

Councillor Briefing Session Agenda

Time:	6.15pm – 7.00pm dinner for 7.00pm start
Date:	Tuesday 6 June 2017
Chair:	Clr Mark Greenhill, Mayor
Location:	Blue Mountains Theatre and Community Hub
Invitees:	<u>Councillors:</u> Bowling, Brown, Christie, Fell, Foenander, Greenhill, Hoare, Hollywood, McGregor, Myles, Schreiber and Van der Kley. <u>Staff:</u> General Manager, Director C&CO, Director D&CS, Director CS, Group Manager, P&S and staff as listed below.

Subject	Presenter	Time
Development Assessment Best Practice Guide Purpose: Provide overview of the NSW Governments <i>Development Assessment Best Practice Guide</i> .	Kim Barrett	20mins
Local Housing Strategy Purpose: Provide an update on the Local Housing Strategy.	Kim Barrett & Michelle Maher	20mins
Asbestos Management Purpose: To brief Councillors on action to date and proposed clean-up in relation to the fire damaged house at 20 Bonnie View Avenue Hazelbrook.	Will Langevad & Chris Brogan	15 mins
DA XM/879/1998/A 24 hour Gym Blaxland Purpose: To brief Councillors on the modification of development consent to allow the gym at St Johns Rd Blaxland to operate 24hrs.	Will Langevad	10 mins
Update on Open Space Strategy Purpose: To brief on the development of the strategy to date, engagement to date and key directions.	Andy Turner & Janne Yardy	30 mins
Town Banners for Holidays and events Purpose: To brief Councillors on the response to the NoM of the feasibility of installing banner with Christmas and holiday messages in the town centres.	Andy Turner	5 mins
Total time		1 hour 40 mins

Councillor Briefing Session Agenda

Time:	6.15pm – 7.00pm dinner for 7.00pm start
Date:	Tuesday 4 July 2017
Chair:	Clr Mark Greenhill, Mayor
Location:	Blue Mountains Theatre and Community Hub
Invitees:	<u>Councillors:</u> Bowling, Brown, Christie, Fell, Foenander, Greenhill, Hoare, Hollywood, McGregor, Myles, Schreiber and Van der Kley. <u>Staff:</u> General Manager, Director C&CO, Director D&CS, Director CS, Group Manager, P&S and staff as listed below.

Subject	Presenter	Time
Review of Services Portfolio Purpose: To brief Councillors on the interim report of the strategic review of services.	Tony Middleton & Jane Lambert	20 mins
Blue Mountains Integrated Transport Strategy Purpose: To update Councillors on the process for preparing the Strategy.	Rick Harris & Glenn Sherlock	20 mins
Glenbrook VIC and Park Upgrade Project Purpose: To brief Councillors on the concept design for the Glenbrook VIC and Carpark and Park Upgrade Projects.	Rick Harris Andy Turner Kirrilly Twomey	10 mins
Destination Management Plan Purpose: To brief Councillor on the finalisation of the draft Destination Management Plan.	Luke Nicholls & Patricia Lane Gonzalez	20 mins
Katoomba VIC and Wentworth Falls Lake Upgrade Project Purpose: To brief Councillors on the concept design for the Katoomba VIC and Wentworth Falls Lake Upgrade.	Rick Harris David Flintoft	10 mins
Resource Recovery & Waste Management Facility Blaxland Purpose: To update Councillors on this facility.	Mark Bruhn	15 mins
Asbestos Management Plan Purpose: To brief Councillors on Council implementation of the Asbestos Management Plan.	Stuart Liddell	15 mins
Total time		2 hours

.....

Audit & Risk Committee Draft Minutes

Date & Time:	6 July 2017
Location:	Council Chambers, Katoomba
TRIM reference:	F10533
Meeting Purpose:	<p>Quarterly meeting to:</p> <ul style="list-style-type: none"> • Review Annual Internal Audit Plan, ERM, External Audit, quarterly actions, progress and issues; • Address outstanding issues from previous quarterly meeting; and • Agree to future audit issues on work program
Committee Members:	<p>Michael Anstiss (MA)- Chair Charles Brooke Broughton (CB) Cr Kevin Schreiber (KS)</p>
Invitees (Non-Voting)	<p>Cr Mark Greenhill (MG) - Mayor Robert Greenwood (RG)- General Manager Stuart Liddell (SL)- Group Manager People & Systems Rosemary Dillon (RD) - Group Manager, IP&F Grant McKay (GMK) - Manager Governance & Risk and Chief Audit Executive Jasmine Cooper (JC) -Executive Officer Hailie Ryzak (HR) - A/CFO Yas Wickramasekera (YW) - Program Leader Risk & Assurance Weini Liao (External Auditor, Audit Office) Mark Nicholaëff (External Auditor, UHY)</p>

1	<u>Meeting Opening</u>	
1.1	Welcome	The Chair welcomed members and invitees
1.2	Apologies	<p>Clr Mark Greenhill, Rosemary Dillon Jasmine Cooper</p>
1.3	Declaration of Conflict of Interest	None declared
1.4	Confirmation of minutes of meeting held on 16 December 2016	<p>Minutes of the meeting held on 16 March 2017 was moved by KS and seconded by BB</p> <p>KS advised the committee that the strategy which is now in place is a good report which was provided to Councilors with a briefing session.</p>

1.5	Review of Action List from previous meeting	No outstanding actions

	Meeting date	Action Item	Responsibility	Due date / Status
	Nil outstanding actions			

2.	<u>General Managers Briefing</u>	
	Joint Internal Audit Venture	<p>BMCC's Internal audit approach was taken to the RSA with PCC and HCC.</p> <p>SL advised the committee that the alliance was formed with Penrith and Hawkesbury. HCC has a gap with IA and BMCC has a best practice model.</p> <p>BMCC & HCC have gone to market for a 3rd party provider. At this stage it will be for BMCC and HCC but will have the capacity to include PCC if they chose to join in later. BMCC will be managing IA for HCC. The model will provide HCC more effective assurance.</p> <p>The two internal audit plans have been aligned and it will save money for both Councils and will be more effective. HCC sees the value in the model we have adopted. PCC have been quite impressed and may chose to join the venture at a later stage.</p> <p>RG - This is a good news story about success of our model and the assurance and business improvement it has provided. Briefing was also provided to the CivicRisk Mutual.</p> <p>GMK - We expect a large number of candidates and a big interest regarding the Tender.</p>
3.	Enterprise Risk Management	<p><u>3.1 CRIP Audit Update</u></p> <p>GMK provided an update on upcoming CRIP audit.</p> <p>In 2013 BMCC participated in the Continuous Risk</p>

		<p>Improvement Program undertaken by InConsult on behalf of CivicRisk Mutual, the insurance pool. The purpose of the on-going program is to assess the maturity assessment of member council's enterprise risk frameworks. In December 2017 we have a follow up audit/check on the progress we have during the period since the last review. In preparation we are assembling the necessary evidence and treating it as an opportunity to benchmark our performance to date. We have made significant progress. We are working on some milestones to be delivered before December and will report to ARC in Q3.</p> <p>RG in 2013 we suggested to CivicRisk that they undertake this exercise to assist all member councils. We put ourselves up to be assessed first. Even though there was initial disappointment that we didn't score higher, we were able to justify to the council the need for additional resources to embark on this work, which resulted in the recruitment of Grant and Yas. The results will be interesting to see our current level of maturity.</p>
4.	Internal Audit	<p><u>4.1 Internal Audit Action List updated</u></p> <p>GMK provided an update on the Internal Audit Action List with particular attention to audits with overdue actions arising from High and/or Extreme findings.</p> <p>The audit that has given rise to the most overdue actions is the 2015/16 Blaxland & Katoomba WMF audit. A detailed action list was also provided to the committee.</p> <p>RG – there are several items that are overdue and this is concerning. GRSG has raised it with RG and action has been taken to turn it around. A professional expert has been hired in for a short term who has provided an interim report on the audit and outstanding items. An action plan has been discussed with RG . RG to update on progress at the next meeting and confirm that things are in hand.</p> <p>BB – glad that RG have take things in hand as it is a risk area for the Council</p> <p>KS – other issue is the audit on the asbestos. Found this to be concerning that we were not up to date on it. Comfortable that is well in-hand now as it is a major health concern to staff and public.</p> <p>RG – asset register is now available and asset management plans are being finalised.</p>

	<p>Does that mean staff are no longer responsible for removal of asbestos on site</p>	<p>GMK – we have introduced strong controls which will only get stronger over the next 2 months and the risk will decrease rapidly as they are being addressed in a systematic way.</p> <p>KS – questioned if the asbestos on private property and whether our staff had been exposed to this as he was aware of the Asbestos dumped at Mt Wilson.</p> <p>GMK – this is scheduled for removal by asbestos professional and will be removed by the weekend.</p> <p>KS – Councils comment back to the community was that our rangers were too busy to worry about it as there were a lot of other things to do (as published in the Mount Irvine gazette) and that it wasn't addressed as a matter of urgency. It was a big publication and of concern.</p> <p>RG – advised Committee that he will take it on board and follow it up.</p> <p>SL – as a part of the AsMP we are also working with SafeWork NSW. Council determined that our own staff won't be involved in the removal for safety purposes and will only be undertaken by external professionals.</p>
		<p><u>4.2 2016/17 IAP Updated</u> GMK provided an update on the last quarter's activity on the annual IAP.</p> <p><u>RMS DRIVES annual compliance audit</u> – Field work is currently underway</p> <p><u>Compliance and Corruption</u> – very big piece of work. Large technical report with great learnings. Exit meeting was on 4th July. 2 weeks for comments due to the extensive nature of the report. Report will go to GM in July.</p> <p><u>Blaxland & Katoomba WMF Annual Environmental Compliance Audit</u> – another large report. Commentary is due tomorrow following which an exit meeting will be organized and reported to GM in July</p> <p><u>Commercial Property Management</u> – report has been finalised and provided to GM yesterday – will be reported to ARC in Q1</p>

		<p><u>Crisis management exercise</u> – put forward to next year</p> <p>KS – questioned how the issue with garbage bins had been dealt with?</p> <p>SL – responded that it was actioned by IP&F</p>
		<p><u>4.3 2017/18 Internal Audit Development Program – Update</u></p> <p>GMK provided an update on the Development Program.</p> <p>This document is used as a working document to generate audits for 17/18</p> <p>Gives us a range of audits that can be undertaken and we assess these from a timing and priority perspective. It's not a rolling program. It's a working document – a means to generate audits.</p> <p>KS – expressed that it was a good program</p> <p>MA – questioned if the business level risks were built up by line managers?</p> <p>GMK explained to the committee how the business risks gets distilled and carried forward.</p> <p>MA – questioned if it was formally reviewed</p> <p>GMK – responded that it is – if you compare it to last year's it will look very different due to change of risks and nature of priority. GRSG has visibility of the priority of audits</p> <p>SL – advised the committee that the rigor of debate and discussion and maturity of the program has been extremely healthy.</p>
		<p><u>4.4 Joint BMCC / HCC IAP</u></p> <p>GMK provided an update on Joint IAP</p> <p>Joint – 7 audits to be done jointly with HCC. He asked the committee not to be concerned with the</p>

		<p>descriptors as the audits are refined through the ToR development process in discussion with key stakeholders.</p> <p><u>BMCC Audits</u> – these are audits that are particular to us</p> <p><u>HCC Audits</u> – Audit that are particular to HCC</p> <p>This is a new approach and will be interesting to report back to ARC on its progress.</p> <p>All audits will be managed by BMCC through a co-sourced provider. We will draft the ToR with the provider, participate and manage the finalization of the report. It will be very much a partnership.</p> <p>KS – lot of work to be done – what is the back up to resources?</p> <p>SL / GMK – advised the Committee that Yas (a very experienced Audit Manager) will be managing the program and Grant will also be supporting the program.</p> <p>KS – expressed the need to cover everyone to make sure people are ok</p> <p>WL – would like to see if there is anything that the external audit can be leveraged off – trying to look at the key enablers and barriers and how it aligns across the other organisations as well.</p>
5.	External Audit	<p><u>5.1 External Auditor – Performance Audits</u></p> <p>HR – - updated the ARC on the presentation</p> <p>WL – commented that it is a very compressive overview. Good summary of what is being done. All topics are funded by parliament. Next year council can suggest topics to the AO for consideration. BMCC can invite performance auditors to the meetings.</p> <p>AO have a separate branch who undertakes the performance audits.</p>

5.2 Client Service Plan Presentation

WL - Key approach is for more collaboration and engagement and how best to support OLG to improve financial reporting. All reports will be in a standard template – the timetable will help minimize the disruption of another layer in this process.

After the financial cycle is done, there will be a financial report to parliament. This will involve data collection from council but mindful of the audit burden, to minimize disruption.

Consistency and influence is the aim. Already developed resources that can be used. Next year hoping to deliver a more tailored approach.

HR – good to have the timetable included as its very helpful.

WL – timetable is driven by audit team and management.

KS – questioned the frequency of visiting councils - is it programmed? Has notice been provided?

WL – responded that it's a scheduled timetable which is aimed at minimizing disruption.

BB – pg 22 – significant judgments – is this being address or will be addressed?

HR – yes it will be done as required and is already incorporated into the work-plan.

5.3 Outcome of Interim Audit – Update

MN - provided and update. No new major findings. Also has received update on recommendations and issues.

		5.4 IT Control Audit - Update MN - few issues have been identified which will be shared with management. YM - requested that IA ben kept abreast of these reports so that they can be factored into the IAP
6.	General Business	Nil
7	Meeting Closure	
7.1	Confirm Resolution, related action and timelines	Discussed
7.2	Date of next meeting	Meetings dates for 2017-18 will be sent out in due course
7.3	Close	The meeting concluded at 4:45pm

Action Items

	Meeting date	Action Item	Responsibility	Due date
Nil	17 July 2017	RG to advise ARC on the status of the overdue actions is the 2015/16 Blaxland & Katoomba WMF audit	RG (Robert Greenwood)	14 September 2017

Councillor Briefing Session Agenda

Time:	6.15pm – 7.00pm dinner for 7.00pm start
Date:	Tuesday 18 July 2017
Chair:	Clr Mark Greenhill, Mayor
Location:	Blue Mountains Theatre and Community Hub
Invitees:	<u>Councillors:</u> Bowling, Brown, Christie, Fell, Foenander, Greenhill, Hoare, Hollywood, McGregor, Myles, Schreiber and Van der Kley. <u>Staff:</u> General Manager, Director C&CO, Director D&CS, Director CS, Group Manager, P&S and staff as listed below.

Subject	Presenter	Time
Disability Inclusion Action Plan Purpose: To brief Councillors on the Draft DIAP and the actions identified.	Prue Hargrove & Luke Nicholls	15 mins
Safe School Program Purpose: To brief Councillors on the Safe Schools Program that endeavours to create a safer and more inclusive environments for same sex attracted, intersex and gender diverse students, staff and families.	Prue Hargrove & Luke Nicholls	15 mins
Highway Maintenance Purpose: To Brief Councillor on the status of highway maintenance	Rick Harris & Glenn Sherlock	15 mins
Springwood Masterplan Purpose: To brief Councillors on implementation progress to date.	Luke Nicholls & Toney Hallahan	20 mins
Organisational Structure Purpose: To brief Councillors on the organisational structure.	Robert Greenwood	20 mins
North Sydney Letter re LGNSW Membership (Min 106)	Councillors	30 mins
Bed Tax	Cr Brown	
Total time		1 hour 55 mins

.....

Councillor Briefing Session Agenda

Time:	6.15pm – 7.00pm dinner for 7.00pm start
Date:	Tuesday 15 August 2017
Chair:	Clr Mark Greenhill, Mayor
Location:	Blue Mountains Theatre and Community Hub
Invitees:	<u>Councillors:</u> Bowling, Brown, Christie, Fell, Foenander, Greenhill, Hoare, Hollywood, McGregor, Myles, Schreiber and Van der Kley. <u>Staff:</u> General Manager, Director C&CO, Director D&CS, Director CS, Group Manager, P&S and staff as listed below.

Subject	Presenter	Time
Gully Plan of Management Purpose: To provide Councillors with an overview of the review of The Gully Plan of Management, to commence in 2017-18.	Nick Rigby	15 mins
Planning Proposal to Remove E2 Environmental Conservation Zone from 54 Luchetti Avenue Hazelbrook Purpose: To brief councillors on the planning proposal to remove E2 Environmental Zoning from 54 Luchetti Avenue Hazelbrook following a court case appeal	Kim Barrett	15mins
Event Proposal, Katoomba Purpose: To brief Councillors on new event proposal	Andy Turner	10 mins
Great Western Highway and Ross Street Intersection Upgrade – Glenbrook Purpose: To brief the Council on the RMS proposed changes to the installation of traffic lights at Ross St and closure of Hare/Mann St.	Rick Harris & Glenn Sherlock	10 mins
New Inter City Train Fleet Purpose: To brief the Council on the TfNSW New Inter City Train Fleet and related impacts.	Rick Harris & Glenn Sherlock & Representative from TfNSW	20 mins
Organisational Restructure	Robert Greenwood	20 mins
Councillor Open Session		
BMEE Presentation and Q&A	Presentation from the BMEE, CEO, Bernard Fehon	30 mins
Total time		2 hours



Mayoral Minute Confidential Meeting

Venue: **Administrative Headquarters
Civic Place
Katoomba**

Meeting: **7.30pm 22 August 2017**



CONFIDENTIAL MEETING

22 AUGUST 2017

AGENDA

ITEM NO.	PAGE	SUBJECT	COMMENTS
		<u>PROVIDING GOOD GOVERNMENT</u>	
7	4	Review of Organisational Structure	

ITEM NO: 7

SUBJECT: REVIEW OF ORGANISATIONAL STRUCTURE

FILE NO: F09165 15/82791

*This report is considered confidential under Section 10A of the Local Government Act 1993
a) personal matters concerning particular individuals (other than councillors).*

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Recommendations:

1. *That the Council acknowledges it is required under the Local Government Act to consider a review of the organisational structure with the first 12 months in office;*
 2. *That the Council approves the proposed organisational structural changes outlined in the report in response to Recommendation 1 and Council's desire to strengthen its ability to deliver on the 2017-2021 Council Strategic Priorities;*
 3. *That the Council also confirms no changes to the Senior Staff structure and confirms the Senior Staff positions to be that of:*
 - *General Manager*
 - *Director City & Community Outcomes*
 - *Director Development & Customer Services*
 - *Director Service Delivery*
 - *Group Manager People & Systems*
 - *Group Manager Integrated Planning & Finance;*
 4. *That the Council notes the proposed changes will be delivered from a combination of existing resources and savings generated from business improvement initiatives;*
 5. *That the Council acknowledges that the General Manager will progressively implement changes, below the Management Team level, as is necessary to deliver on the 2017-2021 Council Strategic Priorities;*
 6. *That the General Manager consults with potentially affected employees, the Staff Consultative Committee and relevant Unions of the changes;*
 7. *That the General Manager informs all employees of the changes; and*
 8. *That the end of Quarter 1 2017 – 2018, is the intended effective commencement date for the new structure noting that some changes will be progressively implemented from 1 September 2017 to ensure the implementation process is as seamless as possible.*
-

Report by General Manager:

Reason for report

The reason for the report is to strengthen Council's ability to deliver on the 2017-2021 Council Strategic Priorities, and at the same time meet its obligations under the Local Government Act - to review the organisational structure within the first 12 months in office.

Background and Key Considerations

The current organisational structure was adopted in March 2011, and subsequently refined in October 2013 and July 2015, in line with the following key objectives:

- To support the delivery of Council's Integrated Plans;
- To improve service delivery and responsiveness within our financial capacity;
- To clarify accountability for strategy, outcome setting and operational activities; and
- To reinforce continuous improvement and innovation.

The structural changes implemented in 2011, 2013 and 2015 have proven successful in supporting the organisation in delivering on key priorities and objectives. This assessment is reinforced by key organisational results, as reported to Council, including Council being assessed as Fit for the Future and the strong Community Survey outcomes.

At Council's December 2016 Strategic Workshop, Council reviewed and reaffirmed the strategic direction and guiding principles in response to the Strategic Community Plan - *Sustainable Blue Mountains 2025*. At the March 2017 Councillor Strategic Workshop, the strategic priorities 1-5 were re-affirmed and strategic priority 6 was added:

1. Improve approach to asset management to support delivery of the Council's commitments to Fit for the Future targets, the State Governments expectations for Councils and support value for money services to the community.
2. Committing to the delivery of the Council's Fit for the Future Targets – Maintaining the Best Value Decision Making Frame to maximise the outcomes for the community from the SV2 income.
3. Commence the strategic review of the services that the Council provides to inform future decision making and priorities.
4. Increase focus and priority on Business Improvement and Innovation to improve effectiveness and efficiency.
5. Position the Council to be more proactive in communicating and engaging with the community on the business of the Council.
6. Develop a strategic approach to tourism and the visitor economy that also addresses the increased visitation, local community and funding options.

At the March 2017 strategic workshop, Council also acknowledged the need to accelerate implementation on these key priorities to ensure by 2020 Council achieves its' Fit for the Future targets and is financially sustainable at the conclusion of SV2.

As such, the organisation needs to focus resources to address these challenges and continue to position for the future. This review is also an opportunity to further strengthen and improve the current structure to meet these challenges.

Observations and Proposed Changes

Organisational Structure

While a four directorate model was considered in 2015, it was recognised at the time that the 3 Directorate and 2 Group structure had proven effective and provided the correct focus in delivering on our organisational objectives, plans and strategies.

During this review, a four directorate model was again considered. However, to best meet Council's desire to strengthen and accelerate our ability to deliver on Council's 4 year Strategic Priority Outcomes, wholesale changes are not considered to be warranted at this time and could be counter-productive.

Therefore no major fundamental changes to the organisational structure are recommended. As such, in addition to the General Manager, the Senior Staff positions (Executive Leadership Team) would consist of the following roles:

- Director, City & Community Outcomes
- Director, Development & Customer Services
- Director, Service Delivery
- Group Manager, People & Systems
- Group Manager, Integrated Planning & Finance

In addition to the overall organisational structure there is a need to continue to strengthen our ability to deliver on the Council's strategic priorities. In response several key areas require a greater focus and are to be strengthened and/or refined, as discussed below.

City & Community Outcomes (C&CO)

In the 2015 review, several changes were made to the C&CO Directorate to improve the focus on delivery of a strategic planning framework for Council, including identifying future demand for assets and infrastructure.

Changes were also made to better fund asset management and to link roads and civil infrastructure asset management better with maintenance and operations within Service Delivery Directorate. The environmental operations area was integrated into C&CO to ensure that all environmental management and planning functions were in one Directorate, particularly due to the importance of the natural environment across the LGA. A discrete economic outcomes area was established to re-engage Council with strategic planning for economic development (including tourism). Finally, C&CO's approach to project management delivery was also improved through the formal establishment of a PMO and extensive training in project management for staff. These changes have proven to be successful.

As significant progress has been made with strategic planning for future asset needs and in asset data collection, the next stage in improvement to asset management for Council will be a focus on asset management plan (AMP), the development of analysis tools to ensure optimisation of resource allocation and works program preparation and to provide detailed service level planning to translate strategy into delivery in Council.

Asset & Service Planning

With the emphasis now on these additional areas, it is proposed that Council strengthen its approach to asset and service planning through the establishment of a dedicated branch (Asset & Service Planning) within C&CO. This will bring together the current strategic asset management, asset data collection and asset planning coordination functions into a branch that has responsibility for preparation of all asset management plans, the development and management of analysis systems for asset planning, ensuring asset registers and systems are maintained and to commence development of service level input into asset planning (service planning).

Over the next 12 months, as Councils strategic planning framework is further progressed, it is intended to move a planning role into the team to lead service planning related to asset delivery (Service Planning Coordinator).

This branch will be responsible for ensuring that asset management plans are prepared and effectively guide asset management decisions and expenditure across the Council.

Many of the improvements in asset planning and management for Council will not be related to structural change, but instead in improving asset management maturity as per Councils current asset management improvement plan.

Infrastructure & Major Projects (formerly Infrastructure & Strategic Assets)

In 2015, the infrastructure and strategic assets activities were consolidated into one branch to improve infrastructure planning and better integration with the long term asset works programs and strengthen the link between strategic asset management and project management and delivery.

While this change has been successful in delivering major infrastructure projects it has not made the anticipated progress on asset management. Given the ever increasing need to focus on asset management the strategic assets team will be reassigned to the newly formed Asset & Service Planning branch to ensure these activities are aligned and progressed.

Environment & Culture

No changes proposed.

Community & Economic Outcomes

No changes proposed.

Strategic Outcomes & Projects

No changes proposed.

Service Delivery (SD)

In the 2015 review, only minor changes were made to the Service Delivery Directorate. It is now necessary to streamline and strengthen the focus on some core activities that impact on the way the City is presented to residents and visitors and to continue to improve service delivery and business improvement across the Directorate consistent with Council's strategic priorities.

At a Directorate level, the management structure across each of the branches will undergo refinement to ensure responsibility and accountability is appropriately assigned, with an emphasis on business performance.

Director Service Delivery

The recently vacated Director Service Delivery position provides an opportunity to recruit a Director on an interim basis. As such, it has been determined to engage an interim Director for a 12 month fixed term period.

The rationale for this decision is twofold. Firstly, it provides an incoming General Manager the ability to determine the incumbent for this position. Secondly, an interim Director will be able to have a stronger focus in delivering against specific outcomes including strengthening organisational alignment; driving business performance and improvement; and strengthening service delivery.

At the branch level the following is proposed:

Resource Recovery & Waste Services (formerly Waste & Cleansing Services)

The Waste & Cleansing Services branch will be renamed Resource Recovery & Waste Services and will now be solely dedicated to the management and delivery of domestic waste resource recovery services and the management of our resource recovery facilities.

This will include the management of the resource recovery facilities at Katoomba and Blaxland - the management of both has now been brought in-house. Given the need to extend the life of the Blaxland facility the emphasis on resource recovery management is a priority. To strengthen both this and the City Presentation branch the cleansing services and street sweeping activities will be reassigned to the City Presentation branch.

City Presentation (formerly Parks & Support Services)

It is acknowledged that the look and feel of the City to residents and visitors alike needs to be improved within our funding ability. As a result this branch will now have the presentation of the City as its core purpose, hence the name change.

To do this several changes are also proposed. Firstly, the cleansing services and street sweeping teams, currently in Waste & Cleansing Branch, will be reassigned to the newly named City Presentation Branch. The other core component is the existing parks teams responsible for the maintenance and upkeep of sportsgrounds and town centres. Bringing these activities together will ensure better integration, coordination and delivery in the presentation of the City.

The fleet and procurement activities also form part of this Branch. In the 2015 review, the strategic procurement aspects were reassigned to the People & Systems Group to establish and mature an organisational approach to procurement. While this move has been successful, to ensure the focus of the City Presentation Branch is focused on its core objective, the recommendations from the Procurement Improvement Project need to be fully implemented to achieve this (discussed further in the P&S section).

To further strengthen this, the fleet and procurement activities will be transferred to the Business Performance branch.

Business Performance (formerly Business & Asset Systems)

As Service Delivery is the largest Directorate in the organisation, stronger alignment with organisational strategies and the business transformation approach being adopted by the organisation is needed to ensure initiatives are implemented in the most effective and efficient manner.

As such, the Business & Asset Services role will be redesigned and progressed to a manager role. This Branch will also take the lead on the structural reform across the Directorate. As discussed earlier, the Fleet and Procurement activities will be reassigned to the Business Performance Branch.

Transport & Civil Assets

No changes proposed.

Leisure & Visitor Information Services

No changes proposed.

Development & Customer Services (D&CS)

In the 2015 review, for efficiency and effectiveness reasons it was determined that the management of the Blue Mountains Theatre & Community Hub was best placed with the Blue Mountains Cultural Centre, in the D&CS Directorate.

This change has proven to be very successful and no further changes are proposed to the Development & Customer Services Directorate.

People & Systems (P&S)

In 2015, the need for an organisational approach to business improvement was established. While significant progress has occurred in this area to date, there is now an acknowledgement that we need to take a more transformational approach to business improvement. As a result, it is proposed to create a manager role that will oversee the business transformation program office reporting directly to the Group Manager People & Systems.

As discussed earlier, 2015 also saw the transfer of strategic procurement to P&S. This move has been successful as a strategic procurement audit has since been undertaken, and a Procurement Improvement Project (PIP) established. The recommendations from the audit and subsequent PIP have identified a range of initiatives that will not only strengthen our corporate governance in the procurement area but are anticipated to deliver significant savings annually when fully implemented.

In response to the Council's priority to be more proactive in communicating and engaging with the community, resources have been reassigned to strengthen the team's capacity and capability to better deliver on this strategic priority. This has already proven successful as the development of a corporate communications strategy and plan has occurred and the scoping exercise for a new corporate website is well underway.

Integrated Planning & Finance (IP&F)

In the 2015 review, no changes were made to the Integrated Planning & Finance Group.

With the challenge of achieving required Fit for the Future targets by 2020 and continuing to improve financial sustainability, there is now a need for a greater focus on our strategic finance activities. It is therefore proposed that the operational and strategic finance components are strengthened by reporting both roles directly to the Group Manager IP&F.

As a result the Program Leader Strategic Finance role would be progressed to a manager role reporting directly to the Group Manager. At the same time, the former CFO role is being redesigned to a Financial Controller role to strengthen our focus on core operational components.

Revised Organisational Structure

The proposed organisational structural changes of significance have been identified in the report and as shown at Attachment 1.

Financial and Human Resource Implications

Financial

The proposed changes at the Management Team level consist of refocusing 3 manager roles and redesigning 4 program leader roles, will have a financial implication in the order of \$80K. There will also be a requirement for further resources, on a needs basis, to deliver on the 2017-2021 Council Strategic Priorities in the order of \$270K.

However, all the proposed organisational structure changes will be delivered from a combination of existing resources and savings generated from business improvement initiatives.

The recruitment for the redesigned management and program leader positions will be by way of internal expressions of interest in the first instance, followed by an external recruitment exercise as is necessary. Costs associated with this process will be one off in nature. To fund this, sources of revenue will need to be identified from existing budgets, reserves, savings, budget review or a combination of each.

Legal and Risk

It is important that due process and communication is followed especially in regard to employee matters. There are no other legal and risk matters that have been identified.

Timeframe and Consultation

Timeframe

Should the Council approve the recommendations it is intended to commence implementation immediately and have the new structure fully implemented by the end of the Quarter 2, 2016-2017. It is also intended that the transition will be such that it creates the least disruption to the workforce and the community. The suggested timing will also allow for progressive changes to occur.

Consultation

Should the Council agree to proceed with the new organisational structure then the following process will be implemented:

1. Notification to the relevant Unions that the Council has determined a new structure;
2. Notification to the Staff Consultative Committee;
3. Consultation with affected employees; and
4. Notification to all employees.

External Consultation

Following Council endorsement, advice to the relevant Unions will occur indicating that the Council has determined a new organisational structure.

Conclusion

The operating environment in local government continues to change and since 2013 the NSW Local Government reform agenda has gained momentum, and now requires all Council's in NSW to demonstrate their ability to be "Fit for the Future" and manage assets strategically.

Council has reviewed and reaffirmed the strategic direction and guiding principles and added a strategic priority – resulting in the 2017-2021 Council strategic priorities. Critical to the successful delivery of these strategic priorities is the need to strengthen our capacity and capability in several areas as identified in the report. The report also identifies that the current business as usual approach will not be sufficient and the need to take a more timely transformational approach is necessary.

The need for Council to be adaptive to change through business efficiency, service reviews, innovation and continuous improvement remains the key to success. It is important that the organisation is structured, skilled and resourced to be effective and efficient, minimise risk and deliver on the things that the Council has planned to do within our means.

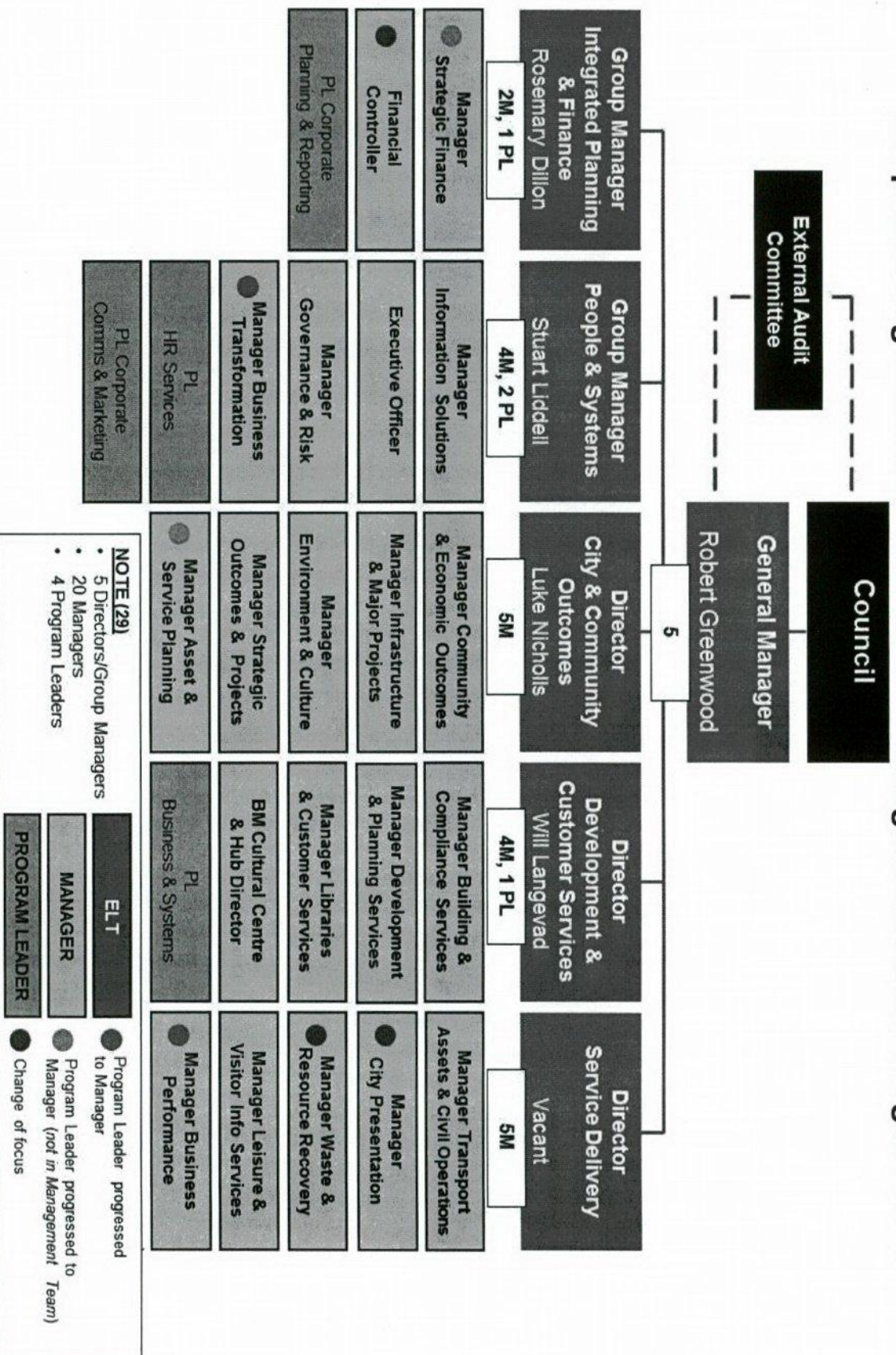
Overall the management team numbers, resulting from the redesigned structure in response to the need to increase our capacity and capability, will only increase by one. Below this level there will also be a need to increase resources, however these changes will be minimal by nature. The funding of all resource requirements will be through the combination of existing resources and savings generated from business improvement initiatives.

The organisational structural changes recommended to the Council are considered to be a continuation of our response to the ever changing environment and build on the 2011, 2013 and 2015 structural changes.

ATTACHMENTS/ENCLOSURES

1	Revised Organisational Structure		Attachment
----------	----------------------------------	--	------------

Proposed Organisational Structure – Management Team - August 2017



Audit & Risk Committee Draft Minutes

Date & Time:	14 September 2017
Location:	Council Chambers, Katoomba
TRIM reference:	F10533
Meeting Purpose:	<p>Quarterly meeting to:</p> <ul style="list-style-type: none"> Review Annual Internal Audit Plan, ERM, External Audit, quarterly actions, progress and issues; Address outstanding issues from previous quarterly meeting; and Agree to future audit issues on work program
Committee Members:	<p>Michael Anstiss (MA)- Chair Charles Brooke Broughton (CB) Cr Kevin Schreiber (KS)</p>
Invitees (Non-Voting)	<p>Cr Mark Greenhill (MG) – Mayor Robert Greenwood (RG)- General Manager Stuart Liddell (SL)- Group Manager People & Systems Rosemary Dillon (RD) - Group Manager, IP&F Grant McKay (GMK) - Manager Governance & Risk and Chief Audit Executive Jasmine Cooper (JC) -Executive Officer Haillie Ryzak (HR) - A/CFO Yas Wickramasekera (YW) - Program Leader Risk & Assurance Weini Liao (External Auditor, Audit Office) Mark Nicholaëff (External Auditor, UHY)</p>

1	<u>Meeting Opening</u>	
1.1	Welcome	The Chair welcomed members and invitees
1.2	Apologies	<p>Clr Mark Greenhill, Weini Liao (External Auditor, Audit Office) Mark Nicholaëff (External Auditor, UHY) Haillie Ryzak (HR) - A/CFO</p>
1.3	Declaration of Conflict of Interest	None declared
1.4	Confirmation of minutes of meeting held on 6 July 2017	Minutes of the meeting held on 6 July 2017 was moved by MA and seconded by CB

1.5	Review of Action List from previous meeting	WMF outstanding actions - GM provided and update of actions that has been implemented to address the overdue actions.		
	Meeting date	Action Item	Responsibility	Due date / Status
	6 July 2017	RG to advise ARC on the status of the overdue actions is the 2015/16 Blaxland & Katoomba WMF audit	RG (Robert Greenwood)	Completed – 14 September 2017

2.	<u>General Managers Briefing</u>	<p>RG tabled a copy of the end of year report advised committee a summary of outcomes and achievements.</p> <p>He also advised the committee that PCC have also indicated their interest in joining the Joint Audit process.</p> <p>RG advised the committee that this was his last meeting and thanked the committee for their contribution.</p>		
3.	Enterprise Risk Management	Nil update		
4.	Internal Audit	<p><u>4.1 Internal Audit Action List updated</u> GMK Provided an update on the action list. He advise the committee that regarding the 2015/16 WMF audit overdue actions, a date reset has been initiated and approved by the GRSG. There is a new strategy in place to address the actions and we are confident that they will be met.</p>		
		<p><u>4.2 2016/17 IAP Updated</u> GMK provided an update on the last quarter's activity on the annual IAP.</p> <p>A brief summary was provided on each of the following completed audits:</p> <ol style="list-style-type: none"> 1. <u>RMS DRIVES annual compliance audit</u> 2. <u>Compliance and Corruption Management Review</u> – matters such as setting of target dates, audit planning were also discussed. 		

		<p>3. <u>Blaxland & Katoomba WMF Annual Environmental Compliance Audit</u></p> <p>4. <u>Commercial Property Management</u> – KS raised the question whether new rents and leases come to the council or do they get approved through the GMs delegation? RG advised that we have been briefing council on rental income and there will be another briefing to council in due course.</p>
		<p>4.3 <u>Joint BMCC / HCC IAP</u></p> <p>GMK provided an update on Joint IAP with BMCC and HCC. First 7 audits are joint audits followed by individual audits for BMCC and HCC.</p> <p>He also updated the committee that the asbestos management work is progressing well and we are tracking very well in relation to the associated work and that we are ahead of schedule of all targets.</p>
5.	External Audit	<p>5.1 <u>External Auditor – Performance Audits</u></p> <p>RD provided a brief update on behalf of the A/CFO and external auditors.</p> <p>Council approved the financial reports at the August meeting. External audit will commence next week. Interim audit has been completed and nothing unusual came through this audit which is pending sign off by the Audit Office.</p> <p>We are on track in relation to the client service plan.</p>
6.	General Business	<p>6.1 <u>Letter from Audit Office</u></p> <p>It was noted that a letter from the Audit Office in relation to an ICAC investigation concerning Botany Bay Council had been forwarded to ARC members by the Chair.</p> <p>GMK provided an update to the ARC as to how BMCC is positioned in relation to the ICAC recommendations.</p>

		<p>6.2 Audit Committee Charter MA raised the issue of the Committee's Charter. Discussion was held in relation to its review and reasons why the review was put on hold approximately a year ago pending amendments to the legislation. Now, taking into the account the timeline for relevant advice to be received from the authority it would be worthwhile to review the charter in the interim. YW to set up a meeting to discuss the review of the Charter.</p> <p>KS recommended that we inform council of the finalization of the completed audit reports. It was suggested by SL that this could be appropriately done through the annual report.</p>
7	Meeting Closure	
7.1	Confirm Resolution, related action and timelines	Discussed
7.2	Date of next meeting	<p>Next meeting 14 December 2017.</p> <p>Chair thanked the GM for his contribution and advice over the years.</p>
7.3	Close	The meeting concluded at 5:00pm

Action Items

	Meeting date	Action Item	Responsibility	Due date
Nil	14 September 2017	Set time to discuss Committee's Charter	YW	To be advised



Supplementary Paper S1 Ordinary Meeting

Venue: **Administrative Headquarters
Civic Place
Katoomba**

Meeting: **7.30pm 17 October, 2017**



ORDINARY MEETING

17 OCTOBER 2017

AGENDA

ITEM NO.	PAGE	SUBJECT	COMMENTS
		<u>NOTICES OF RESCISSION</u>	
S1	4	Rescission Motion - Organisational Restructure	

ITEM NO: S1

SUBJECT: RESCISSION MOTION - ORGANISATIONAL RESTRUCTURE

FILE NO: F10393 - 17/204293

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Notice of Motion by Councillors Brown, Christie and Schreiber:

1. That the Council rescinds the resolution recorded in Minute 291 of the Ordinary Meeting of the Council of 22 August 2017, that resolution being in identical terms to the recommendations made in Item 7 titled "Confidential Business Paper - Review of Organisational Structure":

[Note: the text of the recommendations made in Item 7 is as stated below:

- 1) That the Council acknowledges it is required under the Local Government Act to consider a review of the organisational structure with the first 12 months in office;
- 2) That the Council approves the proposed organisational structural changes outlined in the report in response to Recommendation 1 and Council's desire to strengthen its ability to deliver on the 2017-2021 Council Strategic Priorities;
- 3) That the Council also confirms no changes to the Senior Staff structure and confirms the Senior Staff positions to be that of:
 - General Manager
 - Director City & Community Outcomes
 - Director Development & Customer Services
 - Director Service Delivery
 - Group Manager People & Systems
 - Group Manager Integrated Planning & Finance;
- 4) That the Council notes the proposed changes will be delivered from a combination of existing resources and savings generated from business improvement initiatives;
- 5) That the Council acknowledges that the General Manager will progressively implement changes, below the Management Team level, as is necessary to deliver on the 2017-2021 Council Strategic Priorities;
- 6) That the General Manager consults with potentially affected employees, the Staff Consultative Committee and relevant Unions of the changes;
- 7) That the General Manager informs all employees of the changes; and
- 8) That the end of Quarter 1 2017 – 2018, is the intended effective commencement date for the new structure noting that some changes will be progressively implemented from 1 September 2017 to ensure the implementation process is as seamless as possible.]

2. *That the Council receives an interactive briefing followed by a report on the feasibility of maintaining the current management pay levels and resourcing costs while implementing the proposed business improvements and cost saving measures, including, but not exclusively, the use of the Office of Local Government Procurement.*
-

Background

There are currently 3 Directors, 2 Group Managers, 16 Managers and 8 Program Leaders under the General Manager. It is planned that \$80,000 per annum will fund the "progressing" of four Program Leader positions to Manager positions, one of which will join the Management Team. Three existing Manager roles will be 'refocused'. There is also expected to be a *"requirement for further resources, on a needs basis, to deliver on the 2017-2021 Council Strategic Priorities in the order of \$270K"*. It is not clear whether this latter is an annual cost or across four years.

It is understood, there will be no increase in staff levels.

The proposed restructure costs will be covered *"through the combination of existing resources and savings generated from business improvement initiatives."*

The case is not made for why increasing the pay and status of middle management is necessary to facilitate their role in business improvements and efficiencies which could reasonably be expected to be part of the job of all middle and senior management.

The confidential business paper lacks detail of how the upgrades in rank and increased pay and other expenditure will lead to cost savings. There is no indication of how much will be saved. Nor is there any description of what these roles will do differently to *"to strengthen our ability to deliver on the Council's strategic priorities."*

Increasing management costs requires a well-argued case in line with the Council's strategic priority *"to be more proactive in communicating and engaging with the community on the business of the Council."* This well-argued case cannot be found in the confidential report that is now in the public domain. It is very likely that our ratepayers and residents would prefer that Council spend existing resources and savings on maintaining and improving services and reducing the back log of infrastructure in poor condition.

It is also noted that the councillors did not receive the confidential business paper until the Friday before the Council meeting of 22 August and three days after the Councillors' briefing on the matter. This meant there has been no forum where, having read the report, Councillors could ask questions about it, discuss the proposed restructure in full with the General Manager and each other, seek and digest further information, raise issues, and make suggestions.

All hard and soft copies of the confidential business paper were removed from Councillor access at the end of the 22 August Meeting.

Finally, while Council is required by the Local Government Act to consider a structural review within the first twelve months of its term, it is not required to undertake one. Nor is the General Manager prevented from interim reviews and changes to staffing. It is therefore considered inappropriate for Council to approve a restructure that a new General Manager

will be required to implement without having been part of the decision process for the restructure. *****

Councillor Briefing Session Agenda

Time:	6.15pm – 7.00pm dinner for 7.00pm start
Date:	Tuesday 24 October 2017
Chair:	Clr Mark Greenhill, Mayor
Location:	Blue Mountains Theatre and Community Hub
Invitees:	<u>Councillors:</u> Bowling, Brown, Christie, Fell, Foenander, Greenhill, Hoare, Hollywood, McGregor, Myles, Schreiber and Van der Kley. <u>Staff:</u> General Manager, Director C&CO, Director D&CS, Director CS, Group Manager, P&S and staff as listed below.

Time	Subject	Presenter	Time
7.00pm	Business Planning and Budgeting for 2018-2019 Purpose: To brief Councillors on the timeline, approach and process for 2018-2019 business planning and budgeting.	Rosemary Dillion	15 mins
7.15pm	Active Transport Grant Purpose: To brief Councillors on the successful Active Transport Grant for a priority cycleway between Penrith and Blue Mountains	Rick Harris & Glenn Sherlock	15min
7.30pm	Property Portfolio Performance Update Purpose: To brief Councillors on the performance of its property portfolio, update on select sites and progress of a revised Property Policy position.	Andy Turner & Gary Parsons	20 mins
7.50pm	Minimising aircraft overflight noise in natural areas Purpose: To brief Councillors on work done on minimising the impact of aircraft overflight noise in natural areas.	Tony Middleton & Luke Nicholls	15 mins
8.05pm	Echo Point Security Purpose: To brief Councillors on security upgrades at Echo Point.	Tony Middleton	15 mins
8.20pm	Asbestos Update Purpose: To provide Councillors the final report regarding the Asbestos Management Plan.	Stuart Liddell & Grant MacKay	15 mins
8.35pm	Mandatory IHAP Update Purpose: to update Councillors on the process for establishing the Mandatory IHAP for the Blue Mountains.	Will Langevad	15 mins
8.50pm	Total time		1 hour 50 mins

- \$250,000 Council - Feb 2018

40.00

Priority Cyclone Program - ^{Assessor Dept - Abasco} ^{Assessor Dept - Abasco} ^{Assessor Dept - Abasco}

Perith - BM - (lower)

Regard stage Alliance of Perith to a general

Task

How do we trace Cyclone city? \$162,000

Income - 619,529 net
207,305 - Tele out
1,542,723 Tourist P&T

TOTAL 2,369,757

Expense
DISPOSALS -
Elmore Ave State Blvd 6th

LONG-TERM PROPERTY INVESTMENT
152 Mrs. Long St Lower -

Abasco Document Sale

Policy
Plan (initiated by land) approved
Safe with Proceeds sent to Safe box NSW

Updated corporate estates register - all current facilities
- ensure it is accurate - so people know where it is

not with safe work NSW, which
200 sites inspected by Abasco Assessors (shindig)
over 100 remediation exercises and remediation specialists
over 400000 spent over 160 shell members - all down with debt

training
how to use plan

rt Greenwood

Kerry Brown; BMCC Councillors and Executive Officer
Executive Leadership Team; Grant McKay

forwarded this message on 22/02/2018 6:00 AM.

councillor Brown,

I recall that this matter was the subject of a verbal update to councillors at last Tuesday's Briefing Session. Briefing Councillors were advised that the matter is being investigated and immediate remedial action is being taken in consultation with Worksafe NSW. Actions are ongoing with the assistance of external professional experts. The immediate priority is on addressing staff and community health and safety. Of course, the Council will be kept informed and advised of the outcome.

Yds,

1

1 Greenwood | General Manager | t 02 4780 5518 | e rgreenwood@bmcc.nsw.gov.au

Mountains City Council • council@bmcc.nsw.gov.au • www.bmcc.nsw.gov.au • Locked Bag 1005 Katoomba NSW 2780

From: Kerry Brown

Sent: Wednesday, 1 November 2017 11:16 PM

To: Robert Greenwood; BMCC Councillors and Executive Officer

Subject: Executive Leadership Team

Re: RE: Asbestos Management – BMCC stockpile site, Lawson

Did the stockpiles get to the depot without the waste material being checked before leaving the site where there was asbestos being removed from the building? Any waste from a site where there is asbestos removal is legally required to be checked before going anywhere.

Who was responsible -- obviously council ultimately is, but were contractors involved?

From: Robert Greenwood

Sent: Tuesday, 31 October 2017 5:39 PM

To: BMCC Councillors and Executive Officer

Subject: Executive Leadership Team

Re: RE: Asbestos Management – BMCC stockpile site, Lawson

Councillors,

I am advised that Council is currently investigating the presence of asbestos containing material in some of the stockpiles located on the Council-managed depot in Park St Lawson. This investigation is part of Council's ongoing management of asbestos in accordance with its policy and procedures.

The BMCC stockpile site in Park St Lawson is now closed.

Although it is our understanding from previous independent testing that the asbestos containing material on site is bonded, we are also aware that one of the contaminated stockpiles was disturbed in recent months. Council has engaged the services of an independent expert to conduct further testing to assist with the investigation.

In the meantime, a number of fleet vehicles have been removed from service for testing as a precautionary measure. The vehicles will be returned to fleet operations as soon as possible once cleared. The temporary removal of fleet vehicles will disrupt some areas of scheduled service delivery, however alternative arrangements have been made where possible to minimise this disruption.

Communication with staff and Unions will be ongoing. SafeWork NSW have been advised and a meeting has been held.

Council will raise this matter at tonight's Councillor briefing.

The Mountains Gazette has been informed of this matter from an anonymous source and it is understood it is actively pursuing this matter for the purpose of publication.

Council is taking a precautionary approach to the investigation in the interest of public and workplace health and safety. The safety, health and wellbeing of our community and our employees are paramount and we take the matter of asbestos management seriously.

Council is guided by its Asbestos Management Plan, and advice provided by SafeWork NSW and fully accredited independent experts, in its ongoing management of asbestos in Council-owned buildings and facilities.

Yds,

1

1 Greenwood | General Manager | t 02 4780 5518 | e rgreenwood@bmcc.nsw.gov.au

Mountains City Council • council@bmcc.nsw.gov.au • www.bmcc.nsw.gov.au • Locked Bag 1005 Katoomba NSW 2780

Councillor Briefing Session Agenda

Time:	6.15pm – 7.00pm dinner for 7.00pm start
Date:	Tuesday 31 October 2017
Chair:	Clr Mark Greenhill, Mayor
Location:	Blue Mountains Theatre and Community Hub
Invitees:	<u>Councillors:</u> Bowling, Brown, Christie, Fell, Foenander, Greenhill, Hoare, Hollywood, McGregor, Myles, Schreiber and Van der Kley. <u>Staff:</u> General Manager, Director C&CO, Director D&CS, Director CS, Group Manager, P&S and staff as listed below.

Time	Subject	Presenter	Time
7.00pm	Financial Statements 2017/17 Purpose: To brief Councillors on the 2016/17 Financial Statement results.	Martin Sabanos UHY Haines & Hailie Ryzak	20 mins
7.20pm	Annual Report 2016/17 Purpose: To brief Councillors on the 2016/17 Annual Report.	Rosemary Dillion	15 mins
7.35pm	Heritage Update and Lawson Rock Cut Pit Purpose: To brief Councillors on the Heritage Advisory Committee, including revision of ToRs and proposed future directions. And the management option for the Lawson Rock Cut Pit.	Nick Rigby & Nicole Castle	20 mins
7.55pm	City Deal Update Purpose: To provide an update to Councillors on the Western Sydney City Deal.	Luke Nicholls	20 mins
8.15pm	Interactive Councillor Session with Legal Advisor. <ul style="list-style-type: none"> Public Interest Disclosures Policy Dealing with difficult and unreasonable conduct from members of the public: A Councillor perspective 	Trevor Cork, McPhee Kelshaw & Jasmine Cooper	40 mins
8.55pm	Total time		2 hours 5 mins

.....

Posilia stated on Lanson Refot.

- suggested asbestos in no stockpiles.

- closed stockpile about 4 weeks ago.

- asbestos is bonded no-respiring. bonded for months in some piles
tailored.

- ore pile disturbed in recent months

⇒ investigation

⇒ fleet vehicles removed for testing (15 vehicles)

⇒ see surrounding disrupted

courses of staff + union

Safe Work NSW involved

BM Gazette informed by anonymous source.

West District Plan

- Philip Muddow - SEPP's ally

- 40,000 and aeropolis

(NO FLIGHT PATHS)

- No health or education.

(*) Locability \$20m to H.B. - expansion

\$20m Public domain for use - village centres

Eth scenic escape - \$10m.

- includes high
visitation
tourism

\$25m. over
4 years from
Feds

Connecticut All in Reg 12

* Temasc Bridge \$80m

* Hanbury/McCoy Rd

\$20m

* Glenbrook - Gull
Intersect.

\$2.9m

Audit & Risk Committee Draft Minutes

Date & Time:	14 December 2017
Location:	Council Chambers, Katoomba
TRIM reference:	F10533
Meeting Purpose:	<p>Quarterly meeting to:</p> <ul style="list-style-type: none"> • Review Annual Internal Audit Plan, ERM, External Audit, quarterly actions, progress and issues; • Address outstanding issues from previous quarterly meeting; and • Agree to future audit issues on work program
Committee Members:	<p>Michael Anstiss (MA)- Chair Charles Brooke Broughton (CB) Cr Kevin Schreiber (KS)</p>
Invitees (Non-Voting)	<p>Cr Mark Greenhill (MG) – Mayor Rosemary Dillon (RD)- A/General Manager Hailie Ryzak (HR) –A/ Group Manager, IP&F Grant McKay (GMK) – A/ Group Manager People & Systems and Chief Audit Executive Jasmine Cooper (JC) -Executive Officer Yas Wickramasekera (YW) - Program Leader Risk & Assurance Weini Liao (External Auditor, Audit Office) Mark Nicholaeff (External Auditor, UHY)</p>

1	<u>Meeting Opening</u>	
1.1	Welcome	The Chair welcomed members and invitees
1.2	Apologies	<p>Clr Mark Greenhill, Jasmine Cooper Weini Liao - Audit Office</p>
1.3	Declaration of Conflict of Interest	None declared
1.4	Confirmation of minutes of meeting held on 6 July 2017	<p>Minutes of the meeting held on 14 September 2017 was moved by BB and seconded by KS. MA raised that it be noted that the Minutes of 14 September to reflect that KS attended the meeting at 3:45pm</p>

	Meeting date	Action Item	Responsibility	Due date / Status
1.	14 September 2017	Set time to discuss Committee's Charter	YW (time to be set for this in February 2018)	To be advised

Nick Rigby – updated the committee on rock overhang incident experienced by NPWS. BMCC has 77 lookouts and 175 kms of walking tracks. We have a 3 year program of geo-investigations. 45 of these lookouts have been prioritized of which 36 have been inspected and remaining lookouts will be finalized by the end of the financial year. Of those inspected, two lookouts have been identified with issues that need to be addressed. Nick also provided a background of the BMCC plan to minimize the risk. He advised that general inspections are carried out routinely. A couple of issues have been identified and they have been programmed into the works program. MA asked if there was liaison between BMCC and NPWS. Nick advised that BMCC works very closely with NPWS in a coordinated approach. Mountains are broken into precincts based on escarpments. Committee thanked Nick for his update.

2.	<u>General Managers Briefing</u>			
	Asbestos update	<p>RD provided and update on asbestos management issues as follows:</p> <ul style="list-style-type: none"> • We have already have a proactive focus on asbestos which was evidenced in the 2013 fires • April/May 2017 allegations and asbestos safety issues were elevated to GRSG (27 April 2017) which was also reported to PSSG. • Council has been very active in this space • Assured ARC that whenever we have been made aware of issues we have acted on them • Improvement notice made some recommendations which we acted on as a priority • Further allegations went straight to media (by-passing BMCC) which has resulted in more investigations by SafeWork NSW • Recently appointed a Chief Safety Officer who has significant experience in this space. Appointment is initially for 3 months and may be extended as required • An Asbestos Response and Working Team has also be set up • We welcome the independent investigation to look at what has happened and hope that it happens in a learning mode so that we can learn and further improve • There are other issues that are also affecting the health and welfare of our staff • Additional investigation by safe-work and EPA at Lawson are still ongoing • Expected that investigation will be concluded prior to the asbestos investigation 		
	Due process in appointment of staff			

BB asked RD regarding the back ground to the issues which led to Stuart Liddell (SL) standing aside.

RD advised that the allegations relate to impropriety regarding recruitment practices. The elected body of BMCC chose to instigate independent investigations of those allegations. SL voluntarily stood down to enable these investigations to be undertaken

KS – Questioned the quantification of cost in relation to these investigations

HR advised the committee that BMCC has funds to support it. We are also looking at if we can deliver our current activities due to the shift in priorities.

KS requested that Council be advised as to where these costs are coming from

KS questioned the safety of the workers on the Lawson Stockpile site. GMK advised the committee that there are approximately 13 workers. It is important to know that the Lawson is a very large site quite and located a distance away from the 2 contaminated pile. This will be determined by the investigation.

KS asked when the Katoomba tip will be opened. GMK advised that there is a very good remediation plan in place and it's being considered by SafeWork NSW. We are hopeful that the prohibition orders will be lifted very soon. Blackheath is a different issue where we have acted on the surface based asbestos. An update was provided on work happening on this site.

KS requested and update on the asbestos register – GMK advised that the register is being updated regularly and is an ongoing process. We will be taking the register to the next level by transferring it to a purpose built data-base which is easy to use and has increased functionality.

MA questioned the reasoning behind the notification received by the Minister. RD advised that it was purely in relation to asbestos and the approach used in relation to BMCC was very inconsistent to how other councils have been dealt with in the past. An investigation was announced which led to a suspension via media. RD gave a background of the communication received by OLG.

MA requested that the letter from OLG be tabled and that the papers that were handed out at the meeting be attached to the Minutes.

3.	Enterprise Risk Management	Nil update
4.	Internal Audit	<p><u>4.1 Internal Audit Action List updated</u> YW provided an update on the action list.</p> <p><u>4.2 2017/18 IAP Updated</u> YW provided an update on the last quarter's activity on the annual IAP.</p> <p>A brief summary was provided on each of the following completed audits:</p> <ol style="list-style-type: none"> 1. <u>Security Review</u> 2. <u>Echo Point Telescopes Risk Assessment</u> <p><u>4.3 Joint BMCC / HCC IAP</u> YW provided an update on Joint IAP with BMCC and HCC.</p>
5.	External Audit	<p><u>5.1 External Auditor – Management Letter</u> HR advised the committee that there are delays in Management letter being finalised.</p> <p>HR provided a quick summary of the items contained in Management Letter.</p> <p>MN advised the committee that there have been good results in working with audit office and gave a update on the progress in relation to the audit process and methodology</p> <p>KS questioned if sale of land is discussed at council as to whether it should be sold by auction. RD advised that she will take this into consideration.</p>
6.	General Business	Nil
7	Meeting Closure	

7.1	Confirm Resolution, related action and timelines	Discussed
7.2	Date of next meeting	Next meeting 15 March 2017.
7.3	Close	The meeting concluded at 5:00pm

Action Items

	Meeting date	Action Item	Responsibility	Due date
	14 September & 14 December	List of All employees - and sections they are in and pay structures	RD to take it off line and discuss directly with KS	
	14 December	The letter from OLG be tabled and that the papers that were handed out at the meeting be attached to the Minutes	YM	Q3 meeting

Minutes of 14 September to note that KS was 15 minutes late

Audit & Risk Committee

Update on asbestos management
and related matters



14 December 2017

OVERVIEW: UPDATE OF RECENT ACTIVITY

Update on Independent Investigations

- In relation to the investigations into the allegations made against BMCC, two independent investigations have been initiated: one in relation to the management of asbestos on Council owned properties, and the other in relation to the recruitment of staff and consultants.
- In short, McPhee Kelshaw solicitors has been contracted to engage an independent investigator to investigate and report on these allegations; and to report back to the Council on the findings and recommendations made by the investigator at the conclusion of the investigation.
- Investigators have been engaged – Mr Michael Tooma of Dyde & Co (one of Australia's leading work, health and safety advisors) to investigate allegations made in relation to asbestos management and Ms Scarlett Reid of McCullough Robertson (a respected firm with capability in this area) to investigate staff recruitment and appointment issues.
- The process will be managed by our solicitor Trevor Cork – to ensure impartiality and the appearance of impartiality.
- We will establish internal secretarial support to ensure the documents they need and the interviews they need to conduct are facilitated.
- The investigations will be conducted within the legal framework provided by the Local Government Act, 1993. These are not secret investigations. However, the Council is not a Court or a prosecutor. These investigations are not public hearings.
- The investigations will be comprehensive and completed as quickly as possible noting the investigation relating to asbestos management will take some time.
- Background documentation has been sent to both independent investigators, coordinated by the Executive Officer as Complaints Coordinator.
- The investigation in relation to asbestos management will initially investigate and report on the stockpile material at the Lawson stockpile site and on the former Blackheath tip. The investigators will then review and report on other allegations made in relation to other Council-owned properties and in relation to the Council's policies and procedures.
- We are working on establishing appropriate mechanisms, protocols and processes for staff to have input into these matters.
- The investigators will have full access to Council documents required and will be free to nominate any Council staff they wish to interview.

Update on Asbestos Management

- 12 December 2017 SafeWork NSW served a Notice on BMCC under the Work Health and Safety Act 2011 to produce documents in relation to a possible exposure to asbestos matter between November 2016 and November 2017 at the Lawson stockpile site with a compliance date of 19 January 2018.
- 4 December the NSW Environmental Protection Authority (EPA) issued Blue Mountains City Council with a Notice to provide information and/or records under s.191 of the Protection of the Environment Operations Act (PoEO Act) 1997 in relation to the stockpile site located at 2 Park St Lawson, the residential property in Valley Heights and other sites on which material from the stockpile was used. Council staff are in the process of compiling requested information.
- Council continues to work with SafeWork NSW inspectors as they undertake site inspections of properties and facilities across the Blue Mountains by accompanying SafeWork NSW inspectors to sites, and providing information, engaging independent assessors and undertaking remediation work, as required.
- Council has established a review program of a series of sites, many of which have been raised in previous letters by the United Services Union. This involves a number of teams of licenced asbestos assessors reviewing previous information provided to Council, undertaking testing for hazardous materials, including asbestos, and recommending any works that need to be undertaken. These licenced asbestos assessors are then assisting Council in briefing appropriately qualified contractors to undertake these works. Council is progressing its review of priority sites.
- Many of these sites overlap with the SafeWork NSW inspections. Where SafeWork NSW have inspected a site and issued an Improvement Notice, Council is immediately commissioning licenced asbestos assessors to develop a scope of work to address any concerns, seek approval from SafeWork NSW and then Council is briefing appropriately qualified contractors to undertake these works (after SafeWork have confirmed that these are appropriate).
- Currently Council has a Prohibition Order from SafeWork NSW, which resulted in the temporary closure of Wentworth Falls Preschool Kindergarten. To date licenced asbestos assessors have inspected the site, developed a scope of works to address the concerns raised in the Prohibition Order, and this has been forwarded to SafeWork NSW for agreement to undertake the works. When SafeWork NSW confirms approval then Council will brief appropriately qualified contractors to undertake these works. At this stage this is unlikely to result in the re-opening of the pre-school this week. Council staff are liaising with the Centre Director and is in contact with Nepean Health seeking to provide an information session for parents.
- In addition, Council has commissioned SLR Consulting to provide high level advice on asbestos management on more complex sites. SLR Consulting is currently working with Council and SafeWork NSW to develop remediation and management plan for the Katoomba Waste Management Facility, the Lawson stockpile site and a private property at Currawong Avenue in Valley Heights. These will all need to be approved by SafeWork NSW prior to works being undertaken. SLR has also been providing advice on management of asbestos removal in bushland areas and on walking trails.
- Katoomba Waste Management Facility remains closed. The priority is working with SafeWork NSW to undertake the necessary assessments and work to allow for access to the transfer station and access road as a partial reopening for public use. No timing for this is currently available.

- Council is also finalising the commissioning of expertise to assist in reviewing remediation of the old Blackheath land fill site, including removal of ACM.
- Council has worked to strengthen and increase resourcing for asbestos response and management. This has included establishment of an Asbestos Management Taskforce comprising a Chief Safety Officer, an Asbestos Response Team and an Asbestos Projects Team. This has been complemented by Council expanding access its access and use of external expertise in assessing and managing asbestos.
- The Asbestos Management Taskforce (comprising of the Asbestos Response Team and the Asbestos Projects Team) has been established to provide high quality risk-based management of asbestos exposure incidents and to ensure our Asbestos Management Plan and supporting procedures are adhered to across Council.
- The structure reflects leading practice in the management of asbestos related matters as recommended by SafeWork NSW. It will ensure Council satisfies the requirements of SafeWork NSW for our current asbestos management activities, and until the Asbestos Management Plan is fully imbedded. The structure will be reviewed as required.
- In line with the strong recommendations made to the Council by SafeWork NSW, I have engaged the services of a Chief Safety Officer – Alan Harris - for a 3 month period with possible extension going forward. Alan commenced work in this position yesterday (Monday 11/12/2017). He has extensive management experience in strategic health, safety and environmental management programs including leading safety efforts and teams in complex operations with asbestos management components.
- Additional training for staff in asbestos awareness and also in asbestos identification is underway. *Note that in accordance with our Asbestos Management Plan removal of asbestos must only be done by external licensed contractors.*
- We are working to establish an asbestos hotline for staff for notification of asbestos exposure and incidents.
- Both the Mayor and I have been in contact with the Minister for Local Government Gabrielle Upton MP, the Office of Local Government and the Minister for Innovation and Better Regulation Matt Kean MP, in relation to the media announcement yesterday by the Minister for Innovation and Better Regulation, of a SafeWork NSW investigation and, more broadly, the status of our asbestos management activities. A copy of this correspondence has been provided to Councillors.
- The Table below provides an overview of the current status of asbestos management activities at specific sites.

STATUS: SITE SPECIFIC ASBESTOS MANAGEMENT

* Information current as of 12 December 2017 5pm *

Site Name	Notes	Notices	Status of Notices
Katoomba Waste Management Facility – Access roads	-- Remediation plan developed by SLR pending SafeWork NSW approval. - Remediation work commencing this week.	Prohibition Order	In progress
Katoomba Waste Management Facility - Platform	-- Remediation plan developed by SLR pending SafeWork NSW approval. - Access Roads & Waste Transfer Station higher priority	Prohibition Order; Improvement Notice	In progress
Katoomba Waste Management Facility – Waste Transfer Station	- Remediation plan developed by SLR pending SafeWork NSW approval. - Remediation work commencing this week.	Prohibition Order	In progress
Katoomba Waste Management Facility - General	- Improvement notices relate to plant & worker exposure	Improvement Notice x 3	In progress
Lawson stockpile	- SLR completing new remediation plan and technical report. - Urgent work related to spraying grid with PVA has been completed. - Remediation plans to be resubmitted to SafeWork NSW for approval.	Improvement Notice; Prohibition Order; EPA Notice	In progress
Former Blackheath landfill site	- Commencing clean-up of ACM this week - RFQ closed last week for appointment of consultant to undertake long term management plan.	n/a	
BMCC priority site inspections	- Ongoing. - expected to be completed by end of week.	n/a	
22 Currawong Ave, Valley Heights	- SLR preparing a remediation plan for SafeWork & EPA review / approval. - testing and securing site has occurred - Remediation work expected to occur next week.	EPA notice	In progress
Honour Ave, Lawson – Driveway to Council land	- Site survey completed - Full site clean-up to occur this week pending advice from Enviro Science	n/a	
Katoomba Leura Preschool	- Soil testing completed. Samples came back negative. - awaiting SafeWork clearance certificate and approval	Improvement Notice	In progress
Springwood Depot	- EnviroScience inspected site. - Empire cleaned site. A clearance certificate was issued for workshop - Trucks tested. Results negative.	Improvement Notice	In progress
Wentworth Falls Preschool	- Reports & remediation plan have been submitted to SafeWork. - Minor remediation occurred last weekend. - Further testing completed. - Report to be submitted this week to SafeWork.	Prohibition Notice; Improvement Notice	In progress

Site Name	Notes	Notices	Status of Notices
Walking Tracks	<ul style="list-style-type: none"> - Remediation occurring this week - Sites will remain closed until removal and clearance certificate. 	n/a	
Knapsack Oval	<ul style="list-style-type: none"> - EnviroScience inspection occurred. - Securing suspected contaminated areas pending results of soil analysis. - SafeWork informed. 	n/a	
Lawson Library	<ul style="list-style-type: none"> - EnviroScience to provide scope of works to be provided to SafeWork for approval - Affected storage area closed. - Remediation works envisaged to occur this week. 	Improvement notice	In progress
Heatherbrae	<ul style="list-style-type: none"> - Completed. - Clearance Certificate issued. 	Improvement notice	Completed
Blaxland Football clubhouse – St Johns Oval	<ul style="list-style-type: none"> - Council re-inspection with EnviroScience completed. 	n/a	
Warrimoo Citizens Hall	<ul style="list-style-type: none"> - Work to rectify positive sample from hall curtains was completed 30 June 2017 & Clearance Certificate issued - SafeWork reinspected the site this week. 	n/a	
Summerhayes Park (Dog off leash area)	<ul style="list-style-type: none"> - EnviroScience inspected site last week. - Small particles of potential ACM found. - Area has been secured pending analysis & results. 	n/a	

Rosemary Dillon
ACTING GENERAL MANAGER

- ends -



Enclosure

Proposed Submission by
Blue Mountains City Council
to the Minister for Local
Government
(Enclosure 1 of 1)

Extraordinary Meeting: 19 December 2017



Proposed Submission to the Minister for Local Government Addressing the Notice of Intention to Suspend Blue Mountains City Council

**Report Prepared by
General Manager, Dr Rosemary Dillon
19 December 2017**

3.0 Reputational, legal and public health and safety risks

3.1 Issue raised by the Minister

There are significant reputational, legal and public health and safety risks facing Council in respect of its management of asbestos. These arise from the issues identified in the SafeWork notices, as well as in clean up notices issued by the EPA in December 2017, and the SafeWork investigation announced by the Minister for Better Regulation on 11 December 2017.

3.2 Discussion

The Minister's concerns relate to a number of matters, including:

- Safe Work Notices;
- EPA clean-up notices;
- Safe Work investigation; and
- Voluntary Clean-up by BMCC.

These matters are addressed in the following sections.

Safe Work and EPA Notices for Council owned properties / Facilities and their Status

The Table below provides a summary overview of SafeWork and EPA notices that the Council has received and their status. A more detailed table is provided at the end of Section 3.0.

Site	Type of Notice	Status
Development of Asbestos Management Plan	Improvement Notice	Complied with
Implementation of organisation wide Asbestos Management Plan	Improvement Notice	Due 16.2.18 Ongoing
Lawson stockpile depot, 2 Park Street, LAWSON NSW 2783	Improvement Notice	Complied with
Lawson stockpile depot, 2 Park Street, LAWSON NSW 2783	Improvement Notice	Complied with
Lawson stockpile depot, 2 Park Street, LAWSON NSW 2783	Clean Up Notice (EPA)	Due 27.1.18 Ongoing
Lawson stockpile depot, 2 Park Street, LAWSON NSW 2783	Improvement Notice	Due 19.1.18 Ongoing
22 Currawong Avenue, Valley Heights, NSW 2777	Clean Up Notice (EPA)	Complied with. Ongoing pending remediation Agreement with EPA regarding remediation timing
Heather Brae Building, 1 Benang St, Lawson	Improvement Notice	Completed
Katoomba Child Care, 34 Lett St, Katoomba	Improvement Notice	Complied with

Site	Type of Notice	Status
Katoomba Child Care, 34 Lett St, Katoomba	Improvement Notice	Complied with.
Katoomba Waste Management Facility 49 Woodlands Road, KATOOMBA NSW 2780	Improvement Notice	Due 20.12.17 Ongoing
Katoomba Waste Management Facility 49 Woodlands Road, KATOOMBA NSW 2780	Improvement Notice	Due 20.12.17 Ongoing
Katoomba Waste Management Facility 49 Woodlands Road, KATOOMBA NSW 2780	Clean Up Notice (EPA)	Due 28.01.18 Ongoing
Katoomba Waste Management Facility 49 Woodlands Road, KATOOMBA NSW 2780	Improvement Notice	Due 31.01.18 Ongoing
Katoomba Waste Management Facility 49 Woodlands Road, KATOOMBA NSW 2780	Prohibition Notice	Remediation action plan submitted 15.12.17 Ongoing
Katoomba Waste Management Facility 49 Woodlands Road, KATOOMBA NSW 2780	Prohibition Notice	Remediation works due to be completed by 19.12.17 Ongoing
Katoomba Waste Management Facility 49 Woodlands Road, KATOOMBA NSW 2780	Prohibition Notice	Remediation works commenced Ongoing
Lawson Library building, 1 Loftus St, Lawson	Improvement Notice	Completed
Springwood Depot, 2 Lawson Rd, Springwood	Improvement Notice	Complied with.
Springwood Depot, 2 Lawson Rd, Springwood	Improvement Notice	Due 22.12.17 Ongoing
Warrimoo Citizens Hall	Improvement Notice	Complied with.
Wentworth Falls Kindergarten, 2 Day St, Wentworth Falls, NSW 2782	Improvement Notice	Completed
Wentworth Falls Kindergarten, 2 Day St, Wentworth Falls, NSW 2782	Improvement Notice	Completed
Wentworth Falls Kindergarten, 2 Day St, Wentworth Falls, NSW	Improvement Notice	Completed

Site	Type of Notice	Status
2782		
Wentworth Falls Kindergarten, 2 Day St, Wentworth Falls, NSW 2782	Prohibition Notice	Completed

Council is in regular contact with SafeWork inspectors and the Director, metro Operations and Construction. A weekly meeting has been established between SafeWork inspectors and BMCC asbestos management technical staff and licensed asbestos assessors to review progress in meeting all notice requirements. Council staff have actively supported and facilitated SafeWork site inspections and provision of any required information relative to site visits.

As can be seen from the above summary table, and from the more detailed table at the end of this section, the Council has complied with all agreed timeframes for these notices. Moreover, a majority of these notices have now been completed or substantially completed or are on target for completion in accord with notice timelines.

An Asbestos Management Project Team has been established and resourced with Council staff as well as expert assistance from licenced asbestos assessors including Regional EnviroScience and also SLR Consulting. The expert assistance is supporting capacity building and strengthening of the skills of Council staff, whilst providing quality assessment and advice on required action to address asbestos management and ensure notice timelines are met.

EPA Clean-up Notices

Council has received a number of clean-up notices from EPA for properties listed below:

- Clean-up notice for site at 2 Park Street Lawson, including ceasing transport of material to the site, securing the site, minimise the generation of dust and remove all asbestos impacted waste at the premises by 27 January 2018.
- Currawong Avenue Valley Heights.

The Council has scheduled with the EPA remediation of the site at Currawong Avenue Valley Heights, as required under the clean-up notice, on Tuesday 19 December 2017.

Council is managing, as per advice from SLR, the Lawson stockpile site at Park Street. In particular, the Council is preparing remediation management plans for agency approval, undertaking procurement of remediation services and will be organising to remediate the site in early to mid-January 2018 within the required timeframe of the clean-up notice.

Safe Work and EPA Investigations

Council has received advice that the following investigations have commenced:

- SafeWork Investigation. This investigation is related to 'possible contravention of section 19 of the WHS Act (SafeWork NSW). The investigation related to 'workers possibly exposed to asbestos contaminated material at Lot 2 Park Street, Lawson between November 2016 and November 2017' (Safe Work NSW).

Chronology of Asbestos Response - Activities Summary as at 18 December 2017

Date	File	Discussion Description	Type	Comment / Additional info
December 2007		Audit of built infrastructure conducted by third party specialist	Internal Activity	
April 2012		WHS Act 2011 Gap Analysis conducted by Willis Australia. Report to Council prepared dated April 2012.	External	<p>The report identified "Management of asbestos" as a high risk (page 2) and had a section on Asbestos (pages 30-31) with 3 recommendations:</p> <ul style="list-style-type: none"> - That an asbestos survey is conducted on all buildings within BMCC which have been constructed after [sic] 2000. - Once the asbestos survey has been undertaken, the register needs to be maintained. Assets have been custodian of the initial register and this should continue. In addition Assets will need to ensure that updates are provided to register holders. - Once the asbestos survey has been undertaken, the AMP will be developed. Assets should be the custodian of the AMP and ensure that updates are provided to register holders.
6 March 2014		Audit (part one) of built infrastructure conducted by third party specialist	Internal Activity	Audit report used to inform Corporate Asbestos Register and on-going Remediation Actions.
19 December 2014		Audit (part two) of built infrastructure conducted by third party specialist	Internal Activity	Audit reports used to inform Corporate Asbestos Register and on-going Remediation Actions.
25 November 2015		Audit (part three) of built infrastructure conducted by third party specialist	Internal Activity	Audit reports used to inform Corporate Asbestos Register and on-going Remediation Actions.
23 October 2015		SafeWork NSW Improvement Notice issued on Blaxland waste Management Facility – Specifically in relation to unexpected asbestos finds	External activity	Council amended its protocol for asbestos handling at Blaxland WMF and altered work practices. SafeWork agreed with the approach and Improvement Notice lifted.
August to October 2015		Safety Management System Review conducted by Willis Australia	External	Assess maturity of the Safety Management System – established roadmap for the improvement of the existing WHS System, aligned to AS4801

Date	File	Discussion Description	Type	Comment / Additional info
2016		Safety Management Improvement Project (Phase One)	Internal Activity	Addressed issues that arose from the Safety Management System Review conducted by Willis Australia
2017		Safety Management Improvement Project (Phase Two)		Yet to be completed. Focused on the introduction of automated (computer based) reporting and analysis for safety management.
27 April 2017		Chair of the Governance & Risk Steering Group requested a review on asbestos (for council's assets) procedure and approach at the next PSSG meeting.	Internal Activity	
2 May 2017		Peak Safety Steering Group (PSSG) – Chair of the Springwood Safety Committee requested information regarding the Springwood Depot asbestos register and was advised of an on-going review of the BMCC Asbestos Registers.	Internal Activity	
10 May 2017	17/89 151	Meeting titled <u>Ongoing Asbestos Inspections</u> occurred. Discussed Asbestos Registers, training, communications action plan and next steps. Discussed seeking further guidance from ELT.	Internal Activity	
15 May 2017		WorkSafe NSW conducted an inspection of the Springwood Depot	External	
22 May 2017	17/99 039	SafeWork NSW issue improvement notice (7-306943) regarding Springwood Depot and a requirement to develop an asbestos management plan.	External	
24 May 2017	17/14 9263	Centium contracted to assist in the development of the Asbestos Management Plan and Immediate Action Plan	Internal Activity	
29 May 2017		Monthly Peak Safety Steering Group (PSSG)	Internal Activity	

Date	File	Discussion Description	Type	Comment / Additional info
		delivered briefing on asbestos management issues and received reports from chairs of the three safety committees.		
31 May 2017		Weekly meeting GM and Mayor – GM raised the issue of asbestos management to the attention of Mayor. The Mayor requested GM updates Councillors as priority at next weekly Councillor briefing.	Internal Activity	
2 June 2017		Council received Centium report on Asbestos Management Plan: Immediate Actions Report for BMCC	Internal Activity	Interim audit of Blue Mountains Asbestos Register and recommendations to address identified outstanding matters from this register. The report identified 19 high risk buildings/locations for immediate action.
6 June 2017		Councillor Briefing: – GM provided verbal update to Councillors on asbestos management challenges identified - Director DC&S briefed Councillors on <i>Asbestos Management – Fire Damaged Buildings</i>	Internal Activity	
7 June 2017	17/11 5173	Special ELT Meeting - Adoption of Centium Asbestos Management Immediate Actions Report	Internal Activity	
8 June 2017	17/11 5177	All Staff Notification: Commencement of BMCC Asbestos Management Project Team		The primary objective of the project team was the creation of the Asbestos Document Suite, comprising the Asbestos Management Policy, Asbestos Management Plan & applicable Safe Operating Procedures
8 June 2017	17/11 5278	Directive To Cease Intrusive Works on Buildings/Facilities sent to ELT		
27 June 2017	17/12 4553	Asbestos Management Project Team - Health Monitoring - Staff	Internal Communication	

Date	File	Discussion Description	Type	Comment / Additional info
		Communication		
4 July 2017		Councillor Briefing – Item on Asbestos Management Plan. Purpose: To brief Councillors on Council implementation of the Asbestos Management Plan.	Councillor Briefing	
4 July 2017	17/13 1918	Asbestos Management Intranet Page - All Staff Announcement	Internal Communication	
4 July 2017		Health Monitoring of Staff by iCare	Internal Activity	
5 July 2017		Health Monitoring of Staff by iCare	Internal Activity	
6 July 2017	F1053 3	Audit & Risk Committee Meeting 2016-2017 Quarter 4 - Range of asbestos issues considered including work with SafeWork on development of Asbestos Management Plan and contracting out of asbestos removal to ensure staff safety.	External Meeting	Excerpts from Minutes page 3 state: <ul style="list-style-type: none"> - Clr Schreiber states: "Other issue is the audit on the asbestos. Comfortable that the issue is now well-in-hand as it is a major health concern to staff and the public." - Grant McKay states: "We have introduced strong controls which will only get stronger over the next 2 months." - Stuart Liddell stated: "as part of the AsMP we are also working with SafeWork NSW. Council determined that our own staff won't be involved in the removal for safety purposes and will only be undertaken by external professionals."
20 July 2017	17/14 6218	SafeWork NSW Improvement Notice 7-309918		Issued in response to a request for an extension to Improvement Notice 7-306943. A replacement Improvement Notice No: 7-309918 with a compliance date of 20/10/2017 was issued. This was suggested by SafeWork NSW in their recognition of the complexity of the task.
5 August 2017		Asbestos Register extracts provided to external tenants	External	
10 August 2017	17/15 7424	Asbestos Management Plan (AMP) Ideal workflow – consultation with key workgroups, including Safety Team, Facilities & Property Management,	Internal Meeting	Extensive consultation with the business to determine the most effective and efficient way for asbestos related issues to be reported and actioned in the business

Date	File	Discussion Description	Type	Comment / Additional info
		Environment & Culture, Natural Area Management, Civil & Traffic, Bushfire & Emergency Management, Parks & Support Services, Information Solutions, Natural Area Management (SD), Leisure & Visitor Info, Civil & Traffic (SD), Asset Manager – Resource Recovery & Contracts, with Waste Services Coordinator,		including attention to capability building and the most appropriate means of oversight and senior reporting.
14 August 2017	17/15 7424	Consultation With: HSRs/Committees and Subject Matter Experts on 'Safe Work Practices'. Asbestos Related Work	Internal Meeting	
14 August 2017	17/15 7424	Consultation With: HSRs/Committees and Subject Matter Experts on 'Safe Work Practices'. Dumped Waste	Internal Meeting	
14 August 2017	17/15 7424	Consultation With: HSRs/Committees and Subject Matter Experts on 'Safe Work Practices'. ACM at Waste Facilities	Internal Meeting	
14 August 2017	17/15 7424	Consultation With: HSRs/Committees and Subject Matter Experts on 'Safe Work Practices'. Incidents & Emergencies	Internal Meeting	
29 August 2017	17/19 0632	Health Monitoring of Staff by iCare	Internal Activity	
30 August 2017	17/19 0632	Health Monitoring of Staff by iCare	Internal Activity	
14 September 2017		Briefing on Asbestos Project	Internal Meeting	Updated the committee on asbestos management commenting that work is progressing well.
21 September 2017		Adoption of Asbestos Management Policy	Policy Adoption	
20 October 2017		Adoption of Asbestos Management Policy	Policy Adoption	
20 October 2017		Adoption of Asbestos Management Plan	Policy Adoption	
24 October		Councillor Briefing -	Councillor	

Date	File	Discussion Description	Type	Comment / Additional info
2017		Asbestos Update. Purpose: To provide Councillors with the final report regarding the Asbestos Management Plan.	Briefing	
2 November 2017		Engaged Centium to conduct 'train the trainer' training in the plan and assist with the further implementation of the Asbestos Management Plan and SOPs	Internal Activity	
8 November 2017		Detailed planning meeting with Centium and invitations sent out for first rounds of 'train the trainer' training in the plan.	Internal Activity	
8 November 2017		2GB Ray Hadley commences allegations against BMCC	External	
10 November 2017	17/23 4687	SafeWork NSW issue improvement notice 7-316426 with a compliance date of 16 February 2018 regarding the continued implementation of the Asbestos Management Plan	External	
14 November 2017		BMCC Council Meeting – Resolution to commence independent investigation of the Council's management of asbestos with focus on Lawson stockpile and Blackheath tip and ability to extend Terms of Reference / scope as required	Internal	
21 November 2017		Councillor Briefing – Update on Asbestos Management investigation by Acting General Manager and Mayor	Internal	
28 November 2017		Councillor Briefing – Update on Asbestos Management investigation by Acting General Manager and Mayor	Internal	

Date	File	Discussion Description	Type	Comment / Additional info
29 November to 15 December 2017		Recruitment of Asbestos Response Team – email to staff seeking Expressions of Interest	Internal	
5 December 2017		Written update to Councillors on status of Asbestos Management and related matters	Internal	
12 December 2017		Written update to Councillors on status of Asbestos Management and related matters	Internal	
11 December 2017		Chief Safety Officer appointed	External	
13 December 2017		2.5 hour' Asbestos Management Plan Awareness	Internal Activity	To date 72 trainers have been trained, with 6 remaining. These trainers as of 6 December 2017 had administered tool box talks on asbestos management to 252 staff.
13 December 2017		Asbestos Management Plan Awareness Toolbox Talks (x2)	Internal Activity	
14 December 2017		Audit & Risk Committee Meeting Quarter 2 – Full update provided by Acting General Manager on Asbestos investigations underway, governance, structure and resourcing established to support asbestos management and work with SafeWork including status of all Improvement Notices and Prohibition Orders.		Acting GM provided ARC with copy of Asbestos Management Fact Sheet outlining Asbestos Project Team and Asbestos Response Team and Safety Team roles under Chief Safety Officer. ARC was briefed on engagement of Chief Safety Officer with extensive experience managing asbestos in complex operating environments. ARC was provided with a table of latest information on status of all SafeWork NSW Improvement Notices and Prohibition Orders – all of which have either been met or are on target to be met.
18 December 2017		Arrangements made for the asbestos hotline for staff reporting of asbestos finds and notifications.	Internal Activity	

From: Stuart Liddell

Sent: Monday, 6 November 2017 12:28 PM

To: Kerry Brown

Subject: WHS policies

Kerry

Thank you for speaking with me just now. Below is your NoM, with my suggested changes highlighted:

Can I suggest that the current background is deleted (as I have already requested that the current (new) WHS policy be uploaded the website immediately, and that Point 1 becomes the background.

And the recommendation become – That Council receives a briefing on the status of Council's WHS Management System and associated policies and procedures.

NOTICE OF MOTION: Work Health and Safety policies and procedures

1. Council notes that

- *□□ its properties, many of which are old and do not meet current building standards, present a range of risks to staff, contractors, tenants and the community that need to be managed including, the need for appropriate training of council staff in the management of WHS risks which include, but are not limited to, asbestos, old electrical wiring, confined spaces, falls from height, trip hazards,
 - * the Local Government Act requires Council's integrated planning and reporting framework to 'manage risks to the local community or area or to the council effectively and proactively.' (LGA 8C(h)
 - * there is a statutory obligation to have an Asbestos Management Plan and Register
2. That Council receive a report on the feasibility of updating all WHS policies, and procedures and creating a comprehensive Work Health and Safety Management Plan, including a risk register identifying all hazard, risks assessments and control measures across all of the councils business

undertakings.

BACKGROUND

In 2011, the NSW Occupational Health and Safety legislation was reformed and there was a new act and regulation introduced known as the Work Health and Safety Act 2011. Council's Occupational Health and Safety policies currently publicized on their website are dated 2007 with the stated intent to review them in 2 years. This raises concerns that Council's policies, procedures and safety systems may no longer be relevant and compliant with the legislation.

QUESTIONS ON NOTICE

Does Council have an asbestos management plan and register in place?

Council has an Asbestos Management Plan that was developed in consultation with staff & management, which was recently approved by SafeWork NSW. Over the ensuing months, a comprehensive program of training and familiarisation in this plan will be provided to staff. As an enclosure to this plan is a comprehensive suite of 18 newly developed Safe Operating Practises, which are designed to help staff interact safely with asbestos in the workplace. All of these documents are available to staff on the intranet.

Council has a comprehensive Corporate Asbestos Register (CAR), also available to all staff on the intranet, which lists all of council's assets along with the presence and condition of asbestos within and about. Staff are required to consult this register prior to working on an asset. Hard copy extracts of the CAR have also been placed on site within a large number of council assets.

Does Council have certification for Australian Standards 4801 for safety management systems? If not, is there intention to resource Council to achieve and maintain this certification?

There is no regulatory or legal obligation for Council's Safety Management System to be certified against Australian Standard 4801. However, our on-going project to improve the safety was

designed and executed with '4801' in mind. Council's current Safety Management System aligns well and is maturing in accordance with the requirements of '4801'. It is also worth noting that '4801' will soon be replaced by another standard.

Regards
Stuart.

Stuart Liddell | Group Manager People & Systems | t 02 4780 5716 | m 0414 195 716 | e sliddell@bmcc.nsw.gov.au

Blue Mountains City

Council • council@bmcc.nsw.gov.au • www.bmcc.nsw.gov.au • Locked Bag
1005 Katoomba NSW 2780

For		Against
Councillors	Greenhill	Councillors
	Christie	
	Fell	
	Myles	
	Hollywood	
	Van der Kley	
	McGregor	
	Bowling	
	Brown	
	Foenander	
	Hoare	
	Schreiber	

MINUTE NO. 417

Procedural – Return to Public Meeting

A MOTION was MOVED by Councillors Christie and Bowling:

That the Meeting be reopened to the Public.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill	Councillors
	Christie	
	Fell	
	Myles	
	Hollywood	
	Van der Kley	
	McGregor	
	Bowling	
	Brown	
	Foenander	
	Hoare	
	Schreiber	

MINUTE NO. 418

30. 17/227924. Work Health and Safety (WHS) Policies

A MOTION was MOVED by Councillors Brown and Hoare:

1. That the Council notes that:

- (a) its properties, many of which are old and do not meet current building standards, present a range of risks to staff, contractors, tenants and the community that need to be managed including, the need for appropriate training of council staff in the management of WHS risks which include, but

are not limited to, asbestos, old electrical wiring, confined spaces, falls from height, trip hazards;

(b) the Local Government Act requires Council's integrated planning and reporting framework to 'manage risks to the local community or area or to the council effectively and proactively.' (LGA 8C(h); and

(c) there is a statutory obligation to have an Asbestos Management Plan and Register; and

2. That the Council receives a report on the recent updating of all WHS policies and procedures with the report outlining:

(a) Council's progress on a comprehensive Work Health and Safety Management Plan, including a risk register identifying all hazard, risks assessments and control measures across all of the Council's business undertakings;

(b) the status of the asbestos management plan and register; and

(c) the Council's considerations into Australian Standards 4801 for safety management systems.

An AMENDMENT to the Motion was MOVED by Councillors McGregor and Van der Kley:

1. That the Council notes an independent investigation will be initiated in relation to Council's management of asbestos and asbestos risks at nominated Council owned sites; and

2. That, following the completion of this investigation, the Council receives a report on the Council's WH&S policies and procedures in relation to the management of asbestos and asbestos risks in Council owned properties and buildings (including all updates of those policies and procedures in 2017) and concerning any recommendations made by the investigator in relation to those policies and procedures.

Upon being PUT to the Meeting, the AMENDMENT was CARRIED to become the MOTION, the vote being:

For
Councillors Greenhill
Christie
Fell
Myles
Hollywood
Van der Kley
McGregor
Bowling
Foender
Schreiber
Hoare

Against
Councillors Brown

MINUTE NO. 419**30. 17/227924. Work Health and Safety (WHS) Policies**

The MOTION was PUT to the Meeting by Councillors McGregor and Van der Kley:

1. That the Council notes an independent investigation will be initiated in relation to Council's management of asbestos and asbestos risks at nominated Council owned sites; and
2. That, following the completion of this investigation, the Council receives a report on the Council's WH&S policies and procedures in relation to the management of asbestos and asbestos risks in Council owned properties and buildings (including all updates of those policies and procedures in 2017) and concerning any recommendations made by the investigator in relation to those policies and procedures.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Foenander	
Hoare	
Schreiber	

Matter of Urgency

The Mayor vacated the Chair, which was taken by the Deputy Mayor.

The Deputy Mayor referred Councillors to the urgency motion submitted by Councillor Brown. The Deputy Mayor presiding as Chairperson of the meeting ruled that the motion was not a matter of great urgency as the matters that were the subject of the motion had been addressed earlier in the meeting through Mayoral Minute 3 Confidential Business Paper – Independent Review into Asbestos Allegations and Mayoral Minute 4 Confidential Business Paper – Independent Review into publicly made allegations – Staff Appointments. In consequence of the Deputy Mayor's ruling, the matter was not further considered.

The Mayor resumed the Chair.

Van der Kley
McGregor
Bowling
Brown
Foenander
Hoare
Schreiber

MINUTE NO. 453

24. 17/246068. WHS Accreditation

A MOTION was MOVED by Councillors Brown and Hoare:

1. That the Council notes that:

- The Local Government Act requires Council's integrated planning and reporting framework to 'manage risks to the local community or area or to the council effectively and proactively.' (LGA 8C(h)), and that;
- The Australian Standards 4801 accreditation for Safety Management Systems provides rigorous ongoing independent auditing, reporting and corrective actions to ensure that safety is maintained at the highest level.

2. That the Council receives a briefing at the next Council briefing session, if possible, on the feasibility of urgently undertaking the process for accreditation of its safety management systems under Australian Standards 4801 or its successor.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Foenander	
Hoare	
Schreiber	

MINUTE NO. 454

25. 17/251668. Temporary Diesel Generator at Wentworth Falls Station

A MOTION was MOVED by Councillors Van der Kley and Hollywood:

1. That the Council notes:

Transcript of Blue Mts City Council Meeting 14.11.2017

Part 2 following Closed Session of Councillors to consider 4 confidential Mayoral Minutes.

NOTE: The Recording begins some 5 minutes into this open session.

The open session began with an iexchange between the Mayor and Cr Brown (KB) regarding her Notice of Motion re. WHS and the earlier procedural motion that it crossed over with the 4 Mayoral Minutes and therefore needed to be debated after the confidential session.

KB then announces she has an amendment to her own motion which the Executive Officer brings up on screen. There is an exchange about this and whether it should have been available earlier and who is going to second it. The recording starts after it is agreed that Cr Hoare will do so.

Mayor: Thank you. Right. Excellent. Cr. Brown the floor is yours.

KB: So this I put in some time ago and it relates to the asbestos issues that have arisen but also more widely to the fact that we do have particularly risky properties because of their age --there are many things --and at the moment we've not got --well, we've now got an asbestos management plan. But that was as of last month and it shows there .. that is something we were legally required to have and have been legally required to have for many years. It indicates that we are not, or our work health and safety is not, operating at the level it should be. Until last week, the website had 2007 policies and procedures on it which are older than the reformed
[1:00] legislation of 2011.

Now I did ask the People and Systems Manager [Stuart Liddell] about that and he did reply that there were more up-to-date policies that the staff were using that weren't on the website but I would note again that the website is not just for staff it is actually for volunteers who are on the hall committees who are responsible for safety at the halls, [and] for contractors. So again it shows our procedures are...there are clear breaches or at least failures --

Mayor: Whoa whoa whoooooa.

KB: Ok, failures.

Mayor: Stop right now, don't say another word. Mr Cork are you troubled by this, it is on the public record?

TCork: Yes.

Mayor: Thank you. Cr Brown.

KB: I'll say 'failures'.

[2:00]

Mayor: No, Cr Brown I'd ask you to take a seat.

KB: No, I—

Mayor: Cr Brown, I'd ask you to take a seat please for a moment. Take your seat. Cr MacGregor would you move an adjournment while I take some advice please.

DMacG: Yes, I certainly would.

Mayor: Seconded Cr. Hollywood. All those in favour? Crs. Christie, Bowling, Myles, Fell, Foenander, Van der Kley, Hollywood, Hoare, Schreiber, Macgregor.

All those against: Cr Brown.

Trevor could I speak with you.

[2:30-3:03]

We'll reconvene, moved Cr Van der Kley, seconded Cr Hollywood, all those in favour against, declare it carried unanimously. Mr Cork, I've asked him to provide some advice on what's the [inaudible]

TCork: Mr Mayor, councillors, there's need for great caution when members of the governing body of council make observations about the council's compliance, non-compliance, possible non-compliance with the law. The need for that caution is that such comments – I'm choosing my words very carefully – may open the possibility of action against the council, may be taken to be an invitation, may be taken to be an identification of vulnerability that could [inaudible] legal action so my advice to council as an organisation and to you as members of the governing body is that no such comments should be made in the public space. If councillors have concerns about particular issues and compliance, there may be other forums and other ways in which those concerns can be expressed but in a way that does not present any legal challenges for the organisation.

[4:22]

Mayor: Thank you. Mr Cork I might ask you to remain. Now Cr. Brown I'm gonna reconvene the clock at 3:17. You've already made some comment that trouble me, I'd ask you to withdraw them.

KB: [mic off] I'll withdraw the 'breach'

Mayor: Yeah, you might withdraw the totality of what you said and with abundant caution.

KB: I'm not clear on the totality.

Mayor: Because it's not for the Executive Officer to sift through when doing the minutes what she thinks you might have meant or not. So it would be easier

KB: Does that mean you want me to start again?

[5:00]

Mayor: Yeah, but I'm not gonna start the clock again because [5:05] the breaches were yours. So you can withdraw what you've said or I'll declare you out of order.

KB: I'll withdraw and I'll start again. Three minutes is enough.

Mayor: Right. You can proceed at 3 minutes. So for the record, the councillor has withdrawn the previous comments and recommences at 3 minutes 17 of the clock. Thank you.

KB: So going back to this motion...having a full report on our Work Health and Safety is so that we -- as the governing body who are responsible for ensuring that there is a 'planning and reporting framework' that 'effectively and proactively manages risks to the staff' -- we know where we are. We know what needs to be done. We also have the opportunity -- and I think this is important given the allegations that have been made [6:00] -- that is why you will see that my fourth point there is about the importance, the value of the Australian Standards 4801 accreditation for safety management systems. It provides the gold standard for rigorous, ongoing, independent auditing, reporting and corrective actions to ensure that safety is maintained at the highest level. If we commit... well, I'm asking for a report into that. But having that accreditation I think will restore immediately and show the commitment of wanting that accreditation. AT the moment, there are allegations that have reduced public confidence and, I think, us saying we will work to achieve that, we will resource that, shows our genuine and serious commitment to work health and safety. And, aside from issues about allegations and so on, I think that what's important is that we need to feel as councillors that we have taken responsibility for work health and safety and that we do know that we are being proactive--

Mayor: Whoa, whoa, whoa

KB: that's required by the

Mayor: Stop.

KB: ... Local Government Act.

Mayor: Point of Order

RHollywood: Mr Mayor, I'm concerned about the statement that we 'need to take responsibility' as if... which by implication suggests that we ... I don't want to complete the sentence because now I am nervous about myself making a statement.

Mayor: Mr Cork are you concerned?

TCork: Mmmm.

Mayor: You're concerned. Councillor I'll ask you to withdraw that.

KB: I'll rephrase it. I'll withdraw it and rephrase it.

Mayor: Thank you. Please rephrase it.

KB: As I said, we are responsible for the 'effective and proactive management' of our safety systems and I believe that seeking this, committing, finding out whether we can achieve that [Australian Accreditation] will immediately give great confidence to the public. And I think, at the moment, that would be a very good thing. But going back to the earlier point, it is also about us. While this councillor [indicating RH] may have a good understanding and has been a councillor for longer than I have, I don't feel that I at the moment have the information –

Mayor: Point of Order. Cr.Hollywood?

RHollywood: There was a point that was a little bit hard to hear but it was in relation to an aspersion about public confidence and I am concerned about that, this statement as well, because it is assuming that there is a view out in the public, and we don't have, it's not even right that necessarily share...

Mayor: Did you pick that up, Mr Cork?

[9:00]

TCork: It's not really a legal issue, Mr Mayor...

RHollywood: That's the core of the issue.

Mayor: Ok proceed, Cr Brown.

KB: It is my view, my view that I am receiving from constituents. So obviously it is my experience. you are doing well at keeping me off track.. . I don't think.... As I was going to say, and I feel it as a councillor, I would like to have a report on where we are with our work health and safety. I know that the staff have been working on it. We know that the Asbestos management Plan has been completed last month and that there is now going to be implementation of that: 'training of staff and familiarisation' were the words that were given to me by Mr Liddell. So I would like to know where we are up to with it and I think it is good for all of us to know where we are

on the progress of our work health and safety procedures and the compliance which is an ongoing challenge for any – and I'll say this too – It is an ongoing challenge for any Council.

[10:00]

Mayor: Time, time. Thank you. Does the seconder wish to speak because I have an amendment? No you don't. Thank you. Amendment moved. Cr. MacGregor what do you wish to move?

DMacG: The executive officer...

Mayor: The executive officer has some words from you which take the form of an amendment. Right. [inaudible] Yep. Seconded by the Deputy Mayor. Crs can read that. Cr. Macgregor do you wish to speak to that.

DMacG: Yes, Mr Mayor. It is a pity that it wasn't moved before and it could have avoided the airing of all of the.... the traversing of some very difficult territory, let me put it that way. This calls for a report on the completion of the investigation that was going on now and abhorring any notion that might suggest that we were seeking to influence the investigation before it even begins.

[11.15]

Mayor: I've taken advice over it. It would be nice if Mr Cork could sit here every night, because I've taken advice and it is not a direct negative so I accept that it is an amendment. Thank you. Any one wish to speak to the motion.

KSchreiber: Question.

Mayor: Question? Cr Schreiber.

KSchreiber: [Inaudible]

Mayor: No Sir, You do not.

KSchreiber: [Mic off] through you Mr Mayor, Mr Cork, Has Council determined that our own staff will not be involved in the removal [of asbestos] for safety purposes and will only be undertaken by external professionals and does this mean that we don't have any qualified expertise on staff to remove asbestos.

[12:00]

TCork: Not a question I can answer.

Mayor: Not a question for Mr Cork. General Manager.

RGreenwood: Mr Mackay.

GMackay: Our Asbestos management plan makes it clear that staff are only be involved in what's known as asbestos related work which is a subclass of asbestos work. All licensed removal work will be done by expert licensed removalists. To answer your second part, we do have a number of staff who have what's known as a class b and class c supervisor training which assists them to be able to do asbestos related work. But all licensed removal work will be done by external parties.

Mayor: Thank you. Cr Brown. Do you have a question.

KB: Just in relation to that, is that a --

Mayor: Through me.

KB: Is that a new position or is that a position that we have had?

Mayor: Thank you. General Manager?

RG: Mr Mackay.

McKay: Through the general manager, it's clarification of our position.

Mayor: Thank you. Anything further. No? Alright. If there's nothing further, as there's an amendment, I ask the mover do you wish to take the amendment on board or move to right of reply

[13:28]

KB: *[mic off]* So there's no Accreditation here. Can I just see there other one?This is actually the replacement?

[13:44]

Mayor: Yes, it's an amendment because it's not a direct negative.

[14:00] So what do you wanna do?

KB: *[mic off]* I want to go back and look at the other one that Cr MacGregor put.

[14:05]

Mayor: Ok, I'm gonna ask you to make your mind up or I'm just gonna to say there's an amendment

[14:10] Ok I'll put them separately. Cr. Brown you have a right of reply, I'll ask you to be very cautious on this occasion.

KB: *[mic off]* Did someone speak against it?

Mayor: Well, there's been an amendment so someone is seeking a different resolution.

KB: I suppose I haven't taken this particular one on is because I do think the aspirational... to have an action as well as simply receiving a report, I'm

interested in us having a path forward and I think that work health and safety accreditation of the Australian standard would be a very good thing for the Council. So I think we lose something [15:00] important here so that's why I'm not taking the amendment on.

Mayor: Thank you. Mover has spoken. In reply. There's one matter before us, two matters before us. First I put the amendment standing in the name of Crs MacGregor and Van der Kley. If the amendment is passed, it becomes the motion and I'll present it again. If it's defeated, we'll fall to the motion. Everyone's clear? Right.

So I'll put the amendment: all those in favour: Crs Christie, Bowling, Myles, Foenander, Fell, Vanderkley, Hollywood, Hoare, Schreiber, MacGregor, Greenhill.

Against: Brown. I'll declare it carried.

That's now the motion. I'll put it. All those in favour: Crs Christie, Bowling, Myles, Foenander, Fell, Vanderkley, Hollywood, Hoare, Schreiber, MacGregor, Brown Greenhill. Declared it carried unanimously.

Right. Are there any urgency motions? Tonight.

[16:00]

KB: [mic off] Well I think it is going to be ruled out of order

Mayor: You haven't asked me yet

[Macgregor et al laughs]

KB: [mic off inaudible]

Mayor: Where is it, can I have a look?

KB: [inaudible]

Mayor: Let me just --

KB: [mic off] I think you've made sure your Mayoral Minute covered it.

DMyles: [mic off] I agree.

Mayor: Councillors, given the likelihood that what I will do will be mischaracterised, and given the position I am presently under, I'll ask the Deputy Mayor to rule, I'm not going to, because whatever I say here will probably be said somewhere else .. in a different way..... so I shan't rule

KB: [mic off] I'm not that devious.

VDK: I'm .. it seems that we have related earlier in the ev—or just recently moved four Mayoral Minutes and two of them relating to all of these issues, I rule that it is not a matter of urgency because we have covered it in the mayoral

Minute 3 and Mayoral Minute 4 so I rule it out of order. Cr. Brown? [no audible reply]

With that do you want me to close the meeting? Yeah.

Mayor: *[mic off]* Unless there's a dissent motion.

KB: *[mic off]* I'm tired .. *[inaudible]*

Mayor: You're tired! Alright. Motion to close the meeting. It's moved the Deputy Mayor, seconded Cr Fell. All those in favour, against, declare it carried unanimously. Mate that it is it. *[To RGreenwood]*

[Laughter and applause]

Recording ends:

Memorandum

TO: Councillors
COPY TO: Rosemary Dillon, General Manager
FROM: Jasmine Cooper, Executive Officer
DATE: 5 March 2019 **FILE :** F08839 - 19/51187
SUBJECT: Councillor Handbook – Roles and responsibilities and notice of upcoming training

Dear Councillors,

The following is provided to all Councillors to:

1. Provide additional clarity and support in the role and responsibilities of the elected body; and
2. Remind Councillors to plan for upcoming training scheduled for 2 April 2019.

In September 2016, the Office of Local Government NSW (OLG) issued notice of amendments to the *Local Government Act 1993* (the Act), which specifically prescribed the role of elected body (OLG Circular 16-35). Relevant sections include: section 223, the role of the governing body; section 226, the role of the Mayor; section 232, the role of a councillor; and section 335, the role of the general manager.

At the Councillor Induction in 2016, and follow up training in October 2017, training was delivered to Councillors to outline and explain their roles and responsibilities in reference to the above legislation. As some time has passed since then, this memo aims to refresh Councillors of the 'hourglass model' which depicts the pivotal relationships and functions between the four key players in local government, that being, the elected Councillors, the Mayor, the General Manager and the Council Staff.

This hourglass model is reflected in the *Councillor Handbook* released by the OLG in October 2017 at part 1.4.

In part, the Act describes the role of the Mayor is 'to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council'. As such, the Mayor and the General Manager work together to provide a pivotal point in managing the two separate and distinct functions of elected Councillors and Council staff.

At our Council, the relationship structure identified as the 'hourglass model', is maintained and supported through the use of the Councillor Requests email account, Councillor CSR procedures, regular briefings to Councillors, Council meetings, Councillor bulletin announcements, by regular liaison between the General Manager and the Mayor.

Further information on the roles and responsibilities of elected Councillors can be found in the *OLG Councillor Handbook* on the OLG website. A hardcopy of the *OLG Councillor Handbook* (2017) is provided for your reference with this memo for your ready reference.

Notice of Upcoming Training

As previously mentioned to Councillors at the briefing held 5 February and in my email on 19 February 2019, a Councillor training session will be presented by LGNSW at in place of the usual Councillor Briefing.

The session will be held at Katoomba Council Chamber, 6.30pm dinner for 7.30pm start, on Tuesday 2 April 2019.


It is anticipated that the agenda will include:

- Presentation of a Councillor training and professional development plan
- Update on the changes to legislation regarding Councillor training and professional development, including *PD in a box*
- Model Code of Meeting Practice
- Model Code of Conduct
- Declarations of conflicts of interest (at Council meetings)

In order to get the most out of this session, please send to the Councillor Request email any questions that you have in relation to the topic list above in advance of the session. Calendar appointments for this session will be circulated tomorrow. Your attendance at this Councillor training session is strongly encouraged.

I hope this information clarifies and assists you in your civic roles.

Yours sincerely,



Jasmine Cooper
Executive Officer



12 December 2017

Office of the Mayor

Reference File: 17/260004

The Hon Gabrielle Upton MP
Minister for Local Government
GPO Box 5341
SYDNEY NSW 2001

Dear Minister

SUBJECT: Blue Mountains City Council – Investigation into Asbestos Management and Associated Issues

We write on behalf of Blue Mountains City Council, as Mayor of the City and as Acting General Manager of the Council with concern on hearing reports in the media yesterday Monday 11 December that the Office of Local Government (OLG) may be considering the dismissal of the Council. We acknowledge that the suggestions made in the media may have no foundation, however, given the need for stability of leadership of the Council at this time, we bring this matter to you.

Blue Mountains City Council (Council) is a regional Council, with a relatively small population and limited resources. Despite those limitations the Council has a record of achievement and has been widely recognised as a well-managed and financially sound local government authority.

The Council was recognised by the previous Minister as being "*Fit for the Future*". The Council recently received a clear audit report and a warm acknowledgement from our external auditors of our financial health.

The Council has introduced many innovative programs in the City. We have paid down our debt. We have made very significant progress in undertaking core infrastructure works and introducing new community facilities. The Council has enjoyed wide community support.

The members of the governing body of the Council work well together and also work very effectively with senior executive. The Council makes good decisions, in the interests of our community. These achievements have been recognised within our City, by your predecessor and by the OLG.

In May 2017 representatives of SafeWork NSW (SafeWork) attended the Council's Springwood depot. As a result of that inspection, SafeWork issued an Improvement Notice to the Council and began to identify deficiencies in the Council's management of asbestos identified within Council-owned buildings and properties.

In consultation with SafeWork, and with the knowledge and support of the governing body of the Council, the executive staff have worked closely with SafeWork since May 2017. The Council has finalised its Asbestos Management Plan, which was approved by SafeWork in October this year.

Council staff have worked to document and resolve asbestos related issues, including the management of buildings and sites at which asbestos has been located, with the knowledge and support of SafeWork. Additional resources have been secured to allow that work to be carried out. Contractors and external consultants have been engaged. The governing body has insisted that the Council secure the advice of professionals who are recognised as the leaders in the field of asbestos identification and associated remedial works.

Over the intervening period the Council has met with the United Services Union (USU) and has listened carefully to the concerns expressed by the USU on behalf of its members, in relation to the management of asbestos issues. The Council has taken appropriate steps to respond to the USU's concerns and continues to engage in a dialogue with the USU. We have both participated in meetings with the USU.

Since November a range of matters have been raised in the media, in relation to the Council's management of asbestos issues and in relation to the Council's recruitment of consultants and staff.

Amongst other responses, the elected Councillors, acting as the governing body, resolved to initiate independent investigations to ensure that the Councillors were fully informed of the facts and circumstances that have given rise to these allegations. Mr Michael Tooma of Clyde & Co was engaged to conduct the investigation in relation to asbestos management and related issues. Ms Scarlet Reid of McCulloch Robertson solicitors, was engaged to conduct the second investigation in relation to consultant and staff recruitment. Both investigations have commenced.

The terms of reference for these investigations were adopted by the governing body at the Council meeting on 14 November 2017. Under cover of the Council's General Manager's signature, two letters were sent to the OLG on 16 November 2017 with copies of those terms of reference.

The Council continues to engage with, and constructively respond to, the issues that have been raised by SafeWork. The Council continues to receive advice from its external consultants and to undertake appropriate documentation and remediation work.

Over this difficult period the governing body of the Council and the General Manager and senior executive staff of the Council have worked very closely together. On behalf of the Councillors, the Mayor has been kept fully informed of developments, and has consulted with and provided counsel to the then General Manager and the now Acting General Manager, as envisaged by s226 of the LGA. The Acting General Manager has in turn offered full disclosure and accountability to the Mayor.

The elected Councillors will tonight consider a Mayoral Minute proposing the appointment of the Acting General Manager as the General Manager for a term expiring on 16 November 2018. The Council understands that the OLG supports, and indeed encourages, that decision.

We are taking every opportunity to improve the standard of our asbestos management procedures and practices and have been working tirelessly and proactively in response to this matter. The Council has maintained open communication with all relevant agencies on this matter and will continue to do so. We want to participate openly and cooperatively in all investigations and partner with the State Government to ensure we get the job done properly.

As leader of the governing body and as executive leader of the Council respectively, we are confident that there is nothing more that the Council can do, over and above what it is already doing, to deal with the asbestos management issues.

We strongly believe there is nothing to be gained, indeed there is much to be lost, by any change in the leadership of the Council at this time.

We are concerned that any action to dismiss or suspend the governing body of the Council will have a deeply detrimental impact on staff morale. Rather than facilitating the resolution of the current issues, such a step is likely to lead to the loss of senior staff, and also lead to unnecessary expenditure and consequent delays in achieving the outcomes that all parties seek to achieve in relation to the asbestos management issues. Such an action would also have a tremendous impact on the Blue Mountains community.

We are making significant progress in working through our current challenges. We seek your assurance that the Council, both as governing body and through the executive leadership team, will continue in place and be permitted to complete the undertaken to ensure that all asbestos management issues, including the risk of exposure to asbestos based materials, are fully and adequately addressed, and that the current initiatives reach the required conclusions, without interruption.

Yours faithfully,



Mark Greenhill OAM
Mayor



Rosemary Dillon
Acting General Manager

cc. Ms Penny Holloway, Acting Chief Executive, OLG

From: Michael Anstiss mja279@yahoo.com.au
Subject: Fwd: Fwd: ARC C'tee
Date: 29 Nov 2017, 6:00:37 pm
To: Rosemary Dillon RDillon@bmcc.nsw.gov.au
Cc: Brooke Broughton bbroughton@bigpond.com, Kevin Schreiber
kschreiber@bmcc.nsw.gov.au, Grant McKay
gmckay@bmcc.nsw.gov.au

Rosemary,

I am writing to you in your role as Acting General Manager of BMCC.

I regret that I have to do so, however, I have to contact you in relation to a couple matters which, no doubt, does or may concern Council and in respect of my involvement with Council as Chair of the Audit and Risk Committee and other members of the Committee.

My concerns can be summarised as follows:

First, the issue of asbestos: this was raised at the July 2017 meeting. No doubt Council records will show this as do the approved minutes.

This issue was also raised at the September 2017 ARC meeting and my personal records note that management commented that "all was in hand". I have not yet received the draft minutes of the meeting...see below.

I would like to receive a written response to be submitted to the next meeting of ARC in relation to this matter.

Second, in respect of the unfortunate events of today, (Wednesday, 29 November 2017) where, according to media reports, a National Parks' worker died and others trapped for a time, I would like to know if this was on National Parks' property or otherwise.....thus is there any liability on the part of BMCC or the ability to mitigate such dangers in the future?

Copies of this email to members of the Audit and Risk Committee and Grant McKay.

Michael Anstiss,
Chair, Audit and Risk Committee, BMCC