of required roles, responsibilities, and accountabilities of all staff has been completed. TRIM 18/154208.

The action is 100% complete but amber (at risk) status to be maintained until independent auditor reviews updated evidence.

**September Assessment:**

Compliance and Complete.

Evidence of confirmation/response from the Directorates is noted.

**October Assessment:**

No new progress detail or evidence provided to assess ongoing progress or compliance.

**November Assessment At Risk**

Update noted. However, the latest evidence attached is reflective of progress as at 17 October 2018. No further information since then is provided to assess compliance to date. On that basis it is unlikely that this completes the task.
### December Update:
This is ongoing and is due 31st December, tracking for this can be found in 18/284322.

Emails sent to Directors of directorates that have positions that deal with contaminated land can be found below, noting these emails also contain the specific instructions to be passed on to managers to make them compliant with the PIO.

- Email to C&CO Director – 18/294114
- Email to SD Director – 18/294116
- Email to D&CS Director – 18/294119

**NOTE:** IP&F and P&S groups do NOT have any positions that deal with contaminated land, therefore the Group Managers have not been contacted as the Directors above have.

### 1.3d.
Ensure roles, responsibilities and accountabilities in relation to dealing with asbestos contaminated land are being met through regular staff performance management assessment against Position Description requirements.

<table>
<thead>
<tr>
<th>People &amp; Systems / All Directorates &amp; Groups</th>
<th>Green</th>
<th>1/06/2018</th>
<th>31/08/2018</th>
<th>30/09/2018</th>
<th>31/12/2018</th>
<th>50%</th>
</tr>
</thead>
</table>

**September Assessment:**
Compliant and date change is noted

**November Assessment At Risk**
Update noted. However, the latest evidence attached is reflective of progress as at 17 October 2018. No further information since then is provided to assess compliance to date. On that basis it is unlikely that this recommendation will be addressed in full by the revised timeline.

**December Update:**
The approach detailed above includes not only updating the PDs with specific roles, responsibilities and accountabilities in relation to dealing with Asbestos Contaminated lands; but also updating the Performance Reviews. This is further summarised in:
<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
<th>Section</th>
<th>Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3e</td>
<td>Lessons learnt on the management of asbestos will be taken into consideration as part of organisation restructure.</td>
<td>People &amp; Systems</td>
<td>Complete</td>
<td>1/05/2018</td>
<td>1/11/2018</td>
<td>100%</td>
</tr>
</tbody>
</table>

Email to C&CO Director – 18/294114  
Email to SD Director – 18/294116  
Email to D&CS Director – 18/294119

The deadline has been set for 15 December 2018 to receive updated PDs and for the information in those PDs to be migrated to the individual Performance Reviews.

Realignment of structure to support asset maintenance in respect of lessons learnt from asbestos management realigned reporting of City Presentation Branch into C&CO Directorate was considered and was consultation undertaken. TRIM 18/105198 & 18/105200.

Decision to delay the structural change and continue to consider this as part of the now commenced Organisational Performance Review TRIM 18/162434, 18/193000.

Memo summarising Lessons Learned, the Evidence, and the process to integrate these into the organisational restructure was approved by the Acting General Manager 1/11/2018, TRIM 18/271906

**August Response:**
All hyperlinks including this one have been redone and tested.

**August Assessment:**
Compliant
4. Council undertake a training needs analysis and deliver training to all staff in relation to asbestos management.

| 1.4a | Develop brief to undertake a Training Needs Analysis to assess the required training for all staff in relation to asbestos management (review and build on the 4-tier training identification system and training register developed in mid-2017 to track staff training in asbestos management). | **Chief Safety Officer/People & Systems** | Complete | 1/06/2018 | 16/06/2018 | 100% | Training Needs Analysis has been developed with the Executive Leadership Team and the Elected Councillors briefed in respect to the required training for all staff in relation to Asbestos Management and Workplace Health & Safety. A briefing document was tabled to Council's Executive Leadership Team on 20 June 2018. TRIM 18/108536, 18/108535, 18/108533, ELT Minutes at Item 3.2.1 (WHS Training Needs Analysis) TRIM 18/161507. Updated TNA 18/193223. | Compliant |
| 1.4b | Engage external or internal provider to deliver brief and undertake Training Needs Analysis | **Chief Safety Officer/People & Systems** | Complete | 16/6/2018 | 16/07/2018 | 100% | Training Needs Analysis has been developed and delivered by the Chief Safety Officer TRIM 18/193223. It was formally approved by the ELT at their meeting on 20 June 2018 following a briefing to Councillors on 15 June 2018 TRIM 18/161584. | August Response: TNA has been updated and now attached as evidence. TRIM 18/193223. August Assessment: Compliant |
| 1.4c. | Implement training Needs Analysis in relation to Asbestos Management - document identified training requirements and gaps needing to be addressed – develop training plan / program for implementation. | Chief Safety Officer / People & Systems | Green | 17/7/2018 | 18/10/2018 | 100% and ongoing | All BMCC employees identified as needing the required training in asbestos management have completed an initial training program. Future training will be ongoing with refresher training for existing employees and new starters as required, in line with the Training Needs Analysis TRIM 18/108536 (Template). Asbestos Training & Awareness Report (TRIM 18/108535) Asbestos Training Register (TRIM 18/108533) EPA Training (TRIM 18/128434) Elected Life training for Councillors (due diligence) (TRIM 18/128446) WHS Training for Councillors course pack (TRIM 18/128429) WHS Training for Managers/Supervisors confirmed TRIM 18/192306, 18/192307, 18/192309 Updated TNA 18/193223 | 100% and ongoing | Compliant |
| 1.4d | Update Council's Training Register as training is implemented. | People & Systems | Green | Ongoing | Ongoing | 100% and ongoing | Safety team has commenced work on updating BMCC Staff Training Register systems, commencing with Asbestos Training completed by a significant majority of BMCC staff. All training being tracked in the Council's e-learning system (LEARN) TRIM 18/118610 & 18/118615 | 100% and ongoing | Compliant |
5. Council develop a staff programme designed to empower staff to stop work for health and safety concerns and encourage staff to report matters directly to the elected Council if necessary.

<table>
<thead>
<tr>
<th>1.5a</th>
<th>In accordance with the NSW Work Health &amp; Safety Act 2011, Division 6: Right to Cease or Direct Cessation of Unsafe Work, Council will develop a staff program to ensure all personnel are fully aware of this provision and empowered to stop work in response to health and safety concerns.</th>
<th>Chief Safety Officer/ People &amp; Systems</th>
<th>Complete</th>
<th>1/07/2018</th>
<th>31/08/2018</th>
<th>100%</th>
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<tr>
<td><strong>1.5b</strong> Develop and implement a system to facilitate escalation of any Work Health and Safety issue as required through line management and if necessary to the to the General Manager and if necessary ultimately to the Elected Council - should a raised issue not be resolved satisfactorily (Note: Council to check that escalation by staff to the Elected Council is in accord with local government legislation, regulations and Code of Conduct).</td>
<td>Chief Safety Officer/ People &amp; Systems</td>
<td>Complete</td>
<td>1/07/2018</td>
<td>31/08/2018</td>
<td>100%</td>
<td>The Staff Program has been developed to ensure that all staff is aware of the provision and empowered to stop work in relation to safety concerns TRIM 18/196780 and 18/196792. Commenced initial planning work with the intention to coordinate with the update to position descriptions to reflect work, health and safety obligations. Program is finalised TRIM 18/193228. As part of staff program, GM advice to all staff on 5 July 2018 TRIM 18/193037. Advice to all staff provided by HR on 16 July 2018 TRIM 18/193029. Existing escalation procedure reviewed to include the requirements as stated at 1.5b, TRIM 18/193221. The Safety Incident Reporting and Investigation Procedure (TRIM 18/186894) was presented as Item 13 at the Ordinary Meeting of Council on 21 August 2018 and Approved Minute 307, TRIM 18/208041.</td>
</tr>
<tr>
<td>1.5c</td>
<td>Ensure the escalation system developed is regularly audited and incorporates key performance measures to assess performance relative to issue resolution and requirement for escalation.</td>
<td><strong>Chief Safety Officer/ People &amp; Systems</strong></td>
<td>Complete</td>
<td>1/07/2018</td>
<td>31/08/2018</td>
<td>100%</td>
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Commenced initial planning work. The escalation procedure as outlined in the Incidental Reporting and Investigation Procedure ensures regular audit and key performance measures are incorporated, TRIM 18/193221. A report was prepared for the Ordinary Council meeting of 21 August 2018 to adopt the Safety Incident Reporting and Investigation Procedure (TRIM 18/186894). The report recommendations were adopted by the Council at Minute 307 TRIM 18/216263.

**August Response:**
A report has been prepared for the Council meeting of 21 August 2018. Subject to adoption of those recommendations, the Action will be completed by 31 August 2018.

**August Assessment:**
Update noted - Incomplete. The recommendation will be re-assessed in September. Recommendation should not be marked as completed until evidence has been provided of adoption of the recommendations by Council.

**Response:** See comment

**September Assessment:**
Compliant and Complete. Adoption of the Safety Incident Reporting & Investigation Procedure by Council on 21 August 2018 is noted.
6. Council undertake a review and assessment of middle management capability to provide adequate supervision to ensure health and safety.

<table>
<thead>
<tr>
<th>1.6a</th>
<th>Develop brief to review and assess current and required middle management capability (including frontline management and supervisory staff) to provide adequate supervision to ensure health and safety.</th>
<th>Chief Safety Officer/People &amp; Systems</th>
<th>Complete</th>
<th>1/09/2018</th>
<th>16/09/2018</th>
<th>100%</th>
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<tr>
<td></td>
<td>The approach adopted to date is two-fold. The first component has been to assess all middle management as part of the training needs analysis. This work is largely complete. The second component will be a brief based on the Training Needs analysis. This will be endorsed by the General Manager and will form the basis of the specific training based on the broader WHS framework. TRIM 18/197346. This brief will be completed by 16 September 2018 (and included in September reporting). Brief to review Management capability for WHS TRIM 18/229952.</td>
<td>August Response:</td>
<td>In light of the current context, all middle management will go through this Program. Brief to be developed by 1/09/2018.</td>
<td>August Assessment:</td>
<td>Update noted. The recommendation will be re-assessed in September.</td>
<td>September Assessment:</td>
</tr>
<tr>
<td>1.6b</td>
<td>Engage expert consultant or internal provider to deliver brief and implement the review including identification of gaps in skills and capabilities.</td>
<td>Chief Safety Officer/People &amp; Systems</td>
<td>Green</td>
<td>17/9/2018</td>
<td>18/10/2018</td>
<td>100% and ongoing</td>
</tr>
<tr>
<td></td>
<td>TNA has captured all WHS needs and gaps. Training has been delivered for all identified staff and will continue to be delivered as identified. See Recommendation 4. Identification of capabilities &amp; skills of management to provide adequate supervision for WHS TRIM 18/229955.</td>
<td>August Response:</td>
<td></td>
<td>August Assessment:</td>
<td>Compliant</td>
<td></td>
</tr>
<tr>
<td>1.6c</td>
<td>Implement targeted internal and/or external training program and coaching for identified managers/supervisors to ensure they have the required supervisory skills and capabilities to ensure health and safety of staff and contractors they are overseeing.</td>
<td>Chief Safety Officer/People &amp; Systems</td>
<td>Green</td>
<td>1/09/2018</td>
<td>30/11/2018 Ongoing</td>
<td>90%</td>
</tr>
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<td></td>
<td>Targeting training has been delivered to internal staff, including Managers, ELT members, elected Council body. See Recommendation 4. TRIM 18/197344. WHS Training for Managers/Supervisors confirmed TRIM 18/192306, 18/192307, 18/192309. The timeframe has been altered by resolution of the Council at its Ordinary Meeting of 21 August 2018 (see Minute TRIM 18/214885).</td>
<td>August Response:</td>
<td>Based on the TNA, the CSO has identified areas to be trained. Brief will be developed by 1/09/2018.</td>
<td>August Assessment:</td>
<td>Update noted including change of timeline. The recommendation will be re-assessed in September.</td>
<td></td>
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</table>
One Course (already created) with four sessions remaining to be delivered. An update was provided to ELT on 3 October 2018 TRIM 18/284983.

Two of the remaining sessions have been held, with the remaining two sessions to be held 20/11. Attendance record TRIM 18/284375, Stats and schedule TRIM 18/284382. Courtenell Training - WHS Responsibilities for Supervisors and Managers course training pack TRIM 18/284777.

December Update:
The course 18/284777 addresses all of the relevant WH&S Legislation; which is reflected in the BMCC Procedures.

As detailed in the WH&S Strategy document – “Safety Improvement Project to WHS Strategy” (TRIM 18/294259), further in-house courses are being developed that will present risk assessment and risk management methodologies consistent with the ERM Strategy confirmed by CSO 18/294268.

September Assessment: Compliant. Update noted including change of timeline.

October Assessment: Unclear whether progress has been made since August update.

November Assessment Update noted. However, it is noted that the Course attached as TRIM 18/284777 is not customised in line with BMCC ERM or risk assessment methodologies or risk definitions. This has potential to cause confusion and inconsistency moving forward.

7. Council implement a safety culture program to improve ownership of safety issues, reporting and learning from incidents.

<table>
<thead>
<tr>
<th>1.7a</th>
<th>Develop brief for implementation of a safety culture program to improve ownership of safety issues, reporting and learning from incidents – ensure the brief links with Council’s overall Workforce Health and Safety Strategy, and is inclusive of a structured consultation methodology and tools to keep all workers informed on asbestos related risks throughout Council.</th>
<th>Chief Safety Officer/ People &amp; Systems</th>
<th>Complete</th>
<th>1/07/2018</th>
<th>16/07/2018</th>
<th>100%</th>
</tr>
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Working draft of Vendor Brief developed on 11 July 2018 TRIM 18/162436.

The current Chief Safety Officer has reviewed and confirmed the brief.

The working brief has been developed, however it will not be finalised until the new Chief Safety Officer (CSO) commences on 10 September 2018. The new CSO will deliver the program as an external expert provider. This approach is to ensure the brief meets with the new CSO’s approach to Council’s Workforce Health and Safety Strategy and culture program. (TRIM 18/195264).

August Response: A Brief has been prepared. The current CSO has reviewed and confirmed the Brief. TRIM 18/195264. However the brief will be further reviewed when Council’s new Chief Safety Officer (CSO) commences on 10 September 2018 and takes ownership of this initiative and integrates it with the overall Corporate Strategy, including WH&S.
The new Chief Safety Officer has updated and approved the document. (This is still TRIM 18/162436 email concerning approach to 1.7a – 1.7c TRIM 18/231140)

Although this action is 100% complete, the amber status will be retained until the independent auditor reviews available evidence, as nominated above.

The finalisation of the brief by the new CSO is not expected to compromise the implementation of the new safety culture program by the due date of 20 November 2018.

<table>
<thead>
<tr>
<th>1.7b</th>
<th>Engage external or internal expert provider to deliver brief and implement the safety culture program across the organisation</th>
<th>Chief Safety Officer/ People &amp; Systems</th>
<th>Complete</th>
<th>17/7/2018</th>
<th>18/08/2019</th>
<th>100%</th>
</tr>
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<tr>
<td></td>
<td>Council has engage a Chief Safety Officer, to deliver the program TRIM 18/193511.</td>
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<td></td>
<td>The timeframe has been altered by resolution of the Council at its Ordinary Meeting of 21 August 2018 (see Minute TRIM 18/214885).</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td></td>
<td><strong>September Assessment:</strong> Update noted. The recommendation will be re-assessed in September once evidence has been sighted that the brief has been re-confirmed by the new CSO.</td>
<td></td>
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</tbody>
</table>

| 1.7c | Implement the Safety Culture program as detailed in 7.b across the organisation. Systems implemented to incorporate ‘closed loop’ reporting mechanisms including defined reporting feedback timeframe KPIs, to ensure there is a structured approach to consultation and information is communicated and feedback is facilitated. | Chief Safety Officer/ People & Systems | Green  | 19/8/2018 | 20/11/2018 Ongoing | 0% | 20% |
|      | The Safety Improvement Project to WHS Strategy (TRIM 18/294259) highlights a “review of the entire reporting process” as a Priority. |                                 |         |           |            |       |
|      | **December Update:** No update has been included in relation to the recommendation in order to make an assessment as to any work being undertaken in this space. |                                 |         |           |            |       |

|      | **November assessment** | Compliant – Change to timeline noted. |         |           |            |       |
8. Council implement a safety leadership program which includes processes for ensuring due diligence by Council senior officers through:
   a. Training and awareness of relevant legal obligations in relation to asbestos
   b. Reporting and first hand verification of the implementation of systems and processes
   c. Assessment and reporting to Council’s elected members on the adequacy of resources for discharging safety legal duties regarding asbestos.

| 1.8a | Develop a safety leadership program for senior officers of the Council that includes addressing Recommendation 8 requirements detailed in (a), (b) and (c) above, including training and awareness on consultative processes. | Complete | 1/04/2018 | 1/07/2018 see comment | 100% |

**Chief Safety Officer/ People & Systems**

- Finish date has been revised to 1 July 2018 as date range did not correlate with duration.
- Council has developed a Safety Leadership Program TRIM 18/129525.
- Training has been undertaken by Officers of the Corporation and Senior Managers of Council and ongoing training will be delivered depending on needs and identification. Public Interest Disclosure training TRIM 18/108452.
- Senior Safety Leadership program has been developed and the presentation of material to ELT has commenced.
- Safe Decision Making in Leadership TRIM 18/188947.
- Risk Management for Senior Managers 18/188944.
- WHS Governance & Due Diligence TRIM 18/188937.

**August Response:**
Evidence has been provided (see comments).

**August Assessment:**
Update noted and based on the additional information provided, recommendation is assessed as being Compliant and completed.

**September Assessment:**
Compliant and completed.
| 1.8b | Implement Senior Officers Safety Leadership Program. Program to incorporate KPI's, training and audit mechanisms to facilitate a transparent approach to asbestos management. | Chief Safety Officer/ People & Systems | Complete | 1/05/2018 | 1/08/2018 | 100% | Senior Safety Leadership program presentation to ELT on Workplace Health & Safety, due Diligence and Governance incorporated KPI's, training and audit mechanisms to facilitate the effective management of legislated and regulatory provisions by Officers and Senior Managers within BMCC. Safe Decision Making in Leadership was delivered on 20 July 2018 TRIM 18/191927 Risk Management for Senior Managers was delivered on 30 July 2018 TRIM 18/191930 WHS Governance & Due Diligence was delivered on 25 June 2018 TRIM 18/146427 | August Response: Evidence has been provided (see comments) August Assessment: Update noted and based on the additional information provided, recommendation is assessed as being Compliant and completed. September Assessment: Compliant and completed |
9. Council implement a product stewardship approach to stockpile management.

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<thead>
<tr>
<th>Action</th>
<th>Description</th>
<th>Status</th>
<th>Start</th>
<th>End</th>
<th>% Complete</th>
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</thead>
<tbody>
<tr>
<td>1.9a</td>
<td>Complete an audit of all Council stockpiles to identify permissibility and how potential contamination is safely managed.</td>
<td>Complete</td>
<td>1/08/2018</td>
<td>1/11/2018</td>
<td>50%</td>
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<td></td>
<td>City &amp; Community Outcomes</td>
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</table>

Preparatory work currently being done on developing a corporate approach to auditing existing stockpiles to ensure that all such sites and materials transported to them are approved for use as such.

Procedure scheduled to be adopted in late July 2018. An advance draft prepared. See TRIM 18/108205 for “DRAFT Temporary Stockpile and Layover Establishment and Management procedure”. This will include identifying responsible officers and timeframes for actions.

Refer to 1.9b in terms of interim arrangement.

A whole of organisation approach is required to resolving the stockpile audit process. This will be advanced with the ELT (see below).

An update to this action was provided by C&CO, and is documented in TRIM 18/192676 and 18/195123. The responsibility for this Action needs to be confirmed between C&CO and Service Delivery (see below).

This is a risk area being addressed. Prior to the 31 August assessment, an executive meeting defined the approach to accountability on 21 August 2018 (TRIM 18/203174), with the approach to actions agreed between SD and C&CO (TRIM 18/210589).

This approach has been confirmed in a status report to ELT on 5 September 2018 set against each of the Actions (TRIM 18/215448).

The timeframe has been altered by resolution of the Council at its Ordinary Meeting of 21 August 2018 (see Minute TRIM 18/214885).

**August Response:**
C&CO’s approach to this and Actions 1.9b, 1.9c are documented in TRIM 18/192676 and 18/195123. The interim procedures will be adapted to each of the Branches and finalised.

**August Assessment:**
Update, additional information and date change noted.
The evidence suggests that there is a long-term accountability and responsibility issue. This is of concern and needs to resolved in order for this recommendation to be fully embedded in the organisation. Compliance and progress will be reassessed in September.

**Response:**
An action plan has been developed and adopted to:
- Complete an initial audit of all stockpile sites within the specified timeframe,
- Draft an Organisational Procedure to manage the stockpiles identified,
- Consult on the draft Procedure
- Have the Procedure adopted by the General Manager
The identification of all Council stockpiles, layover areas and maintenance depots storing materials as per Stage 1 of the approved stockpile audit action plan (see TRIM 18/231689) was completed on 30 September 2018 (see TRIM 18/267740 for Stage 1 audit spreadsheet).

All branches are on schedule to complete Stage 2 of the stockpile audit action plan which requires all Branches which utilise stockpile or layover areas or maintenance depots storing materials to assess their Branch’s identified stockpile and layover areas and maintenance depots storing materials to determine if they have been appropriately approved and are compliant with the adopted Stockpile and Layover Establishment and Management Corporate Procedure by October 31 2018 (see TRIM 18/267825 for Stage 2 stockpile assessment spreadsheet).

The assessment process also requires each branch to nominate whether they intend to decommission non-compliant stockpile or layover or maintenance depots storing materials areas or bring them into compliance with the adopted Stockpile and Layover Establishment and Management Corporate Procedure in Stage 3 of the stockpile audit action plan.

Due to their higher-risk profile, an additional level of detail has been added for the Branch Assessment Records for Civil Operations (TRIM 18/263168) City Presentation (TRIM 18/264058) C&CO (TRIM 18/267825)

Stage 3 of the stockpile audit action plan will commence from Oct 31 2018 where existing stockpiles and layover areas which are determined to be non-compliant will be either:

(a) Decommissioned - A decommissioning and remediation plan must be developed. Non-compliant stockpiles and layover areas must be decommissioned within 16 weeks (28 Feb 2019) of being deemed non-compliant or
(b) Brought into compliance - An Environmental Impact Assessment in accordance with BMCC’s Part 5 Assessment Protocol must be undertaken and approved within 16 weeks (28 Feb 2019) of being deemed non-compliant to determine if the ongoing use of a site is permissible and/or warranted and can adequately demonstrated how the site will be brought into compliance with the adopted procedures.

December Update

The identification of all Council stockpiles, layover areas and maintenance depots storing materials as per Stage 1 of the approved stockpile audit action plan (see TRIM 18/231689) was completed on 30 September 2018 (see TRIM 18/267740 for Stage 1 audit spreadsheet). This Audit identified where permissions were required and where Part 5s would need to be submitted.

The Action is complete; other information has been included above for context; i.e. the next phase (2) which commenced 31 October involves submitting a series of permissions and then obtaining approvals to decommission. See Action 1.9e

1.9b Develop an appropriate and safe Council stockpile management policy and associated procedures and protocols to ensure an approval process to prevent contamination is in place.

City & Community Outcomes Complete 1/08/2018 1/11/2018 100%

Methodology for procedure was briefed to ELT 27 June 2018.

An advance draft prepared. See TRIM 18/108205 for “DRAFT Temporary Stockpile and Layover Establishment and Management procedure”. This will include identifying responsible officers and timeframes for actions.

As per 1.9a. As an interim measure, the Director of C&CO issued a stockpile management directive on 18 January 2018 in relation to ensuring asbestos contamination is appropriately managed TRIM 18/85159, 18/18833, 18/18864.

The draft procedure is subject to further consultation until 12 September

August Response:

The draft Procedure has been added as evidence. The Process is out for Consultation and will be returned to ELT when it is finalised.

August Assessment:

Update, additional information and date change noted. The evidence suggests that there is a long-term accountability and responsibility issue. This is of concern and needs to resolve in order for this
<table>
<thead>
<tr>
<th>No.</th>
<th>Action</th>
<th>Status</th>
<th>City &amp; Community Outcomes/ Service Delivery</th>
<th>August Response:</th>
<th>August Assessment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.9c</td>
<td>Ensure all materials identified for use in any Council approved project will be included only after being certified as not contaminated and ensure they are suitable for their intended purposes.</td>
<td>Ongoing</td>
<td>Green</td>
<td>Actions for 1.9a will resolve this, but in the interim, Directorates remain responsible for ensuring compliance within their business area.</td>
<td>Update, additional information and date change noted. The evidence suggests that there is a long-term accountability and responsibility issue. This is of concern and needs to resolve in order for this recommendation to be fully embedded in the organisation. Compliance and progress will be reassessed in September.</td>
</tr>
<tr>
<td>Action</td>
<td>Status</td>
<td>Description</td>
<td>Due Date</td>
<td>Progress</td>
<td>Notes</td>
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<tr>
<td>1.9d</td>
<td>Complete</td>
<td>To ensure that all waste materials are correctly classified and either re-used or disposed of in a place that can lawfully receive that waste Council shall draft and implement a similar management structure to the stockpile management system, but referencing waste, being material classified in accordance with the NSW EPA’s Waste Classification Guidelines.</td>
<td>1/05/2018</td>
<td>100%</td>
<td>See comments</td>
</tr>
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<td></td>
<td></td>
<td>Service Delivery</td>
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**Literature review has been completed and all Council waste generating site/facility types within the LGA have been identified for classification at TRIM 18/117759. Waste streams have been identified for all Council operations (TRIM 18/117755) and a Waste Classification procedure and appendices has been developed at TRIM 18/118454.**

**Compliant**

| 1.9e   | Green  | Council shall develop and implement a robust waste management system to track and record the source, classification, transport, storage, use and disposal of waste within the Blue Mountains City Council. The Waste Management System shall be auditable to ensure that waste and waste products are classified, transported, used and disposed of in accordance with the relevant legislation and requirements of any resource recovery order and exemption. | 1/05/2018 | 50% | Update noted. Compliance will be reassessed in September. |
|        |        | Service Delivery |             | 70% |       |

**A discussion with stakeholders has been held to establish the approach to the development of a waste management system that will track and record the source, classification, transport, storage, use and disposal of waste in accordance with the relevant legislation and requirements of any resource recovery order and exemption.**

It has been determined that Stockpile and Layover Establishment and Management Procedures and Waste Classification and Resource Recovery/Disposal procedures will include tracking requirements and standard forms to document and record the source, classification, transport, storage, use and disposal of waste and manage stockpile inventory.

These procedures have undergone extensive consultation and are due for presentation to ELT on 19 September 2018 TRIM 18/126099 and 18/226011.

**August Response:**
A high level Project Plan has been developed to implement the system that will address Management of waste materials as detailed in Action 1.9d. Project Plan is being reviewed and will be finalised by 31 August 2018.

**August Assessment:**
Update noted. Compliance will be reassessed in September.

**Response:** See comments

**September Assessment:**
Compliant and on track

**November Assessment**
The decommissioning process began on schedule 31 October with a Part 5 being submitted. (TRIM 18/xxxx) Current status is awaiting approval to decommission. The systems referenced above will be ‘tested’ using the sites to be decommissioned, as detailed in TRIM 18/267740.

10. Council develops an audit program to verify that the above recommendations have been implemented.

<table>
<thead>
<tr>
<th>1.10a</th>
<th>Develop Audit Program to verify implementation of this Improvement Plan recommendations and its associated actions.</th>
<th>Governance &amp; Risk</th>
<th>Complete</th>
<th>20/03/2018</th>
<th>20/04/2018</th>
<th>100%</th>
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</table>

A Project Control Group has been established to oversee the implementation of the PIO. Terms of Reference adopted by Executive Leadership Team (ELT) on 12 April 2018 (TRIM 18/78730). Revised ToRs were adopted by the GM on 16 August 2018 and ELT on 17 August 2018 to reflect new membership (TRIM 18/198478). The compliance and oversight of implementation of the PIO has been incorporated into the 2018/19 internal audit program and will be conducted independently by Centium (Council's 3rd party IA provider) and overseen by the independent Audit & Risk Committee. The 2018/19 Internal Audit Program has both a monthly oversight review and an annual compliance audit of the PIO 2018/19 draft internal audit program TRIM 18/126665. Terms of Reference approved for monthly compliance review of PIO commencing 1 July 2018 TRIM 18/127027.
Implement Audit Program and report progress on a monthly basis to the Executive Leadership Team and the Elected Council and the Minister of Local Government.  

- Governance & Risk: Green  
  - Monthly reporting to Councillors started on 15 March 2018.  
  - April 2018 Council Report & Attachment – TRIM 18/72218 & 18/74498  
  - 1 May 2018 Council Report & Attachment – TRIM 18/82281 & 18/83794  
  - 29 May 2018 Council Report and Enclosures - provided separately to this submission  
  - Progress will be reported quarterly to the Audit and Risk Committee.  
  - ARC endorsed the internal audit program for FY 18/19 TRIM 18/155456

Establish a Project Control Group (PCG) to oversee implementation of improvement plans.  

- General Manager: Complete  
  - PCG Terms of Reference adopted by Executive Leadership Team on 12 April 2018 (TRIM 18/78730).  
  - Dedicated Project Manager commenced 13 July 2018.  
  - Dedicated Project Officer commenced 15 May 2018.  
  - PCG #1 - 19 April 2018 - TRIM 18/87165  
  - PCG #2 - 4 May 2018 - TRIM 18/100562  
  - PCG #3 - 15 May 2018 - TRIM 18/109015  
  - PCG #4 - 26 May 2018 - TRIM 18/119406  
  - PCG #5 - 12 June 2018 - TRIM 18/132662  
  - PCG #6 - 26 June 2018 - TRIM 18/155456

August Response:  
See updated PCG minutes from 10 July 2018 (#7) and 30 July 2018 (#8).

August Assessment:  
Additional documentation noted – Compliant.

September Assessment:  
Compliant
18/149489
PCG #7 - 10 July 2018 - TRIM
18/165015
PCG #8 - 30 July 2018 - TRIM
18/181853
PCG #9 – 6 August 2018 – TRIM
18/206517
PCG #10 – 21 August 2018 – TRIM
18/204184
PCG #11 – 10 September 2018 – TRIM 18/234608
PCG #12 – 24 September 2018 – TRIM 18/239984
PCG #13 – 5 October 2018 – TRIM 18/250240
PCG #14 – 16 October 2018 – TRIM 18/259721
PCG #15 – 1 November 2018 – TRIM 18/276428

Reports to ELT:
9 May 2018 – TRIM 18/101856
Centium Compliance Management review for July 2018 TRIM 18/216144.
Assessment of the methodology and functioning for July 2018 TRIM 18/215462.
Centium Compliance Management review for August 2018 TRIM 18/236081.
Centium Compliance Review Management letter dated 31 August 2018 TRIM 18/236089.
### 3.3 Investigation findings, recommendations and management actions - Interim Report Two

1. Council consider implementing the recommendations made by previous consultants to ensure that the Blackheath Tip Site is fenced to prevent future unlawful dumping of waste (including asbestos) at the site

<table>
<thead>
<tr>
<th>Action</th>
<th>Description</th>
<th>Outcome</th>
<th>Start Date</th>
<th>End Date</th>
<th>Percentage</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1a</td>
<td>Ensure the Blackheath Tip site is fenced so as to prevent as much as possible future unlawful dumping of waste.</td>
<td>Complete</td>
<td>1/05/2018</td>
<td>30/06/2018</td>
<td>100%</td>
<td>Compliant</td>
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<td></td>
<td>City &amp; Community Outcomes</td>
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<td></td>
<td>As at 11 March 2018 the site known as the 'former Blackheath Tip' has been fenced with 1.8m ring lock construction style fencing. See TRIM 18/108267 for photos. The extant fencing is a temporary type and will be replaced by a permanent fence subsequent to consent and all other approvals being actioned. (TRIM 18/105988 &amp; 18/105977). Approval is being sought for permanent fencing from adjoining land owners.</td>
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<tr>
<th>Action</th>
<th>Description</th>
<th>Outcome</th>
<th>Start Date</th>
<th>End Date</th>
<th>Percentage</th>
<th>Status</th>
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<tbody>
<tr>
<td>2.1b</td>
<td>Fencing and associated signage is being regularly monitored by security patrols to ensure continued integrity and to identify occurrence of vandalism.</td>
<td>Green</td>
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<td>100% and ongoing</td>
<td>Compliant</td>
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<td>Service Delivery (as per email from GE on the 29/6/2018)</td>
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<td>Fencing and associated signage is being monitored weekly by security patrols. As outlined in the minutes from the Asbestos and Hazardous Material PCG (TRIM 18/46146 and 18/72366). The fencing inspection occurs every Friday as indicated in the ongoing calendar appointment (TRIM 18/123697). See also Action 2.2c.</td>
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</table>
2. Council considers implementing the following at the Former Blackheath Tip:
   a. Security cameras to monitor illegal dumping. Locations for those cameras could rotate based on information obtained through intelligence gathering to determine popular locations for illegal dumping;
   b. Warning signs to identify that dumping of material in the area is illegal, that security measures are in place to monitor activities in the location and enforcement action will be taken when illegal dumping occurs. That signage could also direct members of the public to the Council’s operating waste disposal facilities; and
   c. An inspection program for monitoring activities at the site and identifying high risk locations.

| 2.2a | Council has commenced action to facilitate the installation of security cameras at a number of locations around the perimeter of the Blackheath Tip site. It is anticipated that cameras that interface with Council’s existing technology and surveillance strategies will be operational in April/May 2018. | Service Delivery | Complete | 1/04/2018 | 31/05/2018 | 100% | Two security cameras have been installed in line with Council’s Use of Portable Optical Surveillance Device Procedure (TRIM 15/32080). A review against privacy requirements is completed (see 2.2b). TRIM 18/105971, TRIM 18/105948, TRIM 18/105942, TRIM 18/105939, TRIM 18/105933 and TRIM 18/105928. | Compliant |
| 2.2b | Council to procure and install additional signage at strategic locations around the perimeter of the Blackheath Tip site, including adjacent to access roads into the location. Such signage shall advise of the presence of camera monitoring and the illegal nature of asbestos dumping. | Service Delivery | Complete | 1/04/2018 | 31/05/2018 | 100% | Signage in place at the perimeter notifying of asbestos and hazardous materials. Signage in place at the site entrance advising of the illegal nature dumping. Council sought legal advice regarding the placement of cameras on Crown land. That advice was received on 23 May 2018 (TRIM 18/128994). As there was no impediment to use of cameras, additional signage addressing the presence of the camera and illegal dumping was installed on 25 May 2018. | Compliant |
| 2.2c | Council has commenced a regular inspection program through the Blackheath Tip area and such a program will continue to operate. | Service Delivery | Green | Ongoing | Ongoing | 100% and ongoing | A weekly inspection regime has been established, as per action 2.1b. Responsibility for the management of this asset is moving from City and Community Outcomes to Service Delivery. That handover, and arrangements for ongoing weekly monitoring, is documented in TRIM 18/78780, TRIM 18/127827 and TRIM 18/127917. | Compliant |
3 Council reviews its contractor health and safety management processes and procedures to ensure that there is effective management of, and consultation and co-ordination with contractors. Council adopts a whole-of-lifecycle approach to the management of contractors that provides for health and safety considerations in scoping, procurement and contractor selection, planning of work, on-boarding of contractors, monitoring operations during the performance of work, responding to and reporting on health and safety issues raised during the performance of work, review of contractors’ performance, completion and hand over as well as the conduct of project completion briefs for learning and continuous improvement for future projects.

<table>
<thead>
<tr>
<th>2.3a</th>
<th>Develop brief for the review of contractor health and safety management processes and procedures</th>
<th>Chief Safety Officer/People &amp; Systems</th>
<th>Complete</th>
<th>1/04/2018</th>
<th>15/04/2018</th>
<th>100%</th>
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<tr>
<td></td>
<td>Council has gone a step beyond a brief by actually undertaking its own internal review and amending an existing system, releasing it as TRIM 18/193422 Contractor Safety Management Procedure. This document, along with a suite of contractor management procedures, is out for employee consultation from 12 July 2018 until 17 August 2018. Evidence of consultation is provided at TRIM 18/193315, TRIM 18/193429, TRIM 18/193430, TRIM 18/193437, 18/193446. The System was reviewed at the 23 August 2018 Peak Safety Steering Group meeting with a view to finalising it. The PSSG has adopted the Contractor Safety Management Procedure (TRIM 18/218641). The report to the Council meeting of 18 September 2018 will recommend that the Council consider and note the procedures adopted by the PSSG TRIM 18/234330. Although this action is 100% complete, the amber status will be retained until the independent auditor reviews available evidence, as nominated above.</td>
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<td>August Response: Council has gone a step beyond a Brief by actually undertaking its own internal review and amending an existing system. However, the Council has taken the step of requiring the CSO to actually prepare a Contractor Safety Management Procedure(s). This document is marked as a draft as it is out for consultation finishing 17 August. Council is currently seeking feedback on these Procedures, with a view to final adoption by the Council's Peak Safety Steering Group 23 August 2018.</td>
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<td>August Assessment: Update noted and it acknowledged that proposed actions will exceed the intent of the recommendation. Compliance will be re-assessed in September.</td>
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<td></td>
<td>September Assessment: Compliant and Complete.</td>
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<tr>
<td>2.3b</td>
<td>Engage an expert consultant to complete a review of contractor health and safety processes and procedures</td>
<td>Chief Safety Officer/People &amp; Systems</td>
<td>Complete</td>
<td>1/05/2018</td>
<td>1/06/2018</td>
<td>100% and ongoing</td>
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<td>The Chief Safety Officer was engaged to complete a review of the contractor health and safety processes and</td>
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to ensure all required health and safety considerations are being incorporated into contractor induction training, whole-of-life cycle management of contractors, and consultation and coordination with contractors.

These procedures (TRIM 18/220439 and 18/220435).

These document incorporate a requirement to:

1. Require contractors to undergo a Safety Induction and receive and sign the BMCC Contractor Safety Management Manual;
2. Complete a Proforma recording their understanding of BMCC requirements;
3. Acknowledge BMCC rights to ensure safe workplaces and adherence to all legislated and regulatory Workplace health and safety requirements;
4. Establish BMCC rights to initiate action in respect to safety breeches; and
5. Require contractors to report all accidents and incidents.

These documents were out for consultation from 12 July 2018 until 17 August 2018. They were reviewed and adopted at the 23 August 2018 Peak Safety Steering Group meeting (TRIM 18/218641).

Refer to Action 2.3c in terms of the Council consideration of operational procedures which have been adopted by the PSSG.

The report to the Council meeting of 18 September 2018 will recommend that the Council consider and note the procedures adopted by the PSSG TRIM 18/234330.

Although this action is 100% complete, the amber status will be retained until the independent auditor reviews available evidence, as nominated above.
| 2.3c | Complete review of contractor health and safety processes and procedures for consideration and adoption by the Council’s Peak Safety Steering Group, chaired by the General Manager | Chief Safety Officer/People & Systems | Complete | 2/06/2018 | 31/08/2018 | 100% | A review of the Health and Safety Procedure was completed, resulting in the following suite of documents: TRIM 18/193422, TRIM 18/193429, TRIM 18/193430, TRIM 18/193437, TRIM 18/193446. There is no requirement for the Elected Council to adopt the Procedures outlined above, as these are operational. Procedure was subject to consultation with staff, which included an initial workshop. Final documents were approved within the timeframe at the Peak Safety Steering Group meeting 23 August 2018 (TRIM 18/218641). The report to the Council meeting of 18 September 2018 will recommend that the Council consider and note the procedures adopted by the PSSG TRIM 18/234330. August Response: See updated comment. August Assessment: Update noted. However as the recommendation as it currently stands requires Council consideration and adoption, it is recommended that BMCC seeks appropriate confirmation of the changed approach. Compliance will be re-assessed in September 2018. Response: See comment No additional action to be taken- Contractor Safety System in place and operational – Requirement for ongoing training and compliance. September Assessment: Compliant and Complete Completion of review noted. |
| 2.3ca | Report the Peak Safety Steering Group’s adoption of contractor health and safety procedures to the Council for ratification. | Chief Safety Officer | Complete | 1/9/2018 | 1/10/18 | 100% | The report to the Council meeting of 18 September 2018 will recommend that the Council consider and ratify the PSSG’s adoption of the procedures TRIM 18/234330. At its meeting of 18 September 2018, the Council: • included this action, and • ratified the decision of the PSSG. See extract of draft Council minutes for Item 5 (PIO) of the Council meeting of 18 September 2018. TRIM 18/235158. September Assessment: Compliant and on track. Outcome of 18 September 2018 Council meeting is noted with thanks. |
Following the implementation of Recommendation 3 above, Council undertakes a training needs analysis and delivers training to all staff required to engage contractors and monitor their activities.

<table>
<thead>
<tr>
<th>Recommendation 2.4a</th>
<th>Description</th>
<th>Completion Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop brief for implementation of training needs analysis to assess existing versus required skills and capabilities of staff currently engaging contractors - taking into account results of review contractor health and safety management processes and procedures detailed under Recommendation 3 above.</td>
<td>Chief Safety Officer / People &amp; Systems</td>
<td>Complete</td>
<td>1/09/2018</td>
<td>16/09/2018</td>
<td>100%</td>
</tr>
<tr>
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<td></td>
<td>Brief to review Management capability for WHS TRIM 18/229955.</td>
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<td></td>
<td>Identification of capabilities &amp; skills of management to provide adequate supervision for WHS TRIM 18/229955.</td>
</tr>
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<td></td>
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<td></td>
<td>Brief outlines internal resourcing to undertake implementation.</td>
</tr>
</tbody>
</table>

**September Assessment:**
- Briefing to GM noted

<table>
<thead>
<tr>
<th>Recommendation 2.4b</th>
<th>Description</th>
<th>Completion Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engage an expert consultant or internal provider to implement training needs analysis</td>
<td>Chief Safety Officer / People &amp; Systems</td>
<td>Complete</td>
<td>17/09/2018</td>
<td>18/10/2018</td>
<td>100%</td>
</tr>
<tr>
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<td></td>
<td>Brief to review Management capability for WHS TRIM 18/229955.</td>
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<tr>
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<td></td>
<td>Brief outlines internal resourcing to undertake implementation.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>Expert training consultant engaged by BMCC to implement developed &amp; completed Training Needs Analysis.</td>
</tr>
</tbody>
</table>

**September Assessment:**
- Briefing to GM with proposed way forward noted

<table>
<thead>
<tr>
<th>Recommendation 2.4c</th>
<th>Description</th>
<th>Completion Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deliver training to staff required to engage contractors and monitor contractor activities</td>
<td>People &amp; Systems / Chief Safety Officer</td>
<td>Green</td>
<td>19/10/2018</td>
<td>30/04/2019</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Action not due to commence.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The timeframe has been altered by resolution of the Council at its Ordinary Meeting of 21 August 2018 (see Minute TRIM 18/214885).</td>
</tr>
</tbody>
</table>

**September Assessment:**
- Date change noted

**October Assessment:**
- Date change noted
As part of the review and assessment undertaken to meet Recommendation 6 in Interim Report 1, Council specifically consider middle management capability to provide adequate supervision of contractors’ health and safety.

| 2.5a | Ensure that an assessment of middle management capability is included in brief for review and assessment of middle management capability to provide adequate supervision to ensure health being implemented relative to Recommendation 6 of Clyde & Co Asbestos Investigation Interim Report 1 (see Attachment 1). | Chief Safety Officer/ People & Systems | Complete | 1/09/2018 | 17/09/2018 | 100% | Brief to review Management capability for WHS TRIM 18/229952.
Identification of capabilities & skills of management to provide adequate supervision for WHS TRIM 18/229955.
BMCC engaged external accredited training provider to deliver mandatory WHS training program to all Council personnel who have manager or supervisory responsibilities. | September Assessment:
Briefing to GM with proposed way forward noted
October assessment:
Compliant and complete |
| 2.5b | Ensure middle management position descriptions incorporate as necessary required accountabilities for adequate supervision of contractors’ health and safety. | People & Systems/ Chief Safety Officer | Complete | 18/09/2018 | 18/11/2018 | 50% 100% | This review has been incorporated into 1.3c which will be completed ahead of schedule.
Revised approach endorsed by ELT – ELT Paper TRIM 18/268529 & ELT Meeting Minutes TRIM 18/268528
December Update:
The Pro Forma of the WH&S Statement to be included in all Position Descriptions, as well as instructions and timeframes for adding the necessary accountabilities outlined in this Pro Forma was sent to all Managers. TRIM 18/295549.
All PDs have been updated with the WH&S responsibilities and accountabilities. TRIM 18/163701. | September Assessment:
Noted
November assessment
Overdue
Despite revised approach from October 2018, this action is now overdue. |
6. That the Council continue its advocacy for the removal of financial disincentives at the State level for the lawful disposal of asbestos by members of the public

| 2.6a | That the Council continues its advocacy for the removal of financial disincentives at the State level for the lawful disposal of asbestos waste by members of the public through writing to State Members of Parliament and the Environmental Protection Authority |
| City & Community Outcomes | Complete | 16/03/2018 | 16/04/2018 | 16/06/2018 see comment | 100% | Finish date has been adjusted from the 16/4/2018 to the 16/6/2018 to correct transcription error. This adjustment is in accordance with the resolution of Council meeting, 17 April 2018, Minute No. 147. The date adjustment was made and adopted by the Council at that time in Enclosure 1 – Improvement plan addressing interim report 3 and the Final report and amended to reflect SafeWork and the EPA feedback to date relating to the independent asbestos investigation. For its part, and in addition to addressing this action through representations to the NSW Government, Council has proposed to amend its Fees & Charges from 1 July 2018 so that the premium for asbestos disposal has been removed for asbestos waste so that it aligns with the cost of ordinary mixed waste in order to encourage appropriate disposal. See TRIM 18/108254 for proposed 2018/2019 charges and TRIM 18/119527 for 2017/2018 current charges. The alignment of charges for 2018/19 is demonstrated over a 5 year comparison provided in TRIM 18/124155. Letter sent to The Hon. Gabrielle Upton MP on 15 June 2018 regarding reduction in gate fees for asbestos. TRIM 18/125275 | Compliant |
### 7. That the Council may wish to consider whether there is a benefit in becoming involved in one of the Regional Illegal Dumping (RID) Squads

<table>
<thead>
<tr>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.7a</td>
<td>That the Council receives a report on the costs and benefits associated with becoming a member of a Regional Illegal Dumping Squad.</td>
</tr>
</tbody>
</table>

**City & Community Outcomes**: Complete 16/3/2018 30/06/2018 100%

Council has contacted the Contacted EPA TRIM 18/107107 and the Chair of Western Sydney RID Squad TRIM 18/107171 to enquire about joining the RID Squad. A draft Council report for the Ordinary Meeting of 26 June 2018 is provided at TRIM 18/108275. In parallel with this action, the Council has also developed a draft Illegal Dumping Strategy TRIM 18/58735.

Action complete, refer to Minutes of Ordinary Meeting of Council 26 June 2018 (Minute No. 241) TRIM 18/163081.

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### 3.4 Investigation findings, recommendations and management actions - Interim Report Three

1. Council needs to develop a long term program for the elimination of asbestos from all Council owned and managed properties (including both buildings and land) (Asbestos Elimination Program). In making that recommendation we accept that the availability of resources will require the Asbestos Elimination Program to have a sufficient timeframe to allow that elimination to occur in a reasonably practicable manner and may require multiple budgetary cycles. Council should determine the appropriate timeframe for that given its resource constraints. The Asbestos Elimination program must be accompanied by accountabilities and reporting framework for the program that includes reporting to elected Councillors on the implementation of the Asbestos Elimination Program.

<table>
<thead>
<tr>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1a</td>
<td>Council to draft an Asbestos Elimination Policy with the intent to remove all asbestos containing materials (ACM) from the Blue Mountains City Council assets within a timeframe to be delineated.</td>
</tr>
</tbody>
</table>

**City & Community Outcomes**: Green 1/09/2018 30/04/2019 50%

Clarification sought from Council’s Executive Officer to determine the type of policy that is expected i.e. is it an external or internal Policy. Response recommends it is a ‘Council’ external Policy and a timeframe of approximately 6 months should be expected to finalise. (18/212139).

This opinion was updated with the formal recommendation from the PCT on 13 September, and is outlined below.

Mechanisms for delivery will involve the completion of the ‘Policy Drafting Plan’, creation of a small Project

**October assessment:**
Updated noted

**November Assessment**
Progress noted. The approach to incorporate elimination in the overall Asbestos Management Policy is supported as a good business decision.
Control Group to guide its development, drafting Policy and seeking feedback through the established Policy Control Team (PCT).

The Policy Drafting Plan has been commenced (18/212265).

ELT Agenda for 14 November 2018 TRIM 18/284710

The approach required to finalise this action was summarised for the ELT meeting on 14 November 2018 (TRIM 18/284318 and 18/284710).

Background

- The Council endorsed that the Asbestos Management Policy meets the Requirement of this PIO Action
- An update to the wording of this Policy will improve the clarity of the wording of the Policy with respect to Lands
- Council sought an Opinion from the Project Control Team 13 September regarding whether the council should have a separate policy for Asbestos Elimination. The response was that we should have one holistic Asbestos Management policy rather than create a new Policy specifically for Elimination
- ELT endorsed the proposed wording on 7 November (TRIM 18/284931) that will appropriately update the existing Asbestos Management Policy

Approach

- Council will implement the changes that were endorsed by ELT on 7 November (TRIM 18/284931) during the next review cycle
- Council will continue to create the Elimination Procedures which will reference the updated Asbestos
3.1b Develop and implement an Asbestos Elimination Program incorporating a risk based approach taking into account the usage of the facility, the existing condition of ACM and structural life of the structure, to facilitate the management of ACM in facilities via its safe encapsulation, removal and disposal to a place that can lawfully receive asbestos waste.

| City & Community Outcomes | Green | 1/09/2018 | 30/04/2019 | 20% |

- Project Plan currently being developed and implemented. Key actions will be development of an asbestos assessment matrix in line with Council’s adopted Enterprise Risk Management Policy and Plan, and application of these criteria against all of Council’s built facilities. The development of the plan will be dependent on the completion of the transition of Council’s asbestos register to its Pathway System, currently scheduled for completion in early December. Substantial work to commence in December.

3.1c Asbestos Elimination Program to incorporate a reporting framework for the purposes of keeping the Elected Council advised in respect to the status of the Program.

| City & Community Outcomes | Green | 1/09/2018 | 30/04/2019 | 20% |

- Development of a reporting mechanism to show effectiveness of the elimination program will be developed as part of the procedures attached to the Asbestos Elimination Plan, action 3.1b
RECOMMENDATION 2: In relation to every Council owned or managed property where asbestos has not already been eliminated:

a. review or prepare an asbestos register for each Council workplace where ACM has been identified or is likely to be present at the workplace from time to time. Ensure that the asbestos register is kept at each workplace. Ensure that the asbestos register for each workplace records the asbestos or ACM identified at the workplace including the date on which it was identified, its location, type and condition. Where an asbestos register is reviewed, ensure that it is revised if further asbestos or ACM is identified at the specific workplace or if asbestos is removed from, disturbed, sealed or enclosed at the workplace.

b. review and maintain or prepare a documented Asbestos Management Plan for each Council workplace where asbestos or ACM has been identified or is likely to be present at the workplace from time to time. That workplace-specific Asbestos Management Plan must include information about the identification of asbestos or ACM (including links to the relevant asbestos register at the workplace and sign age and labelling), decisions and reasons for decisions about the management of asbestos at the workplace (including information about the safe operating procedures and control measures to implement, provide procedures for incident and emergency management relating to asbestos or ACM at that workplace and information regarding consultation, roles, responsibilities, information and training for workers carrying out work involving asbestos. Ensure that the Asbestos Management Plan for the workplace is readily accessible to all workers who may carry out work at the workplace (including contractors), Health and Safety Representatives and WHS Committee members.

c. where occupational hygienists have recommended labelling of asbestos and the labelling of the specific locations has not yet occurred, Council must adopt one of the following courses of action:
   i. engage a licensed asbestos removalist to remove the ACM; or
   ii. attend to labelling the relevant locations; or
   iii. where it is not possible to affix the label to the specific location itself, place a prominent warning sign in its immediate vicinity.

It would be prudent for the Council to undertake a high level risk assessment and cost benefit analysis to determine which strategy to adopt for each of those locations with particular regard to high use locations and leased premises with unpredictable usage (such as childcare centres or community halls where the predominant usage involves activities for Children), particularly in light of Recommendation 1 above.

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>3.2a</td>
<td>Chief Safety Officer Council to audit all workplaces to ensure in place asbestos registers for each Council workplace where ACM has been identified or is likely to be present</td>
<td>Chief Safety Officer Complete 1/08/2018 30/09/2018 100% Audit Record 18/210995 Is now completed September Assessment: Please include status update for assessment</td>
</tr>
<tr>
<td>3.2b</td>
<td>Council to ensure each register records the ACM identified at the workplace including the date on which it was identified, its location, type and condition.</td>
<td>Chief Safety Officer Complete 1/08/2018 30/09/2018 100% Audit Record 18/210995 Is now complete September Assessment: Please include status update for assessment</td>
</tr>
<tr>
<td>3.2c</td>
<td>Council to ensure where an asbestos register is audited, such an audit checks that the Register is revised if further asbestos or ACM is identified, or if asbestos is removed from, disturbed, sealed or enclosed at the workplace.</td>
<td>Chief Safety Officer Complete 1/08/2018 30/09/2018 100% Audit Record 18/210995 Is now complete September Assessment: This recommendation should be captured in an forward audit program of the Asbestos register</td>
</tr>
<tr>
<td>3.2d</td>
<td>Council to validate the Council Asbestos Management Plan and individual site Asbestos Management Plans against 2b.</td>
<td>Chief Safety Officer Complete 1/08/2018 30/09/2018 100% Audit Record 18/210995 Is now complete September Assessment: Please include status update for assessment</td>
</tr>
</tbody>
</table>
### 3.2e
Council to audit all workplaces and owned structures to ensure signage is in place in full accordance with legislative and regulatory requirements.

<table>
<thead>
<tr>
<th>Task</th>
<th>Responsible</th>
<th>Status</th>
<th>Date Started</th>
<th>Date Completed</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Chief Safety Officer</td>
<td>Complete</td>
<td>1/08/2018</td>
<td>30/09/2018</td>
<td>100%</td>
</tr>
</tbody>
</table>

**Audit Record**: TRIM 18/210995

**Is now complete**

**September Assessment**: Please include status update for assessment

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### RECOMMENDATION 3: Raise community awareness with respect to effective management of asbestos to enhance the Council’s approach to prevention in addressing illegally dumped asbestos, particularly in relation to home renovations. The community awareness campaign needs to include content on what asbestos looks like and how to identify it as well as providing education and awareness on the health impacts of asbestos. 

We note that this recommendation broadly aligns with plans under Theme 3: Community Education of the Appendix B Strategic Action Plan within the Council’s Illegal Dumping Strategy but the recommended focus on health impacts may include material beyond the current plans.

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### 3.3a
Council to undertake an asbestos management community awareness campaign to improve Council’s approach to prevention and reducing illegally dumped asbestos and the safe management of asbestos in the community including education and awareness on the health impacts of asbestos and its safe removal or encapsulation, and disposal to a place that can lawfully receive asbestos materials.

<table>
<thead>
<tr>
<th>Task</th>
<th>Responsible</th>
<th>Status</th>
<th>Date Started</th>
<th>Date Completed</th>
<th>Progress</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>People &amp; Systems</td>
<td>Green</td>
<td>15/6/2018</td>
<td>Ongoing</td>
<td>75%</td>
</tr>
</tbody>
</table>

| September Assessment | In progress. On 30th April 2018 Council engaged a Communications Consultant to facilitate work on the development and implementation of a communication strategy and tools to ensure a public awareness campaign is resourced and implemented. TRIM 18/108271 |
|----------------------|Council has commenced drafting a Community and Engagement Strategy for the management of asbestos TRIM 18/163106. |
|----------------------|The Communication and Engagement Strategy – Asbestos Management have undergone extensive consultation and are due for re-presentation to ELT on 19 September 2018 TRIM 18/163106. |

<table>
<thead>
<tr>
<th>October Assessment</th>
<th>Compliant and progress noted</th>
</tr>
</thead>
<tbody>
<tr>
<td>November Assessment</td>
<td>Noted</td>
</tr>
</tbody>
</table>

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### 3.3b
The community awareness campaign shall include appropriate vetted content on identifying asbestos in addition to providing education and awareness on the health impacts of asbestos and its safe removal or encapsulation and disposal to a place that can lawfully receive asbestos materials.

<table>
<thead>
<tr>
<th>Task</th>
<th>Responsible</th>
<th>Status</th>
<th>Date Started</th>
<th>Date Completed</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>People &amp; Systems</td>
<td>Green</td>
<td>15/6/2018</td>
<td>Ongoing</td>
<td>75%</td>
</tr>
</tbody>
</table>

| September Assessment | First action is to centralise all asbestos information within the Council’s website on a separate landing page. This will contain fact sheets and information kits for staff and community. Communication plans fully developed and awaiting ELT endorsement - awareness communications widely distributed throughout community in hardcopy and online. This program is under the management of BMCC Communications Officer reporting to Director People & Systems. |
|----------------------|Compliant and progress noted. As with 3.3a, responsibility should be changed from CSO to Group Manager People & Systems. |
| October Assessment | Compliant and progress noted |
| November Assessment | Noted |
3.5 Investigation findings, recommendations and management actions - Final Report

RECOMMENDATION 1: Review Councils framework for managing asbestos in Council owned or managed proprieties (land and buildings) including:

- The asbestos policy
- Asbestos registers for each property
- Asbestos management plans for each property
- Legally compliant labelling of ACM in properties
- Training to staff in relation to asbestos management
- Reporting procedures for reporting asbestos related incidents at properties
- Appropriate processes for health monitoring of workers and others exposed to asbestos through Councils undertaking at properties and
- Processes for identifying and accessing relevant asbestos related expertise (such as industrial hygienists, asbestos removal contractors and occupational physicians).

4.1a Implement a review and audit of Councils framework for managing asbestos in Council owned or managed property, consider (a) to (h) above.

| Chief Safety Officer | Green | 1/02/2019 | 30/06/2019 | 0% |

The Council continues its ongoing review of the Asbestos Management framework. As an example, at the Council meeting on 26 June 2018 they adopted the Asbestos Management Policy and Plan TRIM 18/147323. It continues consultation with staff as per TRIM 18/220144.

However, a full audit of the Asbestos Management Framework will be commenced by February 2019. By that stage, it is anticipated that the full compliance framework will have been updated in accordance with the actions of the improvement plan.

August Response:
These documents were provided to the Council in the 26 June meeting, and reflected in the Minutes, TRIM 18/147323

August Assessment:
Update and evidence noted. Compliance will be continued to be monitored.

October Assessment:
Update and evidence noted. Compliance will be continued to be monitored.

November Assessment
Update and evidence noted. Compliance will be continued to be monitored.

RECOMMENDATION 2: Review the accountabilities and responsibilities of all council staff in relation to asbestos management and create a change management process for ensuring that any such accountabilities and responsibilities remain appropriate in the event of a material change (such as a change in roles, organisational structure or reporting line).
| 4.2a | Council to review the roles, responsibilities and accountabilities in position descriptions of all staff to ensure they adequately cover Council’s obligations in relation to asbestos management. | People & Systems/Chief Safety Officer | Green | 1/06/2018 | 1/05/2019 | 25% | This review has been incorporated into Action 1.3c which will be completed ahead of schedule. | Compliant |
| 4.2b | Council to formalise Change Management processes to ensure that defined accountabilities and responsibilities remain appropriate in the event of material changes within roles, organisational structures or reporting lines. | People & Systems/Chief Safety Officer | Green | 1/06/2018 | 1/05/2019 | 25% | Draft Project Plan developed TRIM 18/156719. This review has been incorporated into 1.3c which will be completed ahead of schedule. | Compliant |

**RECOMMENDATION 3:** Develop and implement a stakeholder (community & workers) awareness and engagement program in relation to the identification of asbestos, the management of risks arising from asbestos, and the health effects of asbestos exposure. In relation to health effects such information must be prepared and provided by a person with appropriate expertise such as an occupational physician.

| 4.3a | In full accordance with Council’s adoption of Recommendation 3 of Interim Report 3 Council to undertake an asbestos management staff & community awareness campaign to improve the knowledge of correct and safe asbestos management. | TBD/Chief Safety Officer | Green | 15/06/2018 | ongoing | 25% | In progress. See 3.3a above. | Compliant |
| 4.3b | All health information disseminated by BMCC to be sourced from qualified and authorised sources, such as NSW Dept. of Health of SafeWork NSW. Council to develop and promulgate Asbestos fact sheets and kits for the use of staff and community. | Chief Safety Officer | Completed | 15/06/2018 | ongoing | 100% | Council has developed and disseminated asbestos fact sheets and information kits for staff and the community across the organisation and community facilities (libraries and community centres). The information relating to the health impacts of asbestos has been sourced from NSW Health and the Asbestos Diseases Research Institute (ADRI). This information is also available as downloads on a revised web page dedicated to asbestos management. The web page expands the availability of health and safety information relating to the management of asbestos by including links to SafeWork, EPA, NSW Health, ADRI's Asbestos Awareness website and Asbestos Answers – an information website developed by Cumberland Council, whose award winning asbestos management approach provides clear and easy to understand | September Assessment: Compliant and Completed |
The Chief Safety Officer advised all staff on 16 August 2018 of these fact sheets and information kits TRIM 18/217113.

All information sourced for public and internal awareness campaign sourced from acknowledged reputable sources. Campaign will be ongoing and is being managed by Communications Officer reporting to People & Systems.

RECOMMENDATION 4: Review the communication and consultation channels between the directorates to ensure effective cooperation and coordination of asbestos management.

4.4a Implement a review of communication and consultation channels between directorates with the intent of significantly improving operational and communication efficiencies and to further support effective cooperation and coordination of asbestos management.

People & Systems Complete 1/04/2018 31/08/2018 30/09/2018 100%

Council engaged a Communications Consultant to facilitate work on the development and implementation of a communication strategy and tools to ensure a public awareness campaign is resourced and implemented TRIM 18/108271.

A draft Communications Strategy has been completed TRIM 18/163106. This document was presented to ELT on 29 August 2018 (TRIM 18/218547 at 9.1). ELT agreed with the aim of adopting this Strategy by end of September in line with the revised timetable of 30 September 2018.

The timeframe has been altered by resolution of the Council at its Ordinary Meeting of 21 August 2018 (see Minute TRIM 18/214885).

Draft Communication Strategy was endorsed by the ELT on 19 September 2018 TRIM 18/249874.

August Response: See revised comment.

August Assessment: Update noted and compliance will be re-assessed accordingly in September.

September Assessment: Compliant

October Assessment: Compliant and complete

RECOMMENDATION 5: Develop and implement a long term Asbestos Eradication Program which is adequately resourced with clear reporting and accountability.
### PERFORMANCE IMPROVEMENT ORDER – PCG

**PIO – December 2018 Monthly Report – Asbestos**

#### RECOMMENDATION 6: Develop and implement a Safety Culture Program for managing risks of asbestos.

<table>
<thead>
<tr>
<th>Action</th>
<th>For Whom</th>
<th>Outcome</th>
<th>Date Completed</th>
<th>Target Date</th>
<th>Status</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.5a</td>
<td>Developing a program for the elimination of asbestos from all Council owned and managed properties that includes adequate resources, clear reporting and accountabilities.</td>
<td>City &amp; Community Outcomes</td>
<td>Green</td>
<td>1/09/2018</td>
<td>30/04/2019</td>
<td>10%</td>
</tr>
<tr>
<td>4.6a</td>
<td>Develop brief for implementation of a safety culture program for managing risks of asbestos</td>
<td>Chief Safety Officer</td>
<td>Green</td>
<td>1/09/2018</td>
<td>1/10/2018 31/03/2019</td>
<td>20%</td>
</tr>
</tbody>
</table>

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**August Response:**
Remove reference to 3.3a – not applicable.

Manager for Environmental Sustainability and CSO are meeting 14 August 2018 to discuss Orphan Find v Proactive Removal as basis for this Program.

**August Assessment:**
Reference to 3.3a is still reflected in status. Update is noted and compliance will be continued to be monitored.

**Response:**
3.3a above has been removed.

**October Assessment:**
No Status provided for assessment.

**November Assessment:**
Update is noted and compliance will be continued to be monitored.

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**September Assessment:**
Change of timeline noted.
<table>
<thead>
<tr>
<th>Action</th>
<th>Description</th>
<th>Responsible Officer</th>
<th>Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>Progress</th>
<th>Notes</th>
</tr>
</thead>
</table>
| 4.6b   | Engage external or internal expert provider | Chief Safety Officer | Complete | 1/11/2018 | 30/04/2019 | 100% | Action not due to commence. Council has employed Grant Medlock in the role of CSO to design and deliver the Strategy TRIM 18/268576.

**December Update:**
The CSO is already designing the Strategy (TRIM 18/294259) and will be delivering it as well.

**November Assessment:**
Update is noted and compliance will be continued to be monitored.

**September Assessment:**
Change of timeline noted.

**October Assessment:**
Change of timeline noted.

| 4.6c   | Implement the Safety Culture program | Chief Safety Officer | Green | 1/11/2018 | 30/04/2019 ongoing | 20% | The timeframe has been altered by resolution of the Council at its Ordinary Meeting of 21 August 2018 (see Minute TRIM 18/214885).

Initial works begun on culture programme development. 2 initial face to face sessions completed – All Staff CSO briefing Nov 18, TRIM 18/279352, and a session at the BMCC Leadership forum Nov 18, Trim No: 18/279387 begin the long process of ongoing education and consultation. Initial All Staff communications also have started to reference Culture (people /Systems /Risk ) items to begin embedding message TRIM 18/268576 and 18/278738. Strategy development sessions are being planned for ongoing rollout /development and will be reported as they are completed. |

| 4.6b   | Engage external or internal expert provider | Chief Safety Officer | Complete | 1/11/2018 | 30/04/2019 | 100% | Action not due to commence. Council has employed Grant Medlock in the role of CSO to design and deliver the Strategy TRIM 18/268576.

**December Update:**
The CSO is already designing the Strategy (TRIM 18/294259) and will be delivering it as well.

**November Assessment:**
Update is noted and compliance will be continued to be monitored.

**September Assessment:**
Change of timeline noted.

**October Assessment:**
Change of timeline noted.
## RECOMMENDATION 7: Review existing ‘Whistleblower’ protections to ensure that they extend to safety related exposure particularly in the context of asbestos related compliance.

| 4.7a | Develop a review of existing reporting procedures to ensure they comply with legislation and provide protection to workers who identify safety and asbestos issues. | People & Systems | Complete | 1/05/2018 | 1/07/2018 | 100% | Review of existing policies (Codes of Conduct and Public Interest Disclosure) to ensure this is covered commenced 11 May, 2018. | August Response: An initial review of Public Interest Disclosure Policy was prepared on 22 June 2018 and provided as evidence. In response to the audit, a more comprehensive review has been prepared an entered as evidence. August Assessment: TRIM 18/193511 doesn’t provide evidence of a further review. In the absence of evidence to assess review, consultation and implementation, the compliance assessment still remains incomplete and overdue. Response: The incorrect document reference was included. The correct evidence TRIM 18/190565 has now been updated. September Assessment: Compliant and Completed. |

## RECOMMENDATION 8: Develop and implement a Safety Leadership Program for managing risks of asbestos.

| 4.8a | Develop brief for implementation of a Senior Safety Leadership Program for ELT, Senior Managers, Managers and Supervisors. | Chief Safety Officer | Green | 1/09/2018 | 1/10/2018 | 100% and ongoing | See recommendation 4 - 1.4a, b, c and d | Compliant
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Description</th>
<th>Responsible</th>
<th>Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>Progress</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.8b</td>
<td>Engage external or internal expert provider</td>
<td>Chief Safety Officer</td>
<td>Complete</td>
<td>1/11/2018</td>
<td>30/04/2019</td>
<td>100%</td>
<td>See recommendation 4 - 1.4a, b, c and d. Internal expert provider secured.</td>
</tr>
<tr>
<td>4.8c</td>
<td>Implement the Safety Leadership Program</td>
<td>Chief Safety Officer</td>
<td>Complete</td>
<td>1/11/2018</td>
<td>30/04/2019</td>
<td>100%</td>
<td>WHS Due Diligence &amp; Safety Governance Training was presented and completed on 25 June 2018 to ELT and relevant Managers. The Safety Leadership Program comprises of four Training sessions covering Risk Management, Decision Making, Behavioural Auditing, WHS Due Diligence &amp; Governance and Risk Management for Managers. Safe Decision Making in Leadership TRIM 18/188947 and TRIM 18/191927, Risk Management for Senior Managers 18/188944 and TRIM 18/191930, WHS Governance &amp; Due Diligence TRIM 18/188937 and TRIM 18/146427.</td>
</tr>
</tbody>
</table>
### RECOMMENDATION 9: Develop and implement a due diligence program at the Elected Council and senior management level for managing risks of asbestos.

| 4.9a | Develop a due diligence program at the Elected Council and Senior management Level | Chief Safety Officer | Complete | 1/04/2018 | 1/08/2018 | 100% | Date range amended to align with duration, with training to be completed by 1 July 2018. Training in respect of the Work, Health & Safety, Environmental Protection, Due Diligence and Governance has been completed for the Elected Council and the Executive Leadership Team. Work health & Safety Law training for Directors, Councillors and ELT members was conducted on 22 March 2018 (TRIM 18/129704 and 18/128429). Environmental Protection Training TRIM 18/128434 Elected Life Training for Councillors TRIM 18/128446 Due Diligence & Governance Training was completed for BMCC Executive Leadership Team on 25 June 2018 (TRIM 18/146672 and 18/146677). Due Diligence process map 1.1 (TRIM 18/129958) | Compliant |
| 4.9b | Implement the due diligence program | Chief Safety Officer | Complete | 1/05/2018 | 1/08/2018 | 100% | Dependent on completion of 4.9a above Due Diligence & Governance Training completed for BMCC Executive Leadership Team on Monday 25 June 2018. TRIM 18/146672 and 18/146677. | Compliant |

### RECOMMENDATION 10: Develop a program for review, assessment and reporting to the elected Council for the implementation of the recommendations in the Final Report and the Interim Reports.

| 4.10a | Establish a Project Control Group (PCG) to oversee implementation of improvement plans | General Manager | Complete | 6/04/2018 | 6/06/2018 | 100% | See 1.10c | Compliant |
## Appendix A: Distribution List

<table>
<thead>
<tr>
<th>Blue Mountains City Council Elected Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Manager</td>
</tr>
<tr>
<td>Executive Leadership Team</td>
</tr>
<tr>
<td>Office of Local Government</td>
</tr>
</tbody>
</table>