

May 24, 2017

**ORDINARY MONTHLY MEETING**

**TO BE HELD**

**WEDNESDAY, MAY 31, 2017**

Please address all communications to:  
The General Manager  
240 Blende Street  
PO Box 448  
Broken Hill NSW 2880  
Phone 08 8080 3300  
Fax 08 8080 3424  
council@brokenhill.nsw.gov.au  
www.brokenhill.nsw.gov.au

ABN 84 873 116 132

Dear Sir/Madam,

Your attendance is requested at the Ordinary Meeting of the Council of the City of Broken Hill to be held in the Council Chamber, Sulphide Street, Broken Hill on **Wednesday, May 31, 2017** commencing at 6:30 p.m. to consider the following business:

- 1) Apologies
- 2) Prayer
- 3) Acknowledgement of Country
- 4) Public Forum
- 5) Minutes for Confirmation
- 6) Disclosure of Interest
- 7) Mayoral Minute
- 8) Notice of Motion
- 9) Notices of Rescission
- 10) Reports from Delegates
- 11) Reports
- 12) Committee Reports
- 13) Questions Taken on Notice from Previous Council Meeting
- 14) Questions for Next Meeting Arising from Items on this Agenda
- 15) Confidential Matters



**JAMES RONCON**  
**GENERAL MANAGER**

## **MINUTES FOR CONFIRMATION**

Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held Wednesday, April 26, 2017.

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD  
APRIL 26, 2017

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Meeting commenced at 6:30p.m.

**PRESENT:**

Mayor D. Turley, Deputy Mayor D. Gallagher, Councillors C. Adams,  
B. Algate, M. Browne, M. Clark, T. Kennedy, B. Licul, J. Nolan and R. Page.

General Manager, Chief Operating Officer, Finance Manager, Corporate  
Responsibility Officer, Executive Manager Strategic City Development,  
Manager Infrastructure, Governance Officer, Executive Support Officer and  
Communication and Community Engagement Coordinator.

Media (2), Members of the Public (23).

**APOLOGIES:**

Nil.

**PRAYER**

Councillor Adams delivered the prayer

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country

**PUBLIC FORUM**

*The Mayor advised that Council had received one application for a member of the public to address Council. This relates to a confidential item on the agenda and therefore will be held over until the confidential section at this meeting.*

**MINUTES FOR CONFIRMATION**

**RESOLUTION**

Minute No. 45514

Councillor C. Adams moved  
Councillor M. Clark seconded

)  
)

That the Minutes of the Ordinary Meeting of the  
Council of the City of Broken Hill held March 29,  
2017 be confirmed.

CARRIED

**DISCLOSURE OF INTEREST**

Councillor Browne declared:

- a pecuniary interest in Confidential Report Number 77/17 as the matter relates to an issue involving herself and advised that she will leave the Council Chambers whilst the item is considered.

## MAYORAL MINUTES

Nil.

## NOTICES OF MOTION

Nil.

## RESCISSION MOTIONS

Nil.

## REPORTS FROM DELEGATES

Nil.

## REPORTS

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 63/17 - DATED APRIL 11, 2017 -  
CORRESPONDENCE REPORT - MENINDEE LAKES WATER PROPOSAL**

12/11

### RESOLUTION

Minute No. 45515

Councillor T. Kennedy moved )

Councillor D. Gallagher seconded )

1. That Broken Hill City Council Report No. 63/17 dated April 11, 2017, be received.
2. That correspondence dated April 10, 2017 from the Member for Barwon, the Hon Kevin Humphries MP, be received.
3. That Council sends correspondence to the Member for Barwon, Mr. Jeremy Buckingham MLC, the Premier of NSW, Minister for Water and the Shadow Minister for Water stating that Council rejects the NSW Government's water proposal and that Council supports, in principal, the Member for Barwon's water proposal that Cawndilla be managed by the Murray Darling Basin Authority with the removal of the trigger point levels and NSW to retain 80% of flows that enter Lakes Menindee, Pamamaroo and Wetherell.
4. That Council invites the Member for Barwon to deliver a presentation of his proposal to Council at the next Council meeting or at a time convenient to all parties.

CARRIED



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**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 64/17 - DATED APRIL 13, 2017 - DELIVERY PROGRAM - KEY PERFORMANCE INDICATORS PROGRESS REPORT AT 31 DECEMBER 2016**

13/79

Recommendation

1. That Broken Hill City Council Report No. 64/17 dated April 13, 2017, be received.
2. That Council adopt the Delivery Program – Key Performance Indicators Report July – December 2016 inclusive of Operational Plan 2016-2017 outcomes.

Motion

Councillor D. Gallagher moved	)	That the recommendation of item 2 be adopted.
Councillor C. Adams seconded	)	

Amendment

Councillor T. Kennedy moved	)	1. That Broken Hill City Council Report No. 64/17 dated April 13, 2017, be received.
Councillor B. Algate seconded	)	2. That Council adopts the Delivery Program – Key Performance Indicators Report July – December 2016 inclusive of Operational Plan 2016-2017 outcomes with the following amendments:  a) That Green Waste collection be suspended due to the Delivery Program indicators revealing that green waste is making its way to the landfill.  b) That the redistribution of mine rates to residential properties be suspended until the End of Life Mine Plan is completed.

LOST

*The original motion was put.*

**RESOLUTION**

Minute No. 45516

Councillor D. Gallagher moved	)	1. That Broken Hill City Council Report No. 64/17 dated April 13, 2017, be received.
Councillor C. Adams seconded	)	2. That Council adopt the Delivery Program – Key Performance Indicators Report July – December 2016 inclusive of Operational Plan 2016-2017 outcomes.

CARRIED

*Councillors Page and Algate requested that their names be recorded as voting against the resolution of item 2.*

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**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 65/17 - DATED APRIL 13, 2017 - DRAFT COMMUNITY STRATEGIC PLAN - 2017 REVISION**

11/89

Recommendation

1. That Broken Hill City Council Report No. 65/17 dated April 13, 2017, be received.
2. That the draft Broken Hill 2033 Community Strategic Plan be adopted.

**RESOLUTION**

Minute No. 45517

Councillor C. Adams moved ) That the recommendation of item 3 be adopted.  
Councillor J. Nolan seconded )

CARRIED

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 66/17 - DATED APRIL 12, 2017 - DRAFT DELIVERY PROGRAM 2017/2021 AND DRAFT OPERATIONAL PLAN 2017/2018 INCLUSIVE OF THE STATEMENT OF REVENUE POLICY AND DRAFT SCHEDULE OF FEES AND CHARGES 2017/2018**

16/165

Recommendation

1. That Broken Hill City Council Report No. 66/17 dated April 12, 2017, be received.
2. That the Draft Delivery Program 2017-2021 be endorsed for the purpose of public exhibition for community comment for a 28 day period.
3. That the Draft Operational Plan 2017/2018 inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2017/2018 be endorsed for the purpose of public exhibition for community comment for a 28 day period.

Motion

Councillor M. Clark moved ) That the recommendation of item 4 be adopted.  
Councillor D. Gallagher seconded )

Amendment

Councillor T. Kennedy moved ) That the Draft Delivery Program 2017-2021 and  
Councillor B. Algate seconded ) the Draft Operational Plan 2017/2018 inclusive of  
the Statement of Revenue Policy and the Draft  
Schedule of Fees and Charges 2017/2018 be  
amended to remove all reference to the  
redistribution of mine rates to residential  
properties and all rates across all rate levels be  
increased by rate pegging.

LOST

*The original motion was put.*

**RESOLUTION**

Minute No. 45518

- Councillor M. Clark moved )  
Councillor D. Gallagher seconded )
1. That Broken Hill City Council Report No. 66/17 dated April 12, 2017, be received.
  2. That the Draft Delivery Program 2017-2021 be endorsed for the purpose of public exhibition for community comment for a 28 day period.

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3. That the Draft Operational Plan 2017/2018 inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2017/2018 be endorsed for the purpose of public exhibition for community comment for a 28 day period.

CARRIED

*Councillors Kennedy, Algate and Page requested that their names be recorded as voting against the resolution of item 4.*

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 67/17 - DATED APRIL 07, 2017 - DRAFT DISABILITY INCLUSION ACTION PLAN 2017-2021**

16/82

**Recommendation**

1. That Broken Hill City Council Report No. 67/17 dated April 7, 2017, be received.
2. That Council endorse the Draft Disability Inclusion Action Plan for the purpose of public consultation.
3. That the Draft Disability Inclusion Action Plan be exhibited for public comment for 28 days.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Disability Inclusion Action Plan.
5. That Council write and thank the members of the Disability Inclusion Action Plan Working Party for their assistance in the development of the Draft Disability Inclusion Action Plan.
6. The Disability Inclusion Action Plan Working Party be re-tasked to form a new Disability Inclusion Plan Monitoring Group and call for additional nominations to the Monitoring Group.
7. That membership of the newly formed Monitoring Group be determined by the General Manager and include the "Our Leadership" Portfolio Councillors.
8. That the Terms of Reference of the Disability Inclusion Action Plan Monitoring Group be endorsed.

**RESOLUTION**

Minute No. 45519

Councillor T. Kennedy moved ) That the recommendation of item 5 be adopted.  
Councillor M. Clark seconded )

CARRIED

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 68/17 - DATED APRIL 13, 2017 - WORKFORCE MANAGEMENT PLAN - REPORT - 2017**

16/160

**RESOLUTION**

Minute No. 45520

- Councillor T. Kennedy moved )  
Councillor D. Gallagher seconded )
1. That Broken Hill City Council Report No. 68/17 dated April 13, 2017, be received.
  2. That Council endorse the Draft Workforce Management Plan – report – 2017 for

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consultation and public exhibition for a period of 28 days.

3. That Council receive a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising.
4. That Council management be congratulated for offering traineeships and apprenticeships.

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 69/17 - DATED APRIL 13, 2017 - DRAFT  
LONG TERM FINANCIAL PLAN 2018-2027**

16/157

**Recommendation**

1. That Broken Hill City Council Report No. 69/17 dated April 13, 2017, be received.
2. That Council endorse the Draft Long Term Financial Plan 2018-2027 for public exhibition.
3. That that Draft Long Term Financial Plan 2018-2027 be placed on public display for 28 days in accordance with legislation.

**RESOLUTION**

**Minute No. 45521**

Councillor C. Adams moved ) That the recommendation of item 7 be adopted.  
Councillor B. Licul seconded )

CARRIED

*Councillor Page and Kennedy requested that their names be recorded as voted against the resolution of item 7.*

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 70/17 - DATED APRIL 05, 2017 -  
INVESTMENT REPORT FOR MARCH 2017**

11/48

**Recommendation**

1. That Broken Hill City Council Report No. 70/17 dated April 5, 2017, be received.

**RESOLUTION**

**Minute No. 45522**

Councillor M. Browne moved ) That the recommendation of item 8 be adopted.  
Councillor M. Clark seconded )

CARRIED

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 71/17 - DATED APRIL 07, 2017 -  
ADOPTION OF THE DRAFT AGENCY INFORMATION GUIDE**

11/118

**Recommendation**

1. That Broken Hill City Council Report No. 71/17 dated April 7, 2017, be received.
2. That Council adopt the Draft Agency Information Guide.
3. That the previous Publication Guide be removed from Council's website

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**RESOLUTION**

Minute No. 45523

Councillor J. Nolan moved ) That the recommendation of item 9 be adopted.  
Councillor C. Adams seconded )

CARRIED

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 72/17 - DATED APRIL 13, 2017 -  
ADOPTION OF DRAFT COMMUNITY ASSISTANCE GRANTS POLICY AND DRAFT HERITAGE  
ASSISTANCE GRANTS POLICY**

12/114

Recommendation

1. That Broken Hill City Council Report No. 72/17 dated April 13, 2017, be received.
2. That the draft Community Assistance Grants Policy be adopted as a Policy of Council.
3. That the draft Heritage Assistance Grants Policy be adopted as a Policy of Council.
4. That the "Our Community" Portfolio Councillor (currently Councillor Kennedy) be appointed to the Community Assistance Grants Panel in lieu of the General Manager.

**RESOLUTION**

Minute No. 45524

Councillor C. Adams moved ) That the recommendation of item 10 be adopted.  
Councillor D. Gallagher seconded )

CARRIED

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 73/17 - DATED APRIL 10, 2017 - ACTION  
LIST REPORT**

11/25

Recommendation

1. That Broken Hill City Council Report No. 73/17 dated April 10, 2017, be received.

**RESOLUTION**

Minute No. 45525

Councillor T. Kennedy moved ) That the recommendation of item 11 be adopted.  
Councillor B. Licul seconded )

CARRIED

**COMMITTEE REPORTS**

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 74/17 - DATED APRIL 12, 2017 -  
NOMINATIONS FOR COMMUNITY MEMBERSHIP OF COUNCIL S355 COMMITTEES**

11/9

Recommendation

1. That Broken Hill City Council Report No. 74/17 dated April 12, 2017, be received.
2. That Peter Rawlins be appointed as a community representative on the Picton Oval Community Committee.
3. That Lyndon Pace be appointed as a community representative on the ET Lamb Memorial Oval Community Committee.

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4. That Andrew Smith be appointed as a community representative on the Riddiford Arboretum Community Committee.

**RESOLUTION**

Minute No. 45526

Councillor D. Gallagher moved ) That the recommendation of item 12 be adopted.  
Councillor M. Browne seconded )

CARRIED

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 75/17 - DATED APRIL 07, 2017 - MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE MEETINGS HELD OCTOBER 27, 2016 AND MARCH 8, 2017**

15/87

Recommendation

1. That Broken Hill City Council Report No. 75/17 dated April 7, 2017, be received.
2. That the minutes of the Broken Hill Heritage Committee Meetings held October 27, 2016 and March 8, 2017 be received and noted.

**RESOLUTION**

Minute No. 45527

Councillor C. Adams moved ) That the recommendation of item 13 be adopted.  
Councillor M. Browne seconded )

CARRIED

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 76/17 - DATED APRIL 10, 2017 - MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD APRIL 3, 2017**

12/54

Recommendation

1. That Broken Hill City Council Report No. 76/17 dated April 10, 2017, be received.
2. That minutes of the Picton Oval Community Committee Meeting held April 3, 2017 be received.

**RESOLUTION**

Minute No. 45528

Councillor C. Adams moved ) That the recommendation of item 14 be adopted.  
Councillor M. Clark seconded )

CARRIED

**QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING**

**ITEM 15 - QUESTIONS ON NOTICE NO. 4/17 - DATED APRIL 06, 2017 - COUNCILLORS QUESTIONS TAKEN ON NOTICE AT THE MARCH 2017 COUNCIL MEETING**

13/94, 16/94, 11/9, 11/391

Recommendation

1. That Questions On Notice No. 4/17 dated April 6, 2017, be received.

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**RESOLUTION**

Minute No. 45529

Councillor T. Kennedy moved ) That the recommendation of item 15 be adopted.  
Councillor D. Gallagher seconded )

CARRIED

**QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA**

The following questions from Councillors were taken on notice at this meeting:

Green Waste Management (Item 2)

*Councillor Kennedy requested the percentage of the amount of green waste collected that is going to landfill.*

Adoption of Draft Community Strategic Plan (Item 3)

*Councillor Kennedy requested that the swear words be removed from page 10 of the Draft Community Strategic Plan prior to it being published on Council's website.*

Public Exhibition of Long Term Financial Plan (Item 7)

*Councillor Kennedy requested that the population figures for Broken Hill which are referenced in the plan require reviewing prior to it being placed on public exhibition.*

Heritage Signage (Item 13)

*Councillor Licul asked how Council was progressing with the installation of heritage signage at the entrances to the City announcing Broken Hill as the First National Heritage Listed City?*

Code of Conduct complaints (Item 16)

*Councillor Algate requested to be provided with the final cost of the four Code of Conduct complaints in 2016 inclusive of legal fees.*

**CONFIDENTIAL MATTERS**

**RESOLUTION**

Minute No. 45530

Councillor D. Gallagher moved ) That the meeting be closed to the public in  
Councillor M. Clark seconded ) accordance with Section 10A(2) of the Local  
Government Act, 1993 whilst the confidential  
matters are considered.

CARRIED

*Members of the media and public left the Council Chambers 7:45p.m.*

*Three members of the public remained in the Council Chambers and addressed Council regarding one of the confidential matters.*

*The three members of the public left the Council Chambers at 7:54p.m.*

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**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 77/17 - DATED APRIL 10, 2017 - CODE OF CONDUCT NO. BHC160201 - CONFIDENTIAL** BHC160201

**(General Manager's Note:** This report considers a Code of Conduct matter and is deemed confidential under Section 10A(2) (h) of the Local Government Act, 1993 which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

*Councillor Browne declared an interest in item 16 and left the Council Chambers at 7:54p.m.*

**RESOLUTION**

Minute No. 45531

Councillor T. Kennedy moved )

Councillor B. Licul seconded )

1. That Broken Hill City Council Report No. 77/17 dated April 10, 2017, be received.
2. That correspondence dated March 22, 2017 from the Office of Local Government advising of their review of Code of Conduct matter BHC160201, be received.
3. That Council note the advice from the Office of Local Government that no further action be taken.
4. That Council reimbursement legal costs incurred in the sum of \$21,474.75 to the subject person.

CARRIED

*Councillor Browne returned to the Council Chamber at 7:58 p.m.*

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 78/17 - DATED APRIL 06, 2017 - UNITS 1-12/14 BLENDE STREET - PROPOSED TRANSFER TO LEGACY - CONFIDENTIAL** 11/333

**(General Manager's Note:** This report considers Legal advice and is deemed confidential under Section 10A(2) (g) of the Local Government Act, 1993 which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

Recommendation

1. That Broken Hill City Council Report No. 78/17 dated April 6, 2017, be received.
2. That Council authorize the General Manager to sign the Deed of Agreement with Legacy and forward to Adelaide Legacy
3. That the seal of the Council be applied to the document
4. That upon Legacy signing of the Deed that Council authorize the General Manager to undertake all necessary negotiations and steps to finalise transfer of title to Adelaide Legacy Inc. the governing body for Legacy in South Australia and Broken Hill.

**RESOLUTION**

Minute No. 45532

Councillor B. Algate moved )

Councillor C. Adams seconded )

That the recommendation of item 17 be adopted.

CARRIED



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**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 79/17 - DATED APRIL 10, 2017 - LEASE  
AT AIRPORT TO AIRSERVICES AUSTRALIA - PART OF LOT 1 IN DP1162606 AND LOT 3 IN  
DP1162606 - CONFIDENTIAL**

11/197

**(General Manager's Note:** This report considers a lease and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

Recommendation

1. That Broken Hill City Council Report No. 79/17 dated April 10, 2017, be received.
2. That Council enters a lease arrangement with AirServices Australia for use of land at the Airport for aviation control services being Part of Lot 1 in DP1162606 and Lot 3 in DP1162606.
3. That the initial term of the lease be 10 years with 2 x 10 year options of renewal.
4. That the rental be \$1.00 per annum.
5. That AirServices Australia be liable for all legal fees in the set up and renewal of the lease.
6. That the Mayor and General Manager be authorised to execute the lease documents under the Common Seal of Council.

**RESOLUTION**

Minute No. 45533

Councillor B. Licul moved

Councillor M. Clark seconded

)

That the recommendation of item 18 be adopted.

)

CARRIED

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 80/17 - DATED MARCH 31, 2017 -  
CONTAMINATED ASBESTOS WASTE - CONFIDENTIAL**

11/478

**(General Manager's Note:** This report considers a matter of ongoing non-compliance which may result in legal action and is deemed confidential under Section 10A(2) (a) (b) (g) of the Local Government Act, 1993 which contains matters that will involve the discussion of personnel matters concerning a particular individual; AND which contains matters that will involve the discussion of the personal hardship of any resident or rate payer; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

Motion

Councillor C. Adams moved

Councillor B. Licul seconded

)

)

1. That Broken Hill City Council Report No. 80/17 dated March 31, 2017, be received.
2. That Council endorses the Schedule of Fees and Charges 2016/2017 as adopted on July 15, 2016 (Minute No. 45288).
3. That Council endorses action undertaken by the General Manager to ensure that development in the City is compliant with the *Environmental Planning and Assessment Act 1979* and Council's adopted *Broken Hill Local Environmental Plan 2013* and the *Broken Hill Development Control Plan 2016*.

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Amendment

Councillor M. Browne moved )  
Councillor B. Licul seconded ) That Council reduces the contaminated asbestos waste disposal fee to \$200.00 per tonne for the owner of the said property, and develops a payment plan for the owner to pay the fees within an agreed timeframe.

WITHDRAWN

Amendment

Councillor D. Gallagher moved )  
Councillor R. Page seconded ) That the matter be deferred until the owner notifies Council in writing of the correct volume of contaminated asbestos waste requiring disposal at Council's waste facility in order for Council to consider their request.

CARRIED

*The amendment becomes the motion.*

**RESOLUTION**

Minute No. 45534

Councillor D. Gallagher moved )  
Councillor R. Page seconded ) That the matter be deferred until the owner notifies Council in writing of the correct volume of contaminated asbestos waste requiring disposal at Council's waste facility in order for Council to consider their request.

CARRIED

**ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 81/17 - DATED APRIL 06, 2017 - T17/3 - CONCRETE RECONSTRUCTION OF EYRE AND COMSTOCK STREETS INTERSECTIONS AND PATTON AND COMSTOCK STREET INTERSECTION - TENDER SUBMISSIONS - CONFIDENTIAL**

T17/3

**(General Manager's Note:** This report is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

Recommendation

1. That Broken Hill City Council Report No. 81/17 dated April 6, 2017, be received.
2. That GBM Consulting Services be awarded the Contract for Tender T17/3
3. That Council accept the lump sum fee of \$828,290 ex. GST for all tendered works under T17/3.

**RESOLUTION**

Minute No. 45535

Councillor T. Kennedy moved )  
Councillor C. Adams seconded ) That the recommendation of item 20 be adopted.

CARRIED

**ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 82/17 - DATED MARCH 31, 2017 - STORMWATER DRAINAGE - PURCHASE OF LAND - CONFIDENTIAL**

11/308

**(General Manager's Note:** This report considers acquisition of land and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

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Recommendation

1. That Broken Hill City Council Report No. 82/17 dated March 31, 2017, be received.
2. That Council purchase land at Lot 2 DP 337391 for Stormwater drainage purposes for the amount of \$15,000.
3. That Council authorises the Mayor and General Manager to execute the sale of land contract under the Common Seal of Council.

**RESOLUTION**

Minute No. 45536

Councillor J. Nolan moved ) That the recommendation of item 21 be adopted.  
Councillor M. Browne seconded )

CARRIED

**RESOLUTION**

Minute No. 45537

Councillor J. Nolan moved ) That the meeting resume in open session.  
Councillor M. Browne seconded )

CARRIED

*Members of the media and public returned at 8:35p.m.*

The Mayor requested the General Manager to report on the items considered in closed session. The General Manager advised that Council had resolved in respect of:

**Item 16 - Broken Hill City Council Report No. 77/17 - dated April 10, 2017 - Code of Conduct No. BHC160201 - Confidential**

- That Broken Hill City Council Report No. 77/17 dated April 10, 2017, be received.
- That correspondence dated March 22, 2017 from the Office of Local Government advising of their review of Code of Conduct matter BHC160201, be received.
- That Council note the advice from the Office of Local Government that no further action be taken.
- That Council reimbursement legal costs incurred in the sum of \$21,474.75 to the subject person.

**Item 17 - Broken Hill City Council Report No. 78/17 - dated April 06, 2017 - Units 1-12/14 Blende Street - Proposed Transfer to Legacy - Confidential**

- That Broken Hill City Council Report No. 78/17 dated April 6, 2017, be received.
- That Council authorize the General Manager to sign the Deed of Agreement with Legacy and forward to Adelaide Legacy
- That the seal of the Council be applied to the document
- That upon Legacy signing of the Deed that Council authorize the General Manager to undertake all necessary negotiations and steps to finalise transfer of title to Adelaide Legacy Inc. the governing body for Legacy in South Australia and Broken Hill.

**Item 18 - Broken Hill City Council Report No. 79/17 - dated April 10, 2017 - Lease at Airport to Airservices Australia - Part of Lot 1 in DP1162606 and Lot 3 in DP1162606 - Confidential**

- That Broken Hill City Council Report No. 79/17 dated April 10, 2017, be received.
- That Council enters a lease arrangement with AirServices Australia for use of land at the Airport for aviation control services being Part of Lot 1 in DP1162606 and Lot 3 in DP1162606.
- That the initial term of the lease be 10 years with 2 x 10 year options of renewal.
- That the rental be \$1.00 per annum.
- That AirServices Australia be liable for all legal fees in the set up and renewal of the lease.

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- That the Mayor and General Manager be authorised to execute the lease documents under the Common Seal of Council.

**Item 19 - Broken Hill City Council Report No. 80/17 - dated March 31, 2017 - Contaminated Asbestos Waste - Confidential**

- That the matter be deferred until the owner notifies Council in writing of the correct volume of contaminated asbestos waste requiring disposal at Council's waste facility in order for Council to consider their request.

**Item 20 - Broken Hill City Council Report No. 81/17 - dated April 06, 2017 - T17/3 - Concrete Reconstruction of Eyre and Comstock Streets Intersections and Patton and Comstock Street Intersection - Tender Submissions – Confidential**

- That Broken Hill City Council Report No. 81/17 dated April 6, 2017, be received.
- That GBM Consulting Services be awarded the Contract for Tender T17/3
- That Council accept the lump sum fee of \$828,290 ex. GST for all tendered works under T17/3.

**Item 21 - Broken Hill City Council Report No. 82/17 - dated March 31, 2017 - Stormwater Drainage - Purchase of Land - Confidential**

- That Broken Hill City Council Report No. 82/17 dated March 31, 2017, be received.
- That Council purchase land at Lot 2 DP 337391 for Stormwater drainage purposes for the amount of \$15,000.
- That Council authorises the Mayor and General Manager to execute the sale of land contract under the Common Seal of Council.

There being no further business the Mayor closed the meeting at 8:41 p.m.

THE FOREGOING MINUTES WERE READ )  
AND CONFIRMED AT THE ORDINARY )  
MEETING OF THE BROKEN HILL CITY )  
COUNCIL HELD ON MAY 31, 2017 )

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CHAIRPERSON

## **REPORTS FROM DELEGATES**

1. REPORTS FROM DELEGATES NO. 3/17 - DATED MAY 22, 2017 -  
COUNCILOR NOLAN'S ATTENDANCE AT ASSOCIATION OF MINING  
RELATED COUNCILS MEETING HELD MAY 12, 2017 (11/363) ..... 18

ORDINARY MEETING OF THE COUNCIL

May 22, 2017

**ITEM 1**

REPORTS FROM DELEGATES NO. 3/17

SUBJECT: COUNCILOR NOLAN'S ATTENDANCE AT ASSOCIATION OF MINING RELATED COUNCILS MEETING HELD MAY 12, 2017  
11/363

**Summary**

Council has received a Delegate's Report from Councillor Nolan regarding his attendance at the Mining Related Council's Meeting held May 12, 2017 which includes draft minutes from the meeting (see attachment).

**Recommendation**

1. That Reports from Delegates No. 3/17 dated May 22, 2017, be received.
2. That Councillor Nolan's report including the draft minutes of the Association of Mining Related Council's Meeting held May 12, 2017 be received.
- 3.

**Attachments**

1. Delegates Report and Draft Minutes of the Association of Mining Related Councils  
[!\[\]\(91f916b54a4c6447ad9638d4638be954\_img.jpg\) Meeting held May 12, 2017](#)

J. NOLAN  
COUNCILLOR

### **Association of Mining Related Councils Report May 2017**

The AMRC represents the interests of City and Shire Councils which are affected by mining in their areas and meets four times per year. These meetings are twice in Sydney to coincide with NSW State Parliament sittings and twice in the regions, hosted on a rotating basis by member Councils.

The Association currently represents about 20 NSW member Councils who have either Metalliferous (hard rock) mining or Coal/Coal seam gas mining.

Councilor Jim Nolan is Broken Hill's delegate to the AMRC and serves on the AMRC Executive Committee. Jim is working with the AMRC Executive to amend the Association's Constitution to include Councils with Solar and Wind Farm developments in order to increase the Association's coverage and lobbying strength. This change will be ratified at the September 2017 AGM. It is intended the Association will become 'The Association of Mining and Energy Related Councils of NSW'.

The Association is also actively involved in negotiations with the NSW Minerals Council and the Department for Planning and Environment regarding a Voluntary Planning Agreements for Mines and other State Significant developments. The Association is pursuing a better more consistent model for VPAs to include financial compensation for 'social impact' and a 'cents per production' calculation in addition to 'number of workers domicile' and 'roads' calculations, along with an enforceable timeline and dispute resolution process.

Broken Hill hosted the May 2017 meeting of the AMRC. Councilor Jim Nolan attended the Executive meeting on Thursday morning 11/5/17 and hosted a tour on Thursday afternoon. Delegates toured the Cristal Mining Mineral Separation Plant on Pinnacles road, the Perilya Mining Museum and the Miners Memorial. There was a networking dinner at the Astra Hotel that night, followed by the General Meeting at the Musicians Club on Friday 12/5/17.

AMRC Delegates were impressed by Broken Hill and the warm welcomes given by Mayor Darriea Turley and Deputy Mayor Dave Gallagher. The AMRC thanks Councilor Christine Adams for her address on the Social History of Broken Hill.

Attached are the draft minutes of the General Meeting

Cr Jim Nolan

**DRAFT MINUTES OF THE NSW ASSOCIATION OF MINING RELATED COUNCILS  
ORDINARY MEETING HELD AT THE MUSICIANS CLUB TWILIGHT ROOM ON  
FRIDAY 12/05/2017**

**Present**

Cr Peter Shinton  
Cr Chris Connor  
Steve Loane  
Mr Ron Zwicker  
Cr Owen Hasler  
Cr Melanie Dagg  
M/S Rebecca Ryan  
Cr Scott Ferguson  
Cr Michael Banasik  
Cr Hollee Jenkins  
Cr Dan Thompson  
Mr Jason Linnane  
Cr Alan Ward  
Mr Peter Vlatko  
Cr Lilliane Brady OAM  
Cr Jim Nolan  
Cr Melisa Hederiks  
Mr Peter Kozlowski

Warrumbungle Shire Council (Chair)  
Wollongong City Council (Deputy Chair)  
Warrumbungle Shire Council  
Wollongong City Council  
Gunnedah Shire Council  
Cessnock City Council  
Blayney Shire Council  
Blayney Shire Council  
Wollondilly Shire Council  
Singleton Shire Council  
Singleton Shire Council  
Singleton Shire Council  
Parkes Shire Council  
Cobar Shire Council  
Cobar Shire Council  
Broken Hill City Council  
Wentworth Shire Council  
Wentworth Shire Council

**Staff**

Mr Greg Lamont

Executive Officer

**Guests**

From Broken Hill City Council - Cr Darriea Turley (Mayor) and Cr Christine Adams

**Apologies**

Cr John Davis  
Cr Gordon Bradbery OAM  
Mr David Henry  
Cr Noel Lowry  
Cr Robert Khan  
Cr Nuatali Nelmes  
Mr Brad Cam  
Cr Des Kennedy  
Cr Gae Swain  
Cr Sharon Wilcox  
M/S Heather Nicholls  
Mr Robert Hunt  
Mr Glen Wilcox (Life Member)  
Cr Mark Hall  
Cr Liz McGlynn  
Cr Jay Suvaal

Orange City Council  
Wollongong City Council  
Wollondilly Shire Council  
Wollondilly Shire Council  
Wollondilly Shire Council  
Newcastle City Council  
Mid Western Regional Council  
Mid Western Regional Council  
Gunnedah Shire Council  
Cabonne Shire Council  
Cabonne Shire Council  
Lachlan Shire Council  
Lachlan Shire Council  
Lachlan Shire Council  
Bland Shire Council  
Cessnock City Council

**1. Welcome**



The Chair, Councillor Peter Shinton welcomed members to the meeting and declared the meeting open at 9.40am. He thanked the Mayor of Broken Hill City Council, Cr Darriea Turley, for her welcome and her colleague Cr Christine Adams for her "I'm a miner's daughter" theme presentation on the social history of Broken Hill to delegates before the meeting commenced.

## **2. Apologies**

**OM 19/2017** Resolved (Cr Jenkins/Steve Loane) that the apologies of delegates listed be received and noted.

## **3. Disclosures of Pecuniary Interest**

Mr Ron Zwicker declared his interest as a shareholder in AGL Gas Investments.

## **4. Minutes of the Previous Ordinary Meeting – 2<sup>nd</sup> March 2017**

**OM 20/2017** Resolved (Cr Hasler/Cr Ferguson) that the minutes of the Ordinary meeting held on 2<sup>nd</sup> March 2017 be received and noted.

## **5. Business Arising from the Minutes of the Ordinary Meeting - 2<sup>nd</sup> March 2017**

Cr Jenkins asked if any members had taken up Adam Searle's offer to visit their area and the response was that none had taken up the offer.

## **6. Adoption of the Minutes of Executive Committee Meeting - 11<sup>th</sup> May 2017**

**OM 21/2017** Resolved (Cr Nolan/Cr Connor) that the minutes of the Executive Committee meeting held on 11<sup>th</sup> May 2017 be received and noted.

## **7. Business Arising from Minutes of Executive Committee Meeting – 11<sup>th</sup> May 2017**

**OM 22/2017** Resolved (Cr Nolan/Cr Hasler) that the Executive Officer's Report recommendations for decision in the minutes of the Executive Committee meeting held on 11<sup>th</sup> May 2017, be dealt with separately by delegates, at this stage of the Agenda, as follows.

### Item 3(a) Audit Quotations.

**OM 23/2017** Resolved (Cr Nolan/Cr Hasler) that the quotation from Roberts and Morrow for a review of the Association's Financials (including compliance with the Income Tax Assessment Act) for \$1950 excluding GST, be accepted.

### Item 3(c) Regional Independent Assessment Panel

**OM 24/2017** Resolved (Cr Hasler/Cr Jenkins) that the information be noted and when the correspondence is received on the requirements for the appointment of a delegate, it is distributed to the Executive Committee for consideration.

### Item 3(d) Renewable Energy

**OM 25/2017** Resolved (Cr Nolan/Cr Hasler) that the constitution be altered at the November Annual General Meeting to include in Section 2 Objects, the following:

- (1) Add as the seventh dot point "to include renewable energy as part of the Association's Charter and as an energy source";
- (2) Alter the constitution throughout to reflect the word energy next to mining;
- (3) Due to the changing nature of the Association, consideration of a name change for the Association to be considered at the Annual General Meeting eg change the name of the Association to "The Association of Mining and Energy Related Councils" or suchlike, to better reflect the strategic direction of the Association.

Item 5 Voluntary Planning Agreement (VPA) Working Party Update

An update was provided to delegates by members of the VPA Working Party.

**OM 26/2017** Resolved (Cr Connor/Cr Jenkins) that

- (1) a progress report on the negotiations of the Joint VPA Working Party be forwarded to member councils;
- (2) the Association engage Warwick Giblin, Oz Environmental to prepare a cents per production model and briefing paper for the Association, for the non-road social impact calculator, at a cost not to exceed \$10,000, excluding GST;
- (3) a further meeting be arranged for the VPA Working Party delegates in Singleton in the near future once the Association's VPA Working Party has considered the cents per production non-road social impact calculator model developed in (2).

**Adjournment of Meeting**

**OM 27/2017** Resolved (Cr Nolan/Cr Connor) that the meeting be adjourned at 10.45am for fifteen minutes for morning tea.

**Resumption of Meeting**

**OM 28/2017** Resolved (Cr Jenkins/Steve Loane) that the meeting be resumed at 11.00am.

Item 3 (b) Strategic Plan Review 2017 - 2020

Cr Connor presented the Draft Strategic Plan for 2017 – 2020. Delegates congratulated Cr Connor and the Working Party on the document format and proposed content which will be further embellished and presented to delegates at the August meeting for consideration.

**OM 29/2017** Resolved (Cr Brady/Cr Nolan) that the information be noted

Item 8 (e) Mining Activity Statistics Report

The Chair informed delegates of the development of the Mining Activity Statistics Report by the Commissioner for Land and Water, and staff. The Chair indicated it will be of benefit to members and is worthy of support by the Association.

**OM 30/2017** Resolved (Cr Hasler/Cr Jenkins) that

- (a) the Commissioner and staff be congratulated on this initiative;
- (b) a letter of support be forwarded to the Commissioner;
- (c) the Commissioner and his staff be invited to make a presentation on the Mining Activity Statistics Report to delegates at the next meeting of the Association in August 2017.

**8. Executive Officer's Report**

The Executive Officer's report (parts 1 and 2) was dealt with as part of Business Arising from the Minutes of the Executive Committee meeting held on 11<sup>th</sup> May 2017.

**OM 31/2017** Resolved (Steve Loane/Cr Jenkins) that the information be noted.

**9. Delegates Report – Resources Advisory Forum (RAF)**

**OM 32/2107** Resolved (Cr Hasler/Cr Dagg) that

- (a) the Association note the delegates' report from the meeting held on 16<sup>th</sup> March 2017 and that the details relating to the meeting are on the Department Planning and Environment website;
- (b) the Association write to the Department of Planning staff from the Regional Advisory Forum (Alison Frame and Alex O'Mara) to invite them to attend the next meeting of the

Association in Singleton for the mining tour the day before and a presentation on progress with the RAF to the Ordinary meeting next morning.

**10. General Business**

- (a) **Change to Constitution - Clause 4 Representation** – Cr Brady queried the relevance in this day and age and raised the need for the Association to review Clause 4.6 “A delegate cannot be nominated by a member council if he/she has an association, commercial agreement or contract with a mining company.”

**OM 33/2017** Resolved (Cr Connor/Cr Nolan) that the Executive Committee review the Constitution to ensure it is relevant for the Association.

- (b) **Annual Summit** – Cr Banasik raised the possibility of the Association staging an annual summit where all stakeholders, non - member councils and advisors meet to consider mining, energy and resources related issues.

**OM 34/2017** Resolved (Cr Banasik/Cr Dagg) that the Executive Committee investigate the staging of an Annual Summit being organised by the Association.

- (c) **Meeting Schedule** – Cr Jenkins raised, for discussion, the current format for the holding of two regional meetings and two city meetings, as something that the Executive Committee could look at when considering the review of the constitution. Delegates Loane and Hasler stressed the need for Regional meetings to be continued for delegates to stay in touch with grass roots issues.

- (d) **Mines Subsidence Board** – Cr Thompson stressed the need for the Association to look at the post mining aspects of mining and follow up on changes proposed by the State Government with the Mines Subsidence Board levy funds being returned to the miners, to deal directly with residential owners, rather than holding back funds and setting up a Rehabilitation Fund for post mining activities.

- (e) **Next Meeting** – Steve Loane requested the Executive consider altering the November AGM, Executive and Ordinary meetings from 9<sup>th</sup>/10<sup>th</sup> November 2017 in consultation with host council Singleton Shire Council, if need be, in view of National Roads Conference being held interstate beforehand as this may affect the availability of delegates.

- (f) **Appointment of Treasurer** – This item was not discussed and will be resubmitted to the August meeting.

- 11. Next Meeting** – August 10<sup>th</sup> for the Executive Committee Meeting, commencing at 3.00pm and 11<sup>th</sup> August for the Ordinary Meeting commencing at 9.30am in Sydney with venues to be advised.

**There being no further business the meeting closed at 12.20pm.**

**The minutes (pages 1-4) were confirmed at a meeting of the Ordinary Committee held on the 11th August 2017 and are a concise and accurate record of proceedings of the Ordinary meeting held on 12th May 2017.**

.....

**Cr Peter Shinton**  
**Chairperson**

## **REPORTS**

1.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 86/17 - DATED MAY 05, 2017 - CORRESPONDENCE REPORT - INITIAL LOCAL GOVERNMENT PERFORMANCE AUDITS (12/6)</u> .....	26
2.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 84/17 - DATED APRIL 07, 2017 - ANNUAL FEES - MAYOR AND COUNCILLORS (11/20)</u> .....	37
3.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 85/17 - DATED APRIL 10, 2017 - ADOPTION OF DRAFT HERITAGE STRATEGY 2017 - 2020 (11/129)</u> .....	65
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7.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 89/17 - DATED MAY 17, 2017 - DRAFT RELATED PARTY TRANSACTION POLICY FOR PUBLIC EXHIBITION (12/14)</u> .....	115
8.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 90/17 - DATED MAY 02, 2017 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE (11/307)</u> .....	125
9.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 91/17 - DATED MAY 19, 2017 - QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING MARCH 2017 (12/160)</u> .....	129
10.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 92/17 - DATED MAY 03, 2017 - INVESTMENT REPORT FOR APRIL 2017 (11/48)</u> .....	146

11. BROKEN HILL CITY COUNCIL REPORT NO. 93/17 - DATED MAY 15, 2017 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 369 HELD TUESDAY APRIL 4, 2017 AND MEETING NO 370 HELD TUESDAY MAY 2, 2017 (11/397)..... 159
12. BROKEN HILL CITY COUNCIL REPORT NO. 94/17 - DATED MAY 23, 2017 - ACTION LIST REPORT (11/25) ..... 180

ORDINARY MEETING OF THE COUNCIL

May 5, 2017

**ITEM 1**

BROKEN HILL CITY COUNCIL REPORT NO. 86/17

SUBJECT: CORRESPONDENCE REPORT - INITIAL LOCAL GOVERNMENT  
PERFORMANCE AUDITS 12/6

**Recommendation**

1. That Broken Hill City Council Report No. 86/17 dated May 5, 2017, be received.
2. That correspondence from the Audit Office of NSW dated April 27, 2017 be received and Council notes that it may be called upon to take part in future local government performance audits carried out by the Audit Office of NSW.

**Executive Summary:**

Council has received correspondence dated April 27, 2017 from the Audit Office of NSW advising that recent amendments to the *Local Government Act 1993* has made the Auditor-General of NSW the Auditor of Local Councils in NSW. This is not only in respect to the auditing of Council's annual financial statements, but also provides for the conduct of Performance Audits.

These audits will assess whether selected activities or services are being carried out efficiently, effectively and economically.

The Audit Office of NSW advises that they will be conducting two to three audits each financial year and will be selecting various Council's to participate in the process.

**Strategic Direction:**

- |                |   |
|----------------|---|
| Key Direction: | 4 Our Leadership  |
| Objective:     | 4.1 Openness and Transparency in Decision Making  |
| Function:      | Leadership and Governance   |
| DP Action:     | 4.1.1.9 Financial Statements are prepared on an annual basis in accordance with accounting standards and accounting codes |
| Key Direction: | 4 Our Leadership  |
| Objective:     | 4.2 Our Leaders make Smart Decision   |
| Function:      | Customer Relations  |
| DP Action:     | 4.2.1.6 Undertake service levels reviews to ensure service delivery meets the community's needs                           |

**Relevant Legislation:**

*Local Government Act 1993*

**Financial Implications:**

Nil at this stage

**Attachments**

1. [!\[\]\(e662c6fdc679f154c0e75d901761d894\_img.jpg\)](#) Correspondence from the Audit Office NSW

JAMES RONCON  
GENERAL MANAGER



Mayor Darriea Turley  
Broken Hill City Council  
PO Box 448  
BROKEN HILL NSW 2880

Contact      Audit Office  
Phone No    9275 7100  
Our Ref  
Your Ref

27<sup>th</sup> April 2017

Dear Mayor Turley

#### **Initial local government performance audits**

As you are aware, recent amendments to the *Local Government Act 1993* have made the Auditor-General of NSW the Auditor of Local Councils in NSW. In addition to auditing Councils' annual financial statements, the new mandate provides for the conduct of "Performance Audits".

I am aware Performance Audits are a new type of audit for Local Government so the purpose of this letter is to tell you a little bit about them and my approach.

Essentially, performance audits assess whether selected activities or services are carried out efficiently, effectively and economically. The State Government has provided my Office with funding to conduct two to three Local Government performance audits annually. I have consulted with organisations like Local Government NSW and the Office of Local Government regarding topic selection.

In this first year, I have chosen to focus on the sector as a whole, rather than on any individual council. In this way I hope to improve my Office's understanding of Local Government and to work alongside you to provide some general benchmarking or improvement opportunities. My aim is to support Councils to identify good practice and to make improvements over time.

The first Performance Audit will focus on Councils' own reporting to their communities on service delivery. My Office is conducting a desk top review of reporting in Council annual reports and will select a sample of Councils to profile in more detail.

The second audit will survey fraud controls in place across Councils. And the final performance for the 2017/18 financial year will examine current shared services arrangements.

We will contact you directly if your Council is selected for more detailed examination in any audit.

I am sure it will be helpful if I publish a forward program of possible performance audits for you to provide any feedback on. Matters identified in my annual financial audits will also inform the selection of future topics, which may be a mix of sector wide or more targeted audits. Again, my officers will contact you during the early stages of any audit involving your Council.

Information regarding Performance Audits and my Office's approach to Local Government can be found at <http://www.audit.nsw.gov.au/>. I also enclose our Performance Audit Guide for Local Government for your information.

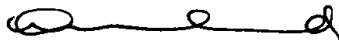
You may like to view my current program of State Government Performance Audits to get a better insight into the nature of performance auditing. You can also discuss any aspect of the audit of your Council with the Business Team Leader responsible for your Council. Contact details will be provided to your General Manager in our Client Service Report.



I am looking forward to working constructively with you and your officers to carry out my obligations under the Act but to also support you in your work. If you have any questions, please feel free to email me ([mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)).

Please note I have also written to your General Manager asking that this advice be tabled at a forthcoming council meeting.

With my best regards



Margaret Crawford  
Auditor-General of NSW

## PERFORMANCE AUDIT GUIDE FOR LOCAL GOVERNMENT

### INTRODUCTION

Performance audits assess whether an agency or council is carrying out its activities effectively, and doing so economically and efficiently and in compliance with relevant laws.

This Guide provides councils (the audited agency) with information about the NSW Audit Office's performance audit process. The Guide outlines the legislative framework and the NSW Auditor-General's authority, and what to expect of the Audit Office during a performance audit.

The Guide also informs councils of their obligations to assist the performance audit team to effectively and efficiently complete their work.

### LEGISLATIVE FRAMEWORK

#### ***Auditor-General's authority to conduct performance audits***

The *Public Finance and Audit Act 1983* (PF&A Act) sets out the Auditor-General's functions, mandate and powers.

The Auditor-General's independence is assured by key provisions in the PF&A Act. Specifically, the Auditor-General:

- reports directly to NSW Parliament on audits of agency financial reports and performance
- can only be dismissed by a resolution of both houses of the NSW Parliament
- decides on the program of work undertaken by the Audit Office
- is appointed for a non-renewable eight year period. In addition, performance audits are funded by NSW Parliament, not the agency being audited.

Under the *Local Government Amendment (Governance and Planning) Act 2016* (the Act), the Auditor-General is the auditor of all NSW councils and 'council entities' from 1 July 2016 and has the mandate to conduct performance audits.

The Act gives the Auditor-General authority to choose the topics and agencies for review, and to access required agency information.

The Auditor-General is required to report to the head of the audited agency, the responsible Minister and Treasurer on the result of a performance audit. In many cases, this will include the Office of Local Government and its Minister due to their respective roles.

## SUMMARY OF KEY POINTS

In conducting a performance audit, the Audit Office is responsible for:

- obtaining sufficient knowledge of the program or activity being audited
- maintaining a constructive relationship with the audited agency and undertaking adequate consultation (see Table 1)
- securing and keeping confidential all agency information obtained in the course of the audit.

The head of the audited agency is responsible for:

- nominating up to two suitable liaison officers to work with the audit team
- providing full and free access to people and information within requested timeframes. This includes providing all information that is relevant to the audit, even if not specifically requested
- a duty of care to the audit team under WHS and anti-discrimination laws, and harassment free workplace policies.

### ***Performance audits and topic selection***

Performance audits assess whether an agency is carrying out its activities effectively, and doing so economically and efficiently and in compliance with all relevant laws. Activities examined by a performance audit may include an individual program or service provided by an individual or group of council's, all or part of an individual council, or it may consider particular issues affecting the sector as a whole and may include state agencies as well as council's. Performance audits cannot question the merits of government or council's policy objectives. The Act gives the Auditor-General authority to select performance audit topics and activities to review. We use a strategic approach to selecting performance audits, which balances our performance audit program to reflect issues of interest to Parliament and the community. We include topics that align with the government's policy objectives and reform agenda to assess progress and impacts.

Each year, the Auditor-General seeks input from the heads of government agencies and certain statutory officers, on proposed topics before publishing the performance audit program. The Auditor-General will also take into account performance audit topic suggestions from the Public Accounts Committee, Members of Parliament, local councils and members of the public.

### ***Authority to access Council information***

The Act provides the Audit Office with full access to information irrespective of any agency obligations for confidentiality. This overrides any other legislation that might restrict disclosure, such as secrecy or privacy laws.

The Auditor-General is entitled at all reasonable times to full and free access to information requested of the audited agency.

The only exception to this access is information that is Cabinet information as defined in the *Government Information (Public Access) Act 2009* (GIPA Act). However, as a matter of convention the Secretary, Department of Premier and Cabinet, provides relevant Cabinet documents to the Auditor-General when requested.

Agencies must provide the Audit Office with information requested.

### ***Confidentiality requirements***

Under the PF&A Act, any information obtained in the course of undertaking a performance audit must not be disclosed by Audit Office staff to any person other than staff of the auditee, with the exception of information relating to improper conduct as detailed in the Act.

All information that the Audit Office receives, and working papers that the Audit Office creates during an audit, are exempt from the GIPA Act.

## **FOLLOW-UP PROCESS AFTER THE PERFORMANCE AUDIT IS COMPLETED**

Approximately 12 months after each performance audit report is tabled in Parliament, the Public Accounts Committee (the Committee) may follow up action taken by audited agencies in response to recommendations made by the Auditor-General. As part of the follow up process, the Committee questions agencies about their response to the recommendations and, if required, conducts public hearings to examine witnesses. The Auditor-General also provides comments on submissions made by agencies to the Committee.

After the performance audit report is tabled, we write to the head of each audited agency to confirm this process and provide a template to assist the audited agency to report to the Committee when requested.

## **ROLES AND RESPONSIBILITIES**

### **The Audit Office's obligations**

We aim to complete our work efficiently to minimise the impost on each council. The time to complete this work varies depending on the complexity of the audit topic and the number of councils and state agencies that may be involved. This may range from six to 12 months.

### **Knowledge of the program or activity being audited**

The audit team will obtain sufficient knowledge to enable it to identify and understand issues relevant to the program or activity being audited.

Performance audits may be undertaken on topics that require specialised skills and knowledge beyond those possessed by the audit team. In these cases, we engage consultants to provide expert assistance to the audit team and will discuss this with the audited council. The audit team must ensure that any consultant engaged for the audit has the necessary competence, capabilities and impartiality to complete the work required.

### **No surprises approach**

The audit team seeks to establish a constructive relationship with each council so that there are 'no surprises' in the final audit report. The audit team will explain the audit process at commencement and will maintain appropriate communication throughout the audit. Council's General Manager, and executive staff, are encouraged to provide input at appropriate stages of the audit, such as when the audit is being scoped, and when preliminary findings, the draft report and potential recommendations are discussed.

Our audit process outlined in Table 1 provides several formal consultation points for the council to discuss the audit planning, preliminary findings and draft report during the course of the audit. In practice, there is ongoing and frequent communication between the audit team and the liaison officers.

Additionally, the head of the audited council and council executive staff can contact the Auditor General, Deputy Auditor General or Assistant Auditor-General Performance Audit at any time to discuss the audit. Our contact details are provided to the General Manager and council liaison officers at the commencement of the audit.

### **Audit methodology**

Our performance audit methodology is designed to satisfy Australian Audit Standards ASAE 3000 and 3500 on performance auditing. The Standards require the audit team to comply with relevant ethical requirements and plan and perform the audit to obtain reasonable assurance and draw a conclusion on the audit objective. Our processes have also been designed to comply with the performance audit requirements specified in the Act.

### **Security of agency information**

The Audit Office treats all audit-related information as 'in-confidence'. Our computer network has appropriate security measures in place to mitigate unlawful access. Secure arrangements are also in place to store physical documentation.

Sensitive information that, in the Auditor-General's opinion, is not in the public interest will not be included in public reports. This may include commercial in confidence information. Any issues that the council may have about the Auditor-General's powers and the content of the audit report should be discussed with the audit team at the earliest opportunity.

The audit team will discuss with council's liaison officers suitable options and timing to provide information and documentation for the audit. This may include use of a web based secure file transfer facility to enable audited agencies to securely and efficiently provide requested information.

#### **The audited agency's obligations**

We aim to use council staff time efficiently and effectively and request the council's cooperation to facilitate our work. In the planning stage of each audit we will consult with council's liaison officers and agree on timely access to people and information (see Table 1).

#### **Nominate up to two liaison officers**

Council's General Manager is asked to nominate up to two liaison officers to work with the audit team. The liaison officers' role is important to both the Audit Office and council.

The liaison officer should be a senior member of the council who will keep the General Manager informed of the progress of the audit, and who has authority to make decisions on behalf of the council, for example, when reviewing the draft audit report and discussing potential audit recommendations.

The liaison officer will be asked to assist with the day to day administration of the audit, such as assistance in arranging meetings, access to people and information. Council's General Manager, or the nominated liaison officer, may wish to appoint a second liaison officer to assist the audit team with these matters.

Regular and open communications between the audit team and management of the council help deliver an efficient audit. The audit team will contact the nominated liaison officers regularly during the audit and will direct most questions and documentation requests through them. Refer to Table 1 for more details.

It is essential the audit team receives prompt responses to its questions and requests for supporting documentation.

#### **Prepare early for the audit**

The letter sent to the General Manager when a performance audit commences includes an indication of the issues that the performance audit will examine. This is discussed and refined during the planning phase of the audit outlined in Table 1.

The General Manager can prepare early for the performance audit by:

- reviewing relevant plans, records and source data, and making sure these are up-to-date and available for the audit team
- gathering documentation on how council monitors and measures the effectiveness, economy and efficiency of the audited activity and have the most recent results ready.

#### **Provide full and free access to people and information**

The General Manager and council's nominated liaison officers are responsible for arranging unrestricted access for the audit team to relevant individuals and documents and for the completeness and accuracy of the information supplied for the audit.

This is particularly important for performance audits. Each performance audit is unique and, as a result, it is difficult for audit teams to know exactly the documentation relevant to the audit. It is therefore the council's responsibility to ensure it provides:

- all information it is aware of that is relevant to the audit, whether or not it is specifically requested
- all information the audit team requests that is relevant to the audit

- unrestricted access to all people in the council from whom it is necessary to obtain audit evidence.

**The General Manager is also requested to advise the audit team:**

- if they or their council has any knowledge of any actual, suspected or alleged intentional misstatement (such as fraud) or non-compliance with laws and regulations in relation to the audit topic
- whether there has been any internal or external reviews or audits conducted in relation to the audit topic.

**Comply with work health and safety (WHS) and anti-discrimination laws, and harassment-free workplace policies**

The Audit Office is committed to maintaining a high standard of work health and safety, and our staff are expected to treat each other and council staff with courtesy and respect.

Councils have a duty of care to Audit Office staff under the *Work Health and Safety Act 2011*, Regulation, Codes of Practice and recognised industry standards, as appropriate.

If the audit team fails to adhere to anti-discrimination laws or the harassment free workplace policy, the council liaison officers should advise the Assistant Auditor-General Performance Audit immediately.

The Audit Office has policies and strategies to prevent and deal with discrimination and harassment.

If the audit team is treated contrary to anti-discrimination laws and the harassment free workplace policy by any council staff, the audit team will advise the Assistant Auditor-General Performance Audit immediately. The incident will be raised with the council liaison officers and, if necessary, with the General Manager and the Auditor-General.

**Transmission of agency information**

Council's may provide working papers in hard copy or electronic format. Our preferred format is electronic documents in Word, Excel, or PDF formats provided by e-mail or through the Audit Office's secure file upload service. Details of e-mail addresses to use, or the file upload service, are provided by the audit team when information is requested.

The audit team may need 'read only' access the council's electronic systems. If this is required, the liaison officer will be asked to arrange the necessary access including log in IDs or access terminals on-site.

**PERFORMANCE AUDIT PROCESS**

Once initiated, performance audits have three main stages: planning, conduct and reporting. A description of each of these stages, and the extent of our consultation with the audited council, is outlined in Table 1.

**Table 1—Performance audit stages and consultation with audited agencies**

<i>Planning</i>	<i>Audit commences</i>	An audit team is assigned and the audit is initiated. Commencement letters are issued to the General Manager, Chief Executive, responsible Minister/s, and the Treasurer. The head of each audited council and state agency nominates their liaison officers who will work with the audit team.	<i>Commencement letters</i>
	<i>Scoping work</i>	The audit team meets with council's liaison officers, and other key stakeholders, to gain an understanding of the council and activities relevant to the audit topic. The audit team develops the audit's scope and focus, including the audit objective and potential criteria. The potential audit scope is discussed with council's liaison officers.	<i>Draft audit scope and focus</i>
	<i>Audit plan</i>	The audit team finalises the audit scope and develops the audit plan in consultation with council's liaison officers. In addition to the scope and focus, the audit plan may include: <ul style="list-style-type: none"> <li>the audit procedures, including how and what information is to be collected to answer the audit criteria</li> <li>audit fieldwork and approach, including the people and locations the audit team will visit during the audit</li> <li>audit schedule, including consultation milestones and proposed tabling date. A draft audit plan is provided to the council's liaison officers for feedback before being finalised. Once finalised, the audit plan and audit engagement letter are issued to the General Manager.</li> </ul>	<i>Audit plan and engagement letter</i>
<i>Conduct</i>	<i>Evidence gathering and analysis</i>	Evidence is collected and analysed against the audit criteria. The audit team must ensure they have sufficient and appropriate evidence to answer the audit objective and criteria.	<i>Interviews with relevant council staff</i>
	<i>Preliminary findings</i>	Preliminary findings against the audit criteria are discussed with council's liaison officers. Additional relevant evidence may be requested if needed.	<i>Requests for access to documents and information</i>  <i>Preliminary findings discussed</i>

<i>Reporting</i>	<i>Draft report</i>	A draft report is prepared and a meeting held with council's liaison officers to discuss their feedback. The purpose of the draft report is to give the council the opportunity to identify errors of fact or interpretation, and to provide additional relevant evidence that addresses the audit criteria. Responses received from the council are carefully considered and amendments made as necessary. During this process the audit team will also discuss with council's liaison officers potential recommendations to be included in the audit report. The General Manager may wish to meet with the Auditor-General to discuss the draft audit report and recommendations before it is finalised.	<i>Draft report</i>
			<i>Potential recommendations</i>
	<i>Final report</i>	The audit's final report is issued by the Auditor-General to the General Manager, Chief Executive, the responsible Minister/s, and the Treasurer, in accordance with the Local Government Act 1993. The audit report includes recommendations to improve accountability and performance. The General Manager is invited to provide a written response to the audit report and its recommendations that will be published with the audit report.	<i>Final statutory report</i>
		The audit report is tabled in NSW Parliament and published on the Audit web site	<i>Tabled report</i>



## ORDINARY MEETING OF THE COUNCIL

April 7, 2017

**ITEM 2**BROKEN HILL CITY COUNCIL REPORT NO. 84/17

SUBJECT:                      ANNUAL FEES - MAYOR AND COUNCILLORS                      11/20

**Recommendation**

1. That Broken Hill City Council Report No. 84/17 dated April 7, 2017, be received.
2. That effective 1 July 2017, the Local Government Remuneration Tribunal annual fee increase of 2.5% be applied to the current 2016/17 fees for the Mayor and Councillors.
3. That allocation of a fee for the Deputy Mayor when he/she acts in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed.

**Executive Summary:**

The Local Government Remuneration Tribunal has made determinations under Section 241 of the *Local Government Act 1993* in respect of the annual fees paid to the Mayor and Councillors effective from 1 July 2017 (Attachment 1).

The Local Government Remuneration Tribunal has awarded an annual fee increase of 2.5 percent, with effect from 1 July 2017.

**Report:**

The *Local Government Act 1993* ("the Act") provides for the establishment of a Local Government Remuneration Tribunal to determine categories for Councils, together with annual fees payable to Mayors and Councillors. The Tribunal, in accordance with Section 241 of the Act, must determine no later than 1 May each year the minimum / maximum fees payable for Councillors and Mayors for each category.

Since the Local Government Remuneration Tribunal made their determination in 2016 a number of councils have been amalgamated resulting in the creation of 20 new councils across NSW. The impact of those changes is an overall reduction in the number of councils in NSW from 152 to 128 prompting a review of the existing categories and the allocation of councils into each of the categories.

The Local Government Remuneration Tribunal has determined that Broken Hill City Council falls into the "Regional Rural" category although its population is under 20,000 it aligns more closely with the other eligibility criteria of this category rather than the "Rural" category for areas with a population less than 20,000 due to Broken Hill being:

- a major town of the Far West of NSW;
- provides services to its surrounding townships;

- provides a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centre;
- has a principal referring hospital, tertiary education services and a major regional airport;
- and Broken Hill also attracts large visitor numbers to established tourism ventures

Council is required under the Act to determine the fee to be paid to the Mayor and Councillors and Section 248 of the *Local Government Act 1993* stipulates that a Council must pay each Councillor an annual fee in accordance with the Tribunal's determinations, the annual fee is to be the same for each Councillor and Council is able to pay that fee having regard to the category established by the Tribunal.

In setting the fee Council may fix a fee that is equal to or greater than the minimum but not greater than the maximum for the appropriate category. When Council declines to fix a fee, it must pay the appropriate minimum fees as determined by the Tribunal.

Pursuant to Section 241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors of councils, and Members and Chairpersons of county councils effective on and from 1 July 2017 are determined as follows (**Note: Broken Hill City Council falls into the "Regional Rural" category**):

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	26,310	38,580	160,960	211,790
	Major CBD	17,540	32,500	37,270	105,000
	Metropolitan Large	17,540	28,950	37,270	84,330
	Metropolitan Medium	13,150	24,550	27,940	65,230
	Metropolitan Small	8,750	19,310	18,630	42,120
General Purpose Councils – Non-metropolitan	Regional City	17,540	30,500	37,270	95,000
	Regional Strategic Area	17,540	28,950	37,270	84,330
	Regional Rural	8,750	19,310	18,630	42,120
	Rural	8,750	11,570	9,310	25,250
County Councils	Water	1,740	9,650	3,730	15,850
	Other	1,740	5,770	3,730	10,530

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (*Section 249(2) Local Government Act 1993*).

### Strategic Direction:

- Key Direction: 4 Our Leadership  
 Objective: Our Leaders make smart decisions  
 Function: Leadership and Governance  
 DP Action: 4.2.1.1 – Decisions are made in a timely manner to ensure effective delivery.

### Relevant Legislation:

*The Local Government Act 1993 section 249* and the annual determination of the Local Government Remuneration Tribunal.

**Financial Implications:**

The current Councillor fees are below the maximum fee allowable at \$16,692.00 and the Mayoral Fee is \$36,432.00.

Allowance has been made in the 2017/2018 Budget for Mayoral and Councillor fees.

**Attachments**

1. [!\[\]\(67ff022fd78f943b679992c2874bbfd1\_img.jpg\)](#) 2017 Determination - Local Government Remuneration Tribunal

JAMES RONCON  
GENERAL MANAGER

Local  
Government  
Remuneration  
Tribunal

Annual Report  
and  
Determination

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*Annual report and determination under sections 239  
and 241 of the Local Government Act 1993*

12 April  
2017

[NSW Remuneration Tribunals website](#)

## Local Government Remuneration Tribunal

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**Local Government Remuneration Tribunal**

## Executive Summary

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The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Local Government by 1 May each year as to its determination of categories and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

### Categories

Since the making of the 2016 determination a number of councils have been amalgamated resulting in the creation of 20 new councils. The impact of those structural changes is an overall reduction in the number of councils in NSW from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

In undertaking the review the Tribunal examined the existing categories, a range of statistical and demographic data and considered the views of councils and Local Government NSW. Having regard to that information the Tribunal has determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils for the purpose of categorisation include population, the sphere of the council's economic influence and the degree of regional servicing.

In accordance with section 239 of the *Local Government Act 1993* (LG Act) the categories of general purpose councils are determined as follows:

**Metropolitan**

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

**Non-metropolitan**

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

### Local Government Remuneration Tribunal

The determination provides for the retention of five existing categories (some with new titles) and the creation of two new categories. Each council is allocated into one of the categories based on the criteria outlined on pages 12 to 15 of the report.

#### Fees

The majority of councils will receive an increase of 2.5 per cent only which is consistent with the government's wages policy. Six existing councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.

The 20 new councils have been placed in one of the existing or new categories. These 20 councils replaced 44 former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

**Local Government Remuneration Tribunal**

## Section 1 Introduction

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1. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
3. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
4. The Tribunal's determinations take effect from 1 July in each year. The Tribunal's Report and Determination of 2016, made on 29 March 2016, provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.
5. Since the making of the 2016 determination there has been a reduction in the number of councils in NSW from 152 to 128. In response to this significant change the Tribunal will review the categories and the allocation of each council and mayoral offices into those categories, pursuant to section 239 of the LG Act.

## Section 2 Local Government Reform

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### **Update on council amalgamations**

6. The NSW Government has been working with local councils since 2011 to create stronger councils and strengthen local communities.
7. On 12 May 2016 the NSW Government announced the formation of 19 new councils. The proclamation of the new Bayside Council occurred on 9 September 2016 following



### Local Government Remuneration Tribunal

the conclusion of legal action in the Court of Appeal. This took the total number of new councils created in 2016 to 20.

8. The decision to create new councils follows four years of extensive community and industry consultation and independent research and analysis which found a strong case for reform.
9. Detailed information on the reform process and progress to date can be found on the [Fit for the Future](#) and [Stronger Councils](#) websites.
10. On 14 February 2017, the Government announced that all merged councils in NSW will remain in place and the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings. However, there will be no further regional council mergers.

### Amendments to the *Local Government Act 1993*

11. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

**242A Tribunal to give effect to declared government policy on remuneration for public sector staff**

- (1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.*
- (2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.*
- (3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).*
- (4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.*

12. The impact of these amendments to the LG Act is outlined in section 4 of this report.

## Local Government Remuneration Tribunal

## Section 3      Review of Categories

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### Scope of review

13. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last reviewed the categories during the 2015 annual review.

14. Since the making of the 2016 determination there has been an overall reduction in the number of councils from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

15. In determining categories the Tribunal is required to have regard to the following matters that are prescribed in section 240 of the LG Act:

*“240 (1)*

- the size of areas*
- the physical terrain of areas*
- the population of areas and the distribution of the population*
- the nature and volume of business dealt with by each Council*
- the nature and extent of the development of areas*
- the diversity of communities served*
- the regional, national and international significance of the Council*
- such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*
- such other matters as may be prescribed by the regulations.”*

16. The Tribunal is tasked with determining a categorisation model in which councils with the largest number of features in common can be grouped together for remuneration purposes. This is not straightforward as each council has challenges and issues which are unique.

17. The existing categories group councils primarily on the basis of their geographic location (predominantly metropolitan or rural). Categories are then further differentiated on other factors including population, the sphere of the council’s economic influence and the council’s degree of regional servicing.

**Local Government Remuneration Tribunal**

18. The Tribunal reviewed this model having regard to a large amount of statistical material, including population and financial data, demographic indicators and indicators of regional significance. The Tribunal found that while the existing criteria continue to provide an equitable and transparent model by which to differentiate councils for the purposes of determining remuneration, there existed some scope to refine these criteria to address a number of categorisation anomalies and to better reflect the composition of councils post amalgamations.
19. In considering a new model the Tribunal sought to improve consistency and transparency in the determination of categories and the allocation of councils into each of those categories. Having considered the existing and new councils, the Tribunal identified a number of councils that specifically warranted either recategorisation into an existing category or a new category.
20. The current model provides for the councils of Newcastle, Wollongong, Central Coast (former Wyong and Gosford) and Lake Macquarie to be grouped with councils in the Sydney Metropolitan Area. These councils are not located in what is generally defined as the Sydney Metropolitan Area and the categorisation did not adequately reflect their regional status. Having assessed the characteristics of these councils the Tribunal was of the preliminary view that the categories should differentiate metropolitan and non-metropolitan councils. On that basis two new categories were proposed for the regional group to accommodate these councils.
21. In respect of the larger metropolitan councils, amalgamations in the Sydney metropolitan area have resulted in a significant number of councils with populations of greater than 200,000. The 2016 determination provided for the Council of the City of Parramatta to be categorised in the same category (Metropolitan City) as Newcastle and Wollongong City Councils. The proposal to move Newcastle and Wollongong into the non-metropolitan group necessitated a re-think of the categorisation for Parramatta City Council having regard to its status in the metropolitan region. The Tribunal found that Parramatta City Council was significantly differentiated from other large metropolitan councils on the basis of its secondary CBD status as recognised by the State Government. On this basis a new category of Major CBD was proposed for Parramatta City Council.
22. Prior to seeking the views of Local Government NSW (LGNSW) and councils the Tribunal's preliminary view was that most of the existing categories should be retained but there

### Local Government Remuneration Tribunal

should also be some new categories to reflect the evolving shape of local government in NSW. The proposed model was as follows:

#### **Metropolitan**

- Principal CBD
- Major CBD
- Metropolitan Major
- Metropolitan Centre
- Metropolitan

#### **Regional**

- Regional City
- Regional Strategic Centre
- Regional Rural
- Rural

23. To test this model the Tribunal wrote to all mayors in November 2016 advising of the commencement of the 2017 Annual Review. In doing so the Tribunal advised councils of its intention to revise the existing categorisation model following examination of the list of existing and new councils. To assist councils in making their submissions the Tribunal outlined its preliminary thinking on a proposed model for metropolitan and non-metropolitan councils as follows:

#### ***“Metropolitan***

*Five metropolitan categories are proposed. The existing Principal City category is proposed to be retained for Sydney City Council and renamed Principal CBD. Major City is proposed to be abolished and a new category created for Parramatta City Council. The Tribunal’s preliminary thinking is that this category will be titled Major CBD. The existing Metropolitan Major, Metropolitan Centre and Metropolitan categories will be retained for the new and remaining existing councils.....*

#### ***Non-metropolitan***

*Four non-metropolitan categories are proposed. A new Regional City category will be created for Newcastle and Wollongong City Councils. A new Regional Strategic Centre category will be created for Central Coast and Lake*

### Local Government Remuneration Tribunal

*Macquarie Councils. The existing Regional Rural and Rural categories will be retained for other new and remaining councils.....*

#### **County Councils**

*The Tribunal does not intend to make any change to the categorisation of county councils and will retain the existing categories of Water and Other."*

24. The Tribunal also outlined its approach to the criteria for categorising councils into the proposed metropolitan and non-metropolitan categories as follows:

*"The Tribunal's 2009 annual determination outlines the characteristics for the existing categories. At this stage the Tribunal intends to adopt a similar approach and will determine descriptors for the proposed categories for the purposes of classifying councils into the categories. Population is likely to remain a determining factor for differentiating categories of councils. The Tribunal will also have regard to the matters prescribed in section 240 of the LG Act."*

25. The Tribunal invited submissions on the proposed categorisation model, criteria for the allocation of councils into the categories, fees for the proposed categories and any other matters.
26. The Tribunal also wrote to the President of LGNSW in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the President and Chief Executive for meeting with the Tribunal.

### **Submissions received - categorisation**

27. In response to this review the Tribunal received 28 submissions from individual councils and a submission from LGNSW. A summary of the key points is below.

#### **Categorisation**

28. Approximately half of the submissions (46 per cent) supported the proposed categories with no variation or supported the proposed categories with variations to titles or the number of categories. The balance of the submissions (54 per cent) did not express a view in respect to the proposed categorisation model.

**Local Government Remuneration Tribunal**

29. In respect to variations put forward in submissions, the LGNSW requested that the proposed "Major CBD" and "Metropolitan Major" be merged and called "Metropolitan Major" and an additional category be created called "Special/Interim". The "Metropolitan Major" category would include councils with a population of at least 250,000 and/or that met other specified indicators that set them apart from other metropolitan councils. The "Special/Interim" category would apply on an interim basis to councils that demonstrate special attributes/circumstances that are out of the ordinary, for example high population growth.
30. Council submissions requested additional categories such as a "Metropolitan Growth Centre" or "Metropolitan Major – Growth Centre" for councils dealing with high growth; "Metropolitan Gateway" for councils that connect the regions to metropolitan areas; and "Peri-Urban" for councils that interface between urban and rural areas.

**Criteria**

31. A number of submissions referred to the criteria provided in section 240 of the LG Act, either noting or stating the criteria remain relevant (18 per cent) or suggesting that additional criteria to those provided in section 240 is required (50 per cent). Other submissions explained how their individual council performed against the section 240 criteria (29 per cent). The balance of the submissions did not express a view in respect to the criteria for categorisation (18 per cent).
32. The LGNSW suggested that the criteria need to be expanded to include a wider range of factors such as the level of disadvantage an area suffers, annual growth rate of an area (relative to population) and expenditure of an area.
33. Council submissions suggested additional criteria such as status as a NSW Evocity; the nature of a council's business, for example some do not provide water and sewerage services; level of economic activity in a local government area; specific population thresholds; resident/councillor ratio and planning significance in terms of Government targets.
34. Councils were also asked to provide submissions on the matter of fees. Comments relating to fees are outlined in section 4.

## Local Government Remuneration Tribunal

### Findings - categorisation

35. The Tribunal is appreciative of the number of submissions received and the effort made in those submissions to comment on the proposed categorisation model and to provide further suggestions for consideration. Given the broad support the Tribunal will determine the categories as proposed with a number of minor variations which in part reflect the feedback received.
36. Since seeking the views of councils the Tribunal has reconsidered the titles of the former metropolitan categories being Metropolitan Major, Metropolitan Centre and Metropolitan. The Tribunal found that these titles did not adequately describe the characteristics of the councils in those groups or articulate the difference between them. The Tribunal has determined that the three categories will be retained but that they will be re-titled Metropolitan Large, Metropolitan Medium and Metropolitan Small. The primary determinant for categorisation into these groups will be population.
37. The Tribunal also considers that the title of Regional Strategic Centre is more appropriately titled Regional Strategic Area. The two councils to be categorised into this group are local government areas which represent a large number of townships and communities of varying scale.
38. The revised model which will form the basis of this determination is as follows:

#### **Metropolitan**

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

#### **Non-metropolitan**

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

39. The criteria for each of the categories are outlined below. As with the previous categories the predominant factor to guide categorisation is population. Other common features of councils within those categories are also broadly described. These criteria

### Local Government Remuneration Tribunal

have relevance when population alone does adequately reflect the status of one council compared to others with similar characteristics. In some instances the additional criteria will be significant enough to warrant the categorisation of a council into a group with a higher population threshold.

40. There is no significant change to the categorisation of county councils. A proclamation was published in the NSW Government Gazette No 52 of 22 June 2016 dissolving the Richmond River County Council and Far North Coast and the transferring their functions and operations to Rous County Council with effect 1 July 2016. County councils continue to be categorised on the basis of whether they undertake water and/or sewerage functions or administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

### Criteria for categories

The following criteria will apply to each of the categories:

#### Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.



**Local Government Remuneration Tribunal****Major CBD**

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As an secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

**Metropolitan Large**

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

**Local Government Remuneration Tribunal****Metropolitan Medium**

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

**Metropolitan Small**

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

**Regional City**

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

**Local Government Remuneration Tribunal****Regional Strategic Area**

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

**Regional Rural**

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

**Rural**

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

**County Councils - Water**

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

**County Councils - Other**

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

### Local Government Remuneration Tribunal

41. These criteria will be included in future determinations as an appendix to ensure they are readily accessible.

### Allocation of council into categories

42. In accordance with section 239 of the LG Act the Tribunal is required to allocate each of the councils into one of the categories. The allocation of councils is outlined in the determination under section 6.
43. In determining the allocation of councils into these categories the Tribunal found that that there were certain councils that could warrant categorisation into another category based on additional criteria. The Tribunal notes that a number of metropolitan and non-metropolitan councils have or are expected to experience significant development and population growth in the future. A number of these local government areas have been identified in the State Government's key planning strategies and include Camden and The Hills councils. The Tribunal acknowledges the additional responsibilities these and other councils may face now and in the future, however for the initial categorisation these councils have been categorised primarily on the basis of their population. The Tribunal will continue to monitor these and other councils to determine the appropriateness of the allocation of councils and the categorisation model for future determinations.

## Section 4 Fees

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### Scope of review

44. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
45. The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (the Regulation). The effect of the Regulation is that public sector wages cannot increase by

### Local Government Remuneration Tribunal

more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

46. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

**242A Tribunal to give effect to declared government policy on remuneration for public sector staff**

*(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.*

*(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.*

*(3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).*

*(4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.*

47. Those amendments make clear that the minimum and maximum fees applicable to the existing categories cannot be increased by more than 2.5 per cent. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy. These changes provided the Tribunal with greater flexibility in reviewing fees for existing and new councils.

### Submissions received - Fees

48. A number of submissions supported an increase in fees either by no less than 2.5 per cent or by an unspecified amount (25 per cent of responses). Several submissions suggested an alternative fee model (11 per cent) or made other general comments (29 per cent). The balance of submissions did not express a view in respect to fees (36 per cent).

### Local Government Remuneration Tribunal

49. The LGNSW submitted that the Tribunal must increase fees by no less than 2.5 per cent being of the view that fees have already fallen behind comparable roles. Also, that the fee structure fails to recognise the work of councillors and is often inadequate to attract and retain people with the necessary skills and expertise. The LGNSW also made reference to the changes to the LG Act that have expanded the role of the governing body (section 223) and mayors and councillors (sections 226 and 232). These points were also put forward in several council submissions along with requests that fees account for additional duties performed as members of a joint organisation.
50. In respect to alternative fee models several councils requested the Tribunal to consider a fee model similar to those applying to local governments in Victoria or Queensland; that fees are calculated as a percentage of the salary payable to members of the NSW Parliament; or that fees be benchmarked against the remuneration for the Principal CBD category.

### Findings - Fees

51. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
52. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.
53. The new categories have their remuneration ranges determined for the first time in this determination. As an initial determination the ranges for the new categories are not subject to the wages policy, however any future increase will be impacted in accordance with section 242A(4) of the LG Act.
54. The minimum and maximum fees for the new categories have been determined having regard to the relativities that exist between the existing groups.
55. For the category of Major CBD the maximum councillor fee is set at approximately 85 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at

### Local Government Remuneration Tribunal

approximately 50 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Metropolitan Large.

56. For the category of Regional City the maximum councillor fee is set at approximately 80 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at approximately 45 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Regional Strategic Area.
57. The minimum and maximum fees payable to the category of Regional Strategic Area will be the same as those payable to Metropolitan Large.

### Impact of fee increase and new categories

58. The majority of councils will receive an increase of 2.5 per cent only.
59. Six councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.
60. The twenty new councils have been placed in one of the existing or new categories. These twenty councils replaced forty-four former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

## Section 5 Other matters

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### Fees for Deputy Mayors

61. Several council submissions requested that the Tribunal review the remuneration payable to Deputy Mayors (14 per cent). It was suggested that the remuneration be increased to reflect the additional duties undertaken or that elected deputy mayors receive an allowance based on a percentage of the councillor fee.
62. Councils have raised the matter of separate fees for Deputy Mayors on previous occasions and the Tribunal notes that it has previously determined that there is no provision in the

### Local Government Remuneration Tribunal

LG Act to empower the Tribunal to determine a separate fee or fee increase for Deputy Mayors. The method for determining separate fees, if any, for a Deputy Mayor are provided in section 249 of the LG Act as follows:

**249 Fixing and payment of annual fees for the mayor**

- (1) *A council must pay the mayor an annual fee.*
- (2) *The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) *A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."*

### Conclusion

63. The Tribunal's determinations have been made with the assistance of the two Assessors - Mr Ian Reynolds and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, is outlined in Determination No. 2.
64. On 14 February 2017, the Government announced that the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings.
65. The Tribunal may need to consider the categorisation of further new councils following the conclusion of legal action. Should this occur prior to the making of the 2018 determination the Minister may direct the Tribunal to make a special determination(s) in accordance with section 242 of the LG Act.

### The Local Government Remuneration Tribunal

*Signed*

**Dr Robert Lang**

**Dated:** 12 April 2017



## Local Government Remuneration Tribunal

## Section 6 Determinations

### Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2017

**Table 1: General Purpose Councils - Metropolitan**

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills
Metropolitan Small (11)	
Burwood	
Camden	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
North Sydney	
Strathfield	
Waverley	
Willoughby	
Woollahra	

## Local Government Remuneration Tribunal

Table 2: General Purpose Councils – Non-Metropolitan

Regional City (2)		Regional Strategic Area (2)	
Newcastle		Central Coast	
Wollongong		Lake Macquarie	

Regional Rural (37)		Rural (57)	
Albury		Balranald	Kyogle
Armidale		Bellingen	Lachlan
Ballina		Berrigan	Leeton
Bathurst		Bland	Liverpool Plains
Bega		Blayney	Lockhart
Blue Mountains		Bogan	Moree Plains
Broken Hill		Bourke	Murray River
Byron		Brewarrina	Murrumbidgee
Cessnock		Cabonne	Muswellbrook
Clarence Valley		Carrathool	Nambucca
Coffs Harbour		Central Darling	Narrabri
Dubbo		Cobar	Narrandera
Eurobodalla		Coolamon	Narromine
Goulburn Mulwaree		Coonamble	Oberon
Griffith		Cootamundra-Gundagai	Parkes
Hawkesbury		Cowra	Snowy Valleys
Kempsey		Dungog	Temora
Kiama		Edward River	Tenterfield
Lismore		Federation	Upper Hunter
Lithgow		Forbes	Upper Lachlan
Maitland		Gilgandra	Uralla
Mid-Coast		Glen Innes Severn	Walcha
Mid-Western		Greater Hume	Walgett
Orange		Gunnedah	Warren
Port Macquarie-Hastings		Gwydir	Warrumbungle
Port Stephens		Hay	Weddin
Queanbeyan-Palerang		Hilltops	Wentworth
Richmond Valley		Inverell	Yass
Shellharbour		June	
Shoalhaven			
Singleton			
Snowy Monaro			
Tamworth			
Tweed			
Wagga Wagga			
Wingecarribee			
Wollondilly			

## Local Government Remuneration Tribunal

**Table 3: County Councils**

Water (5)	Other (7)
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Mid-Coast	Hawkesbury River
Riverina Water	New England Tablelands
Rous	Southern Slopes
	Upper Hunter
	Upper Macquarie

## Local Government Remuneration Tribunal

**Determination No. 2- Determination Pursuant to Section 241 of Fees  
for Councillors and Mayors**

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2017 are determined as follows:

**Table 4: Fees for General Purpose and County Councils**

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	26,310	38,580	160,960	211,790
	Major CBD	17,540	32,500	37,270	105,000
	Metropolitan Large	17,540	28,950	37,270	84,330
	Metropolitan Medium	13,150	24,550	27,940	65,230
	Metropolitan Small	8,750	19,310	18,630	42,120
General Purpose Councils – Non-metropolitan	Regional City	17,540	30,500	37,270	95,000
	Regional Strategic Area	17,540	28,950	37,270	84,330
	Regional Rural	8,750	19,310	18,630	42,120
	Rural	8,750	11,570	9,310	25,250
County Councils	Water	1,740	9,650	3,730	15,850
	Other	1,740	5,770	3,730	10,530

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

**The Local Government Remuneration Tribunal**

*Signed*

**Dr Robert Lang**

**Dated:** 12 April 2017

## ORDINARY MEETING OF THE COUNCIL

April 10, 2017

**ITEM 3****BROKEN HILL CITY COUNCIL REPORT NO. 85/17****SUBJECT:** **ADOPTION OF DRAFT HERITAGE STRATEGY 2017 - 2020 11/129****Recommendation**

1. That Broken Hill City Council Report No. 85/17 dated April 10, 2017, be received.
2. That the draft Heritage Strategy 2017 – 2020 be adopted as a Strategy of Council.

**Executive Summary:**

Council reviewed the draft Heritage Strategy 2017-2020 at its meeting held March 29, 2017, and resolved to place the draft Heritage Strategy 2017-2020 on public display as per Section 160 of the *Local Government Act 1993*.

The draft Strategy was placed on public exhibition concluding on April 28, 2017 at which stage nil submissions were received from the public. One draft late submission was received on the 10<sup>th</sup> May 2017. The late submission did not substantiate any changes to the draft Heritage Strategy 2017 – 2020.

**Report:**

The draft Heritage Strategy has been prepared to meet the requirements of the NSW Heritage Branch three year funding agreement to support local government heritage management in NSW. This is the third three year funding agreement which was designed to streamline the administration of the program, which was previously offered on a yearly basis. Council has participated in this program for a continuous period of 25 years and includes the Heritage Restoration Fund and the Heritage Advisor Programs. The development of the Strategy is a pre-requisite of the funding offer from The NSW Heritage Office for the next three years and must be provided to the Department by the end of May 2017.

The draft Heritage Strategy provides a summary of strategies that the Broken Hill City Council will employ to guide heritage management for the financial years 2017/2018, 2018/2019, 2019/2020. The Nine recommendations of the Heritage Branch publication *“Recommendations for Local Council Heritage Management”*, as listed below, have been reviewed and utilised in the preparation of this heritage strategy.

<b>Summary of recommendations and outcomes</b>	
<b>Recommendation 1</b>	<b>Establish a heritage committee to deal with heritage matters</b>
Outcome 1	Increased community participation, awareness and appreciation of heritage in the local area

<b>Recommendation 2</b>	<b>Identify the heritage items in your area and list them in your local environmental plan*</b>
Outcome 2	Increased knowledge and proactive management of heritage in your local area
<b>Recommendation 3</b>	<b>Appoint a heritage advisor to assist the council, the community and owners of listed items*</b>
Outcome 3	Increased community participation and proactive heritage and urban design management in your local areas
<b>Recommendation 4</b>	<b>Manage local heritage in a positive manner*</b>
Outcome 4	Proactive heritage and urban design management in your local area
<b>Recommendation 5</b>	<b>Introduce a local heritage fund to provide small grants to encourage local heritage projects*</b>
Outcome 5	Increased community participation and proactive conservation and management of heritage in your local area
<b>Recommendation 6</b>	<b>Run a main street program*</b>
Outcome 6	Council, owners and the community actively participate in attractive and well-managed heritage main streets
<b>Recommendation 7</b>	<b>Present educational and promotional programs*</b>
Outcome 7	Increased awareness and appreciation of heritage by Council, owners and the community in your area
<b>Recommendation 8</b>	<b>Set a good example to the community by properly managing places owned or operated by council*</b>
Outcome 8	Increased community participation and proactive conservation and management of heritage in your area
<b>Recommendation 9</b>	<b>Promote sustainable development as a tool for heritage conservation</b>
Outcome 9	Proactive heritage and sustainable development in your area

\* Funding is available from the *NSW Heritage Grants* program to assist councils with some of these suggested programs.

Overall it is considered that the strategy meets the requirements of the NSW Heritage Office and guides the strategic management of heritage programs in the city for the next three years. The nine recommendations are underpinned by 46 actions which Council will implement over the next three years to achieve the required outcomes.

A significant action proposed in the draft Strategy is the appointment of a heritage advisor for the 2017 – 2020 term. Council will commence with expressions of interest shortly to appoint a heritage advisor in accordance with guidelines of the NSW Heritage Office and Council's procurement policy.

Council resolved at the March 2017 ordinary Council meeting to place the draft Heritage Strategy 2017-2020 on public exhibition as per Section 160 of the *Local Government Act 1993* for a period of twenty eight days ending April 28, 2017.

At the conclusion of the public exhibition period (28 April 2017) Council received nil submissions. On the 10<sup>th</sup> May 2017 Council became aware of a draft submission being prepared by a member of the heritage committee. Council advised the member of the heritage committee that such a late submission could not be considered due to procedural fairness. Nonetheless, the concerns that were raised in the draft submission were addressed directly with the committee member via email. The draft submission did not warrant any amendments to the draft Heritage Strategy 2017 - 2020.

**Strategic Direction:**

Key Direction: Our Community  
Objective: 1.4 Our built environment supports our quality of life  
Function: Arts & Culture  
DP Action: 1.4.1.3 Heritage Strategy developed

**Relevant Legislation:**

- *Heritage Act 1977*
- *Environmental Planning & Assessment Act 1979*
- *Local Government Act 1993*
- *Environment Protection and Biodiversity Conservation Act 1999*

**Financial Implications:**

The draft strategy has been developed in consultation with Council's Heritage Advisor as a part of the normal consultancy agreement. The cost of public exhibition can be funded from the existing heritage budget. The current funding arrangements with the NSW Heritage Office are as follows:

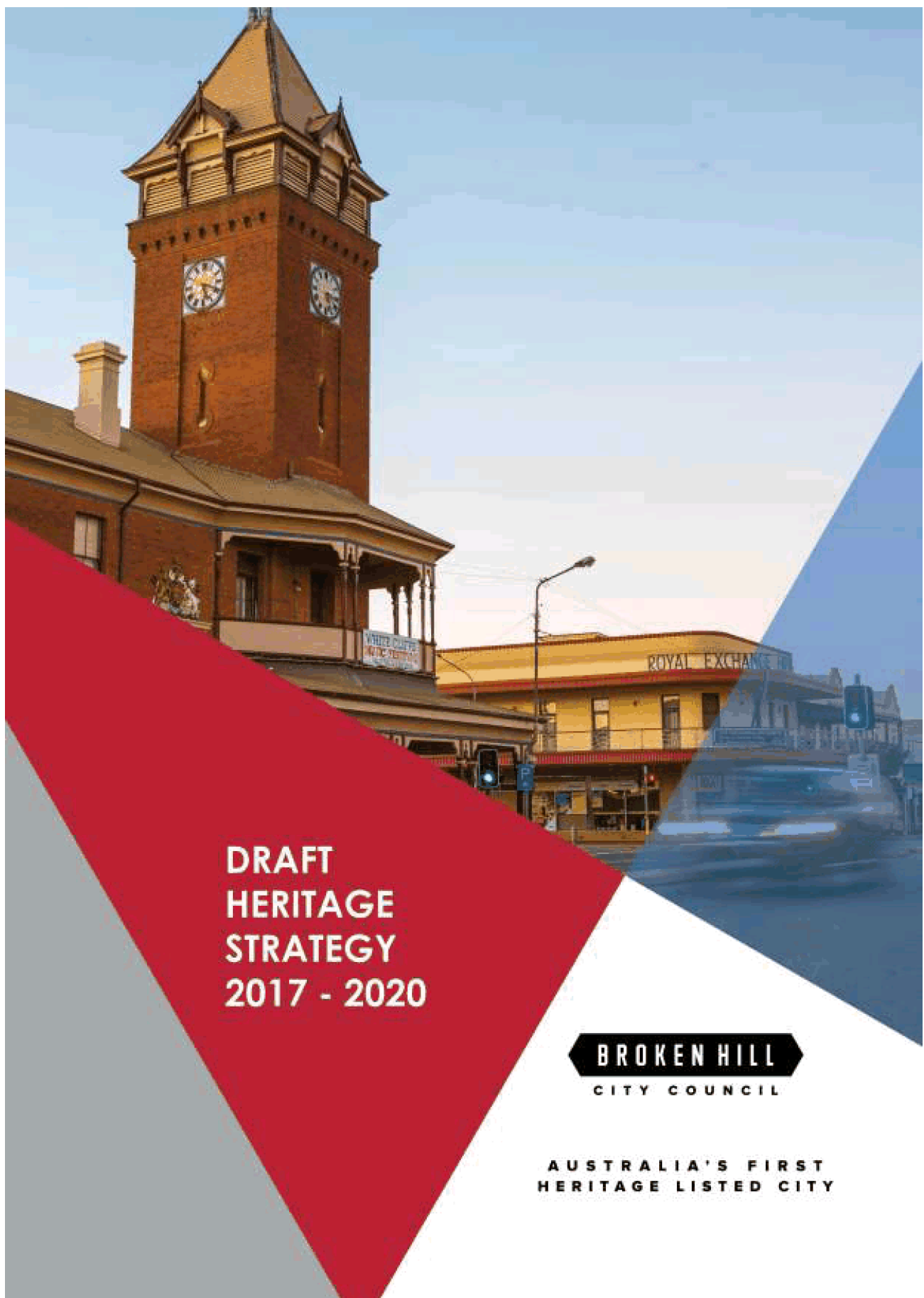
Program	Council Funds	Heritage Office	Total Funds	Owners Contribution
Heritage Advisor	\$23,000	\$7,000	\$30,000	Nil
Heritage Restoration	\$11,500	\$8,500	\$20,000	50% total project

**Attachments**

1. [↓](#) draft Heritage Strategy 2017 - 2020

BRENDAN SMITH  
CHIEF OPERATING OFFICER

JAMES RONCON  
GENERAL MANAGER







QUALITY CONTROL		
TRIM REFERENCES	D17/11575	
KEY DIRECTION	Our Environment	
OBJECTIVE	3.3 – Proactive and Responsible Planning supports the community and the environment	
FUNCTION	Built and Environment	
STRATEGY	3.3.1.2 – Implement the recommendations of the Heritage Strategy in relation to all objectives to preserve and enhance the heritage of the City	
RESPONSIBLE OFFICER	Manager Planning Development & Compliance	
REVIEW DATE	March 2017	
COMPANY	Broken Hill City Council	
PHONE NUMBER	08 8080 3300	
EMAIL ADDRESS FOR ENQUIRIES ONLY	<a href="mailto:council@brokenhill.nsw.gov.au">council@brokenhill.nsw.gov.au</a>	
DATE	ACTION	MINUTE NO.
29/3/17	Public Display	45500
NOTES	Images sourced from Council's Image Library © Copyright Broken Hill City Council 2016	
ASSOCIATED DOCUMENTS		

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## 1. INTRODUCTION

On 20 January 2015, Broken Hill became Australia's First National Heritage listed City.

The City of Broken Hill is of outstanding heritage value to the nation for its significant role in the development of Australia as a modern and prosperous country. This listing recognises the significance of over 130 years of continuous mining operations, its contribution to technical developments in the field of mining, its pioneering role in the development of the Workplace Health and Safety Standards, and its early practice of regenerating the environment in and around mining operations.

Located approximately 1140 km north-west of Sydney; 840 km north-west of Melbourne and 510 km north-east of Adelaide, the City of Broken Hill is significant for its unique mix of architecture and mining infrastructure; set amongst a dramatic desert landscape. This strategy has been prepared to meet the requirements of the New South Wales Heritage Office three year funding agreement to support local government heritage management in New South Wales.

This Strategy focuses on the built heritage within the City and does not include Aboriginal heritage. The Strategy has been endorsed by the Broken Hill City Council on xxxxxx

The purpose of this document is to provide a summary of strategies that the Broken Hill City Council will employ to guide heritage management for the financial years 2017/2018, 2018/2019, 2019/2020. The nine recommendations of the Heritage Branch publication 'Recommendations for Local Council Heritage Management' have been reviewed and utilised in the preparation of this heritage strategy

## 2. RECOMMENDATION 1 - Establish a Heritage Committee to Deal with Heritage Matters in our Area

A heritage committee was established in 2016 as a S355 Committee of Council with the focus on promoting Broken Hill as Australia's First Heritage Listed City.

### Aim:

Increased community participation, awareness and appreciation of heritage in Broken Hill

### Actions:

- Establish a suitable committee framework with the view of promoting and enhancing Broken Hill's National Heritage Listing and keeping the enthusiasm current.
- Active consultation with various stakeholder representative bodies to ensure community participation, awareness and appreciation of heritage.
- Liaise with relevant historical groups; including the National Trust (Broken Hill Branch), Broken Hill Historical Society, the Working Group of the Aboriginal Land Council, owners of heritage items and other interest groups. These groups are to be informed of specific heritage matters that will be of interest to the group or individual.

### **3. RECOMMENDATION 2 - Identify, List and Legally Protect Heritage Items in the Local Government Area**

**Aim:**

Increased knowledge and proactive management of heritage in Broken Hill LGA.

**Actions:**

- Review heritage items on the Broken Hill Local Environmental Plan 2013 for currency and possible new items to be included.
- Consult with Mining Companies to complete their Heritage Conservation Strategies.
- Heritage Advisor to assist Council with Court appearances acting as an expert witness.
- Prioritise the most significant local heritage items in Broken Hill through a community consultation process – to establish a 'top 30' list.
- Continue with electronic formatting of heritage listed items and inclusion of electronic photographs into the Council database.
- Respond to any threats for demolition of heritage places, either listed; or within Conservation Areas.
- Provide input to the Heritage Branch in the identification and listing of State significant buildings/places within the City of Broken Hill.

### **4. RECOMMENDATION 3 - Appoint a Heritage Adviser to assist the Council, Community and Owners of Heritage Items**

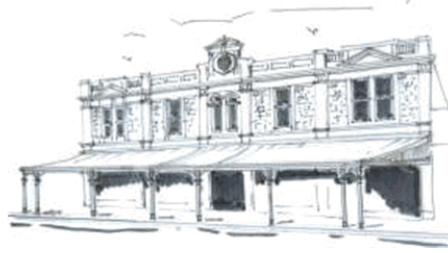
**Aim:**

To increase community participation, proactive heritage and urban design management in Broken Hill

**Actions:**

The Broken Hill City Council will continue its Heritage Advisory Service at the current level of operation. This is now its 30<sup>th</sup> year of operation. Currently a Heritage Adviser visits Broken Hill approximately nine times a year, it is proposed to continue with this valuable service.

- Appoint a Heritage Advisor for the period 2017 – 2020.
- Provide advice to Council to assist with the assessment of applications likely to impact on the heritage significance of buildings and places.
- Continue to provide advice for pre Development Application (DA) meetings.
- Continue to provide advice for design of new development in a heritage context.
- Continue to provide designs for new verandahs; including preparation of sketches and drawings in Argent Street, Oxide Street and others (example of a current project is the Pirie Chambers Building in Argent Street).

**Pirie Building - Existing condition****Sketch verandah reinstatement**

- Actively promote and identify sources of funding for projects, such as state or federal government initiatives and assist property owners with the filling out of forms, explaining eligibility and the like.
- Actively promote and identify conservation projects (building maintenance and repairs) and assist with works.
- Continue to provide input into the review of Council policies and standards relating to heritage management and urban design.
- Identify key buildings requiring conservation and upgrading.

## **5. RECOMMENDATION 4 - Manage Local and State Heritage in a Positive Manner**

### **Aim:**

1. Proactively manage heritage and urban design within Broken Hill.
2. Promote the conservation and maintenance of Broken Hill's heritage.
3. Provide policies and plans appropriate to the assessment of applications within conservation areas; or which relate to places of heritage significance.

### **Actions:**

- Continue the training program initiative of the Heritage Near Me Week. Follow up possibilities at the Gaol for training programs at the Gaol. Also, investigate if the if Pirie building façade can be done as a training program (part two – part funded by Heritage Near Me and owner).
- Ensure that any demolition work of a heritage item includes a heritage impact assessment; and then consider, where appropriate; retention of useful materials, particularly stone, for conservation works.
- Investigate the establishment of a stone bank for depositing of useful stone for future building projects.
- Digitise Barrier Daily Truth early articles as part of the Living Museum Project (note that copyright permissions have been obtained and cleared).
- Consult with other local historical organisations in relation to historical material which can be digitised and preserved for future use subject to funding availability.
- Vacant shopfronts - Investigate feasibility of a program similar to Newcastle NSW "Renew Newcastle: Creating Creative Enterprise Hubs: A Guide by Marcus Westbury."
- Investigate the re-establishment of the delegation for processing of development applications associated with State Heritage Items.

- Ensure that Aboriginal Heritage is also well managed in the area, liaise with relevant agencies to ensure this occurs so that heritage is not seen as split into sections. (acknowledging that Aboriginal Heritage is protected under the National Parks and Wildlife Act)
- Provide property owners with advice on heritage controls, construction methods and/or incentives that may apply to their heritage item.
- Provide updated heritage guidelines and fact sheets for builders and owners.

## **6. RECOMMENDATION 5 - Continue the Local Heritage Incentives Fund to Provide Small Grants to Encourage Local Heritage Projects**

### **Aim:**

Increased community participation and proactive conservation and management of heritage within the Broken Hill region.

### **Actions:**

Continue with comprehensive system of funding as follows.

#### **Heritage Assistance Grants Policy**

This policy aims to provide financial assistance to residents and businesses to beautify our City and maintain its heritage appeal through the provision of grants and loans to paint and maintain houses and buildings in Broken Hill with historical significance.

The policy provides two specific streams of Heritage Restoration Assistance funding, those being:

- Verandah Restoration.
- Painting and Minor Restoration Works.

The program will consist of two streams of heritage funding, those being:

- Stream 1 - Verandah Restoration.
- Stream 2 - Painting and Minor Restoration for Residential and Commercial Buildings.

**Stream 1 – Verandah Restoration** - The Verandah Restoration Program will provide assistance through 80% loan funding and 20% grant funding, to assist applicants in restoration and construction of verandahs with heritage significance. Council will accept applications for the Verandah Restoration Program at any time throughout the year.

**Stream 2 – Painting and Minor Restoration Works** - Council will advertise the Painting and Minor Restoration Works Program on Council's website and in the local media. Council will accept applications for grant and loan funding under Stream 2 at any time throughout the year. A grant amount of up to \$1,500 per property will be available, subject to this amount not exceeding 50% of total approved works. A loan amount of up to \$3,000 per property will be available, subject to this amount not exceeding 50% of total approved works. Applicants are eligible to apply for both the grant and the loan.

## **7. RECOMMENDATION 6 - Run a Main Street Program which Upgrades the Physical Environment of Main Streets in Broken Hill**

### **Aim:**

Council, owners and the community actively participate in attractive and well-managed heritage main streets.

**Actions:**

- Continue with verandah revival program through Council's heritage grants and loans incentives.
- Council are working towards achieving initiatives described in the Broken Hill Living Museum and Perfect Light Plan. Works that are currently in progress include the following:
  - Wayfinding and Whole-of Destination Interpretive Framework - this framework will offer a considered approach to realising Broken Hill as a Living Museum and as a place where creativity can be expressed openly and with originality. The interpretation and wayfinding will activate the imagination, encourage exploration and amplify the Broken Hill story. The priority areas for this project are the Argent Street Mineral and Art Intersections, BHP Chimney Ruin of First Offices and the Outback Archives Broken Hill and Council Customer Service Foyer.
  - The Argent Street Sculpture Symposium 2017, Council will explore the ways in which public art can form an integral role in interpretation, activation, transformation and inspiration. The Symposium will form a 'key' anchor intervention within this landscape of opportunity. It will activate and transform, aligning global influence with local engagement to provide equitable opportunity for participation in this remote community. Art will become Wayfinding, drawing the visitor along the main street, creating spaces for local/visitor interaction and encouraging immersion in the narrative of the City and its environment (such as The Living Desert).



*Run of continuous verandahs all erected as part of the verandah program, which now provide amenity and shade for pedestrians and business owners.*

## **8. RECOMMENDATION 7 - Present Educational and Promotional Programs**

### **Aim:**

To raise community awareness and appreciation through education on heritage related issues and management within Broken Hill and to promote cultural heritage and museum development opportunities.

### **Actions:**

- Continue to update existing publications where necessary for example 'Broken Hill Guide to the Silver City' and 'Deaths on the Line of Lode.
- Heritage Advisor to prepare media releases on heritage matters in consultation with Council's Communications and Community Engagement Coordinator.
- Prepare text and historical information for new interpretative signs.
- Continue with the annual Heritage Awards.
- Continue to promote Broken Hill as a heritage destination.
- Continue to liaise with and involve community groups; such as the Broken Hill Heritage committee, National Trust and the Broken Hill Historical Society; on issues affecting heritage conservation in Broken Hill.
- Prepare a database on heritage items and places of historical significance accessible to the public, which is to be accessed through Council's website.
- Continue to provide support to community and tourism groups in the development of cultural heritage tourism projects and programs.

## **9. RECOMMENDATION 8 - The Broken Hill City Council to Lead by example by Properly Managing Places Owned or Operated by Council**

### **Aim:**

To increase community participation and proactive conservation and management of heritage within Broken Hill. A Broken Hill Heritage Asset Register would be an assisting tool, as this would clarify those heritage items which are listed and those which are not (but are of value).

### **Actions:**

The Broken Hill City Council will continue with its management of its heritage assets via the following:

- Develop a Council owned heritage asset register, to alert staff about heritage significance of council owned structures and the need to conserve to appropriate conservation standards. Prepare a list of Council owned heritage items with projects prioritised.
- Prepare appropriate and concise heritage strategy plans to conserve those properties into the future.
- Continue to appropriately maintain Council owned or operated heritage assets
- Prepare Conservation Management Plans for Council owned properties.



## **10. RECOMMENDATION 9 - Promote Sustainable Development as a Tool for Heritage Conservation**

**Aim:**

Proactive heritage and sustainable development within Broken Hill region.

**Actions:**

1. Encourage adaptive re-use of heritage buildings to ensure the ongoing sustainable use and maintenance of these buildings.
2. Promote and encourage appropriate installation of solar panels on buildings within the heritage conservation areas and on heritage items.

**MANAGEMENT STRATEGY FOR THE CITY OF BROKEN HILL — SUMMARY CHECKLIST 2017 – 2020**

ACTIONS	STATUS	2017/18	2018/19	2019/20
<b>Recommendation 1 – Establish a Heritage committee to deal with Heritage matters in our area</b>				
1. Establish a suitable committee framework with the view of promoting and enhancing Broken Hill's National Heritage Listing and keeping the enthusiasm current.	Committee established - ongoing	x	x	x
2. Active consultation with various stakeholder representative bodies to ensure community participation, awareness and appreciation of heritage.	Ongoing	x	x	x
3. Liaise with relevant historical groups; including the National Trust (Broken Hill Branch), Broken Hill Historical Society, the Working Group of the Aboriginal Land Council, owners of heritage items and other interest groups. These groups are to be informed of specific heritage matters that will be of interest to the group or individual	Ongoing	x	x	x
<b>Recommendation 2 – Identify, list and legally protect heritage items in the Local Government Area</b>				
4. Review heritage items on the Broken Hill Local Environmental Plan 2013 for currency and possible new items to be included.	To be completed		x	
5. Consult with Mining Companies to complete their Heritage Conservation Strategies.	Ongoing discussions	x	x	x
6. Heritage Advisor to assist Council with Court appearances acting as an expert witness.	If required	x	x	x
7. Prioritise the most significant local heritage items in Broken Hill through a community consultation process – to establish a 'top 30' list.	Discussions commenced between Council staff and Heritage Adviser to draft a list	x		
8. Continue with electronic formatting of heritage listed items and inclusion of electronic photographs into the Council database.	Transfer information to TRIM and update		x	x
9. Respond to any threats for demolition of heritage places, either listed, or within Conservation Areas.	Ongoing	x	x	x

10. Provide input to the Heritage Branch in the identification and listing of State significant buildings/places within the City of Broken Hill.	Ongoing	x	x	x
<b>Recommendation 3- Appoint a Heritage Advisor to assist Council, community and owners of Heritage Items</b>				
11. Appoint a Heritage Advisor for the period 2017 - 2020	Heritage advisor to be appointed by July 2017	x		
12. Provide advice to Council to assist with the assessment of applications likely to impact on the heritage significance of buildings and places.	Ongoing	x	x	x
13. Continue to provide advice for pre Development Application (DA) meetings.	Ongoing	x	x	x
14. Continue to provide advice for design of new development in a heritage context.	When required, through Development Application assessment processes	x	x	x
15. Continue to provide designs for new verandahs; including preparation of sketches and drawings in Argent Street, Oxide Street and others (example of a current project is the Pirie Chambers Building in Argent Street).	When required, particularly when application for funding received through Grants Program.	x	x	x
16. Actively promote and identify sources of funding for projects, such as state or federal government initiatives and assist property owners with the filling out of forms, explaining eligibility and the like.	Ongoing	x	x	x
17. Actively promote and identify conservation projects (building maintenance and repairs) and assist with works.	Ongoing	x	x	x
18. Continue to provide input into the review of Council policies and standards relating to heritage management and urban design.	Comprehensive Development Control Plan developed late 2016 – to be reviewed in 2019			x
19. Identify key buildings requiring conservation and upgrading.	Ongoing	x	x	x
<b>Recommendation 4 – Manage local and state heritage in a positive manner</b>				
20. Continue the training program initiative of the Heritage Near Me Week. Follow up possibilities at the Gaol for training programs at the Gaol. Also if Pirie building façade can be done as a training program	To be continued subject to availability of funding	x	x	x

(part two – part funded by Heritage Near Me and owner)				
21.Ensure that any demolition work of a heritage item includes a heritage impact assessment; and then consider, where appropriate, retention of useful materials, particularly stone, for conservation works	Ongoing	x	x	x
22.Investigate the establishment of a stone bank for depositing of useful stone for future building projects	As required	x	x	x
23.Digitise Barrier Daily Truth early articles as part of the Living Museum Project (note that copyright permissions have been obtained and cleared)	To commence	x	x	x
24.Consult with other local historical organisations in relation to historical material which can be digitised and preserved for future use subject to funding availability.	To be investigated	x	x	x
25.Vacant shopfronts - Investigate feasibility of a program similar to Newcastle NSW 'Renew Newcastle: Creating Creative Enterprise Hubs: A Guide by Marcus Westbury.'	To be investigated		x	
26.Investigate the re-establishment of the delegation for processing of development applications associated with State Heritage Items.	To be investigated	x		
27.Ensure that Aboriginal Heritage is also well managed in the area, liaise with relevant agencies to ensure this occurs so that heritage is not seen as split into sections (acknowledging that Aboriginal Heritage is protected under the <i>National Parks and Wildlife Act 1974</i> )	To be investigated		x	x
28.Provide property owners with advice on heritage controls, construction methods and/or incentives that may apply to their heritage item.	Ongoing	x	x	x
29.Provide updated heritage guidelines and fact sheets for builders and owners.	To be developed		x	x
<b>Recommendation 5 – Continue the local heritage incentives fund to provide small grants to encourage local heritage projects</b>				
30.Continue with comprehensive system of funding.	Ongoing	x	x	x
<b>Recommendation 6 – Run a main street program which upgrades the physical environment of main streets in Broken Hill</b>				

31.Continue with verandah revival program through Council's heritage grants and loans incentives.	Ongoing	x	x	x
32.Council are working towards achieving initiatives described in the Broken Hill Living Museum and Perfect Light Plan.	Ongoing	x	x	x
<b>Recommendation 7 – Present educational and promotional programs</b>				
33.Continue to update existing publications where necessary for example 'Broken Hill Guide to the Silver City and Deaths on the Line of Lode	When required	x	x	x
34.Heritage Advisor to prepare media releases on heritage matters in consultation with Council's Communications and Community Engagement Coordinator.	Ongoing	x	x	x
35.Prepare text and historical information for new interpretative signs.	Ongoing	x	x	x
36.Continue with the annual Heritage Awards.	Ongoing	x	x	x
37.Continue to promote Broken Hill as a heritage destination.	Ongoing	x	x	x
38.Continue to liaise with and involve community groups; such as the Broken Hill Heritage committee, National Trust, and the Broken Hill Historical Society; on issues affecting heritage conservation in Broken Hill.	Ongoing	x	x	x
39.Prepare a database on heritage items and places of historical significance accessible to the public, which is to be accessed through Council's website.	To be developed		x	
40.Continue to provide support to community and tourism groups in the development of cultural heritage tourism projects and programs.	Ongoing	x	x	x
<b>Recommendation 8 – Broken Hill City Council to lead by example by properly managing places owned or operated by Council</b>				
41.Develop a Council owned heritage asset register, to alert staff about heritage significance of Council owned structures and the need to conserve to appropriate conservation standards. Prepare a list of council owned heritage items with projects prioritised.	To be developed		x	x
42.Prepare appropriate and concise heritage strategy plans to conserve	To be continued	x	x	x

those properties into the future.				
43.Continue to appropriately maintain Council owned or operated assets.	Ongoing	x	x	x
44.Prepare Conservation Management Plans for Council owned properties, depending upon the availability of funding, and where required.	To be developed			x
<b>Recommendation 9 – Promote sustainable development as a tool for heritage conservation</b>				
45. Encourage adaptive re-use of heritage buildings to ensure the ongoing sustainable use and maintenance of these buildings.	Ongoing	x	x	x
46.Promote and encourage appropriate installation of solar panels on buildings within the heritage conservation areas and on heritage items.	Information material to be developed	x		





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ORDINARY MEETING OF THE COUNCIL

May 9, 2017

**ITEM 4**

BROKEN HILL CITY COUNCIL REPORT NO. 87/17

SUBJECT: ADOPTION OF DRAFT REVISED MEDIA RELATIONS POLICY  
12/14

**Recommendation**

1. That Broken Hill City Council Report No. 87/17 dated May 9, 2017, be received.
2. That Council adopts the draft revised Media Relations Policy as a Policy of Council.

**Executive Summary:**

Council considered the revised draft Media Relations Policy at its meeting held March 29, 2017 and resolved to place the document on public exhibition for a period of twenty eight days closing April 28, 2017 at which time Council received one submission via the Barrier Daily Truth.

This submission was critical of the Policy's existence, and noted the omission of a directive for Councillors to *"always give a direct and honest answer."*

Council's Media Relations Policy states all Councillors must conduct themselves in line with Council's adopted Code of Conduct.

Council's Code of Conduct (General Conduct Obligations, 3.2) already clearly instructs Councillors in regard to honesty: *"You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions."*

As such, no changes are recommended to the draft Policy.

**Report:**

As per Council's determination of Confidential Report No. 261/16 (Code of Conduct No. BHC160401) at its meeting held December 14, 2016, Council resolved (Minute No. 45420):

*4. That Council review its Media Relations Policy so that the Policy more closely aligns with current practice. Current practice gives tacit encouragement to all Councillors to speak to the media which is contrary to the terms of the Policy.*

Council's Media Relations Policy has been revised to better align with current practice, and provide clarity on the roles and responsibilities of Councillors and Council staff when interacting with media.

A copy of this draft revised Media Relations Policy was circulated to Councillors via email on 10 February, 2017, with no requests for additions or amendments received.

This Policy has been revised to clarify the roles and responsibilities of Councillors and Council staff when interacting with the media, and provide a framework to enable coverage of Council affairs that is consistent, accurate, fair, and reliable.

There was previously an element of uncertainty, particularly amongst Councillors, regarding rules and restrictions surrounding communication with local media.

A comparison of Council's existing Policy against Media Policies from a number of other Councils across the State showed that there was an opportunity for refinement, particularly in relation to Councillors' freedom to speak as individuals with local media.

The draft revised Media Relations Policy clearly states that Councillors may speak with the media, providing they make it clear they are expressing their own personal opinion, and are not speaking on behalf of Council as a whole.

It also provides an updated layout to align with Council's style guide, improved grouping of relevant information, and a table clearly showing the roles, responsibilities and restrictions for each facet of Council in relation to media.

**Strategic Direction:**

Key Direction:	4 Our Leadership
Objective:	4.4 Our Community is Engaged and Informed
Function:	Customer Relations
DP Action:	4.4.1.1 Develop a communications strategy aimed at increasing information provision and engagement of our community

**Relevant Legislation:**

*Local Government Act 1993, Section 160*

**Financial Implications:**

Nil.

**Attachments**

1. [📄](#) Draft Revised Media Relations Policy

JAMES RONCON  
GENERAL MANAGER



## DRAFT MEDIA RELATIONS POLICY

QUALITY CONTROL		
TRIM REFERENCES	12/114	
RESPONSIBLE POSITION	General Manager	
APPROVED BY	Council resolution	
REVIEW DATE	May 2019	REVISION NUMBER 4
EFFECTIVE DATE	ACTION	MINUTE NUMBER
29/11/2000	Adopted	38961
26/11/2003	Adopted	40205
28/03/2012	Adopted	43236

### 1. INTRODUCTION

This Policy provides a framework for Councillors and staff to use to promote coverage of Council affairs that is consistent, fair, accurate and reliable.

### 2. POLICY OBJECTIVE

The Media Relations Policy has the following objectives:

- To ensure consistency by Councillors and staff in dealing with the media.
- To promote open exchange of information between Council and the media.
- To limit the publication of inaccurate information which could cause conflict or embarrassment for employees and Councillors.
- To limit the possibility of miscommunication and reputation risk.
- To promote positive media relationships.
- To clearly indicate Council's authorised spokespersons.
- To ensure appropriate authorisation and responsibility for information provided.

### 3. POLICY SCOPE

This Policy applies to Councillors, Council officers, volunteers, consultants, and contractors.

#### **4. POLICY STATEMENT**

The following guidelines should be observed at all times when interacting with media:

##### **4.1 Staff and Media**

- All media enquiries should be directed to the Communications and Community Engagement Coordinator.
- Council staff must not speak to the media about matters related to Council unless authorised by the General Manager to do so.
- Council employees may not provide any comment or information to the media with the intention of contesting or undermining Council policy or casting Council, Councillors or Council staff in a negative light.
- Council employees may speak to the media or write Letters to the Editor as private individuals providing they do not comment on Council business or policy, and do not identify themselves as Council employees.
- From time to time it may be necessary for a Letter to the Editor to be written as an official Council communication to inform the community about a particular matter. Such letters must be issued through the Communications and Community Engagement Coordinator, subject to the approval of the Mayor and/or General Manager.
- In the event of an industrial dispute (or an incident likely to lead to an industrial dispute), statements on behalf of Council employees should be issued via the relevant union.
- When appropriate, a member of Council staff may be nominated by the General Manager to act as the sole spokesperson on a specific issue, event or initiative within their operational portfolio, to ensure consistency of message.
- Council staff should treat all media outlets equally and avoid giving one outlet preferential treatment. Media releases should be distributed to all media outlets at the same time.
- Council staff should never provide information "off the record" during media interviews. Anything said to a media representative can be used in a news story.
- Contractors, volunteers or service providers employed by Council must refer all media enquiries relating to Council to the Communications and Community Engagement Coordinator.

##### **4.2 Councillors and Media**

- Councillors have been elected to represent the community and are free to speak to the media.
- Whenever Councillors speak with the media they must make it clear they are expressing their own personal opinion, and not speaking on behalf of Council as a whole.
- Councillors may speak on behalf of Council only when delegated by the Mayor. In such an instance they must completely support Council's position on the issue at hand.
- Councillors may speak with media on behalf of Committees on which they are Chair or Acting Chair on matters that directly relate to their Committee.

- Councillors must not provide the media with comment or information that; contests or undermines established Council policy; brings Council into disrepute; denigrates Council, fellow Councillors, or Council employees.
- Councillors are encouraged to contact the Communications and Community Engagement Coordinator or General Manager before speaking to media to ensure they can provide the most up to date information from Council on the matter at hand.

#### **4.3 Media Releases**

- Staff may prepare draft media releases, but they must be forwarded to the Communications and Community Engagement Coordinator for editing, formatting and distribution to ensure consistency in communication with media.
- Media releases should never be issued without the Communications and Community Engagement Coordinator's knowledge, and the prior approval of the General Manager, the Mayor, or a delegated authority.
- A media release should never be issued quoting a Councillor or member of staff without that person's permission.
- Staff with specialist knowledge may be quoted in media releases with the permission of the relevant delegated authority.
- Media releases must be approved by the General Manager or the delegated authority before posting on the Council website or social media.

#### **4.4 Media Alerts**

Any Councillor or staff member who is aware of a Council matter that may be of interest to the media should immediately contact the General Manager's Office.

#### **4.5 Complaints about the Media**

Staff complaints about incorrect or unfair media content regarding Council matters should be forwarded to the Communications and Community Engagement Coordinator. Official complaints about media, or requests for a correction can only be made with the authorisation of the General Manager.

#### **4.6 Emergency Communication**

Council recognises that ill-considered and uninformed comments can cause dire consequences and have legal implications in the event of an emergency, disaster, crisis or other sensitive issue.

In the event of an emergency in the Council area involving serious injury to and/or death of residents, the Mayor/Councillors or Council employees, or involving significant damage to Council assets or private property, or involving significant law enforcement activity on Council property, the following procedures will apply:

- The General Manager's Office must be notified immediately of details of the incident or activity.
- Details of the incident or activity must not be discussed with any media representatives unless approved in advance by the General Manager.
- Requests by the media to film, photograph or interview Council employees or Council assets involved in the emergency situation must be referred to the General Manager's Office.

#### 4.7 Crisis Management

In communications planning, a crisis is regarded as an emergency due to an actual or imminent occurrence (such as fire, flood, storm, earthquake, explosion, terrorist act, accident, epidemic or war like action) which creates an emergency that requires a significant and coordinated response.

A crisis is defined as a situation that:

(a) endangers, or threatens to endanger, the safety or health of persons or animals in the Local Government Area and;

(b) destroys or damages, or threatens to destroy or damage, any property in the Local Government Area.

If the District Emergency Management Committee enacts the District DISPLAN, requests must be referred to the General Manager's Office. The General Manager will be guided by the advice of the District and Local Emergency Operations Controllers.

#### 4.8 Non-compliance with this Policy

Failure to comply with this policy may be dealt with in accordance with Council's Code of Conduct.

### 5. IMPLEMENTATION

#### 5.1. Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

Authorised Officer	Roles and Responsibilities
Mayor	Council's official spokesperson on all strategic and policy matters. Authorised signatory for Letters to the Editor on policy issues.
Deputy Mayor	To act as the Mayor's delegated spokesperson if the Mayor is unavailable.
General Manager	Council's official spokesperson on all policy, operations, strategic, and administrative issues. Authorised signatory for Letters to the Editor on these issues.
Councillors	Provide the media with comment, identifying that it is provided as their own personal opinion, and not the official position of Council.
Department Managers	May make statements on behalf of Council as a designated spokesperson if authorised by the General Manager.
Communications and Community Engagement Coordinator	Responsible for coordinating responses, and providing information and press releases to the media.
General Staff	No media role unless authorised by the General Manager to act as a designated spokesperson.

- The Mayor and the General Manager are Council's official spokespersons on all matters.
- The General Manager may nominate other staff to act as spokespersons for the Council.
- The Mayor may delegate another Councillor to speak on a particular matter.
- The Communications and Community Engagement Coordinator is responsible for co-ordinating media liaison and issuing press releases, and is delegated to respond to media enquiries on behalf of Council.
- No staff member, other than those authorised by the General Manager, are to handle an enquiry from the media without prior approval.
- Information given to the media of a controversial, legal, or ethical nature requires the approval of the General Manager and/or the Mayor.
- All staff, Councillors, volunteers and contractors must abide by Council's Code Of Conduct when speaking with the media.

### **5.2. Communication**

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website, and also directly supplied to local media outlets.

## **6. REVIEW**

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be every two years from the effective date. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Communication and Community Engagement Coordinator is responsible for the review of this policy.

## **7. LEGISLATIVE AND LEGAL FRAMEWORK**

This policy is to be read in conjunction with the following:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- 2015 Model Code of Conduct for Councils in NSW

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Media Relations Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

## **8. DEFINITIONS**

"DISPLAN" – The Broken Hill City Council Local Disaster Plan

## ORDINARY MEETING OF THE COUNCIL

April 6, 2017

**ITEM 5**BROKEN HILL CITY COUNCIL REPORT NO. 83/17SUBJECT:                    ADOPTION OF DRAFT CEMETERY MANAGEMENT POLICY 12/14**Recommendation**

1. That Broken Hill City Council Report No. 83/17 dated April 6, 2017, be received.
2. That Council adopts the Draft Cemetery Management Policy as a policy of Council.

**Executive Summary:**

Council reviewed the draft Cemetery Management Policy at its meeting held March 29, 2017, and Council resolved to place the draft Cemetery Management Policy on public display as per Section 160 of the *Local Government Act 1993*.

The draft policy was placed on public exhibition which concluded on April 28, 2017 at which stage Council received one submission from a member of the public.

**Report:**

The purpose of the Cemetery Management Policy is to provide a simple yet effective management approach for the short and long term future of the Cemetery within Broken Hill. The policy provides a guided reference for understanding how Council manages the Cemetery and the framework as to how staff administer Cemetery management.

The policy is reviewed within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council.

The recent review of the Cemetery Management Policy identified the following amendments and considerations under the below listed sub-headings.

**2.5 Exclusive Right for Spare Plots/Niches and Pre Selection of Spare Plots/Niches**

<b>Current</b>	Spare Plots are not available in the Rose Garden or Native Garden
<b>Amended</b>	<p>c) Spare plots are not available for pre-purchase in the Rose Garden or Native Garden, unless:</p> <ul style="list-style-type: none"><li>• At the time of a deceased person being interred, one only adjacent plot may be pre-purchased for future burial, subject to a sloper being placed at the site of the spare plot, within three months of the plot purchase.</li></ul>



#### 4.7 Grave and Plot Allocation Sizing

<b>New</b>	a) In Ground Plots: <ul style="list-style-type: none"> <li>• Interment of ashes at the head end or foot end of a grave is determined on a merit basis, at the time of application. Fees apply.</li> </ul>
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#### 4.11 Interments

<b>Current</b>	All requests for interments must be made to Council.
<b>Amended</b>	All requests for interments must be made to Council, with the provision of 48 hours notification.

Additional minor amendments have occurred to reflect accurate responsibility of roles, updated review periods and the like.

The review also highlighted current and proposed fees to be considered in the 2017/2018 Schedule of Fees and Charges: Some considerations include:

- Fee for placement of bronze plaques on graves;
- Fee for grave preparation for interment of ashes at either head end or foot end;
- Minimum hourly fee for interments running over booking time and extending to out of normal hours;

In accordance with Section 160 of the *Local Government Act 1993* the Draft Cemetery Management Policy was placed on public exhibition for a period of 28 days closing 28 April 2017, during which time one submission was received by Council.

Council received one submission from a member of the public who addressed Council at the March Ordinary Council meeting requesting that the proposed changes be supported as per 2.5 (c) above. No amendments are recommended following the community Consultation process

#### Strategic Direction:

- Key Direction: 1. Our Community
- Objective: 1.4 Our built environment supports our quality of life
- Function: Our Community
- DP Action: 1.4.1.5 Maintain the cemetery to allow a final resting place and a place for residents and visitors to visit loved ones that have passed.
- 1.4.1.6 Facilitate searches for deceased persons interred in the Broken Hill Cemetery.

**Relevant Legislation:**

Under the *Local Government Act 1993*, the *Public Health (Disposal of Bodies) Regulation 2002* and the *Local Government (Control of Cemeteries) Amendment Act 1966*, Broken Hill City Council as a cemetery authority is required to establish policies and procedures in regards to the control of the management and operation of Council's Cemetery.

Section 160 of the *Local Government Act 1993* requires plans and policies to be placed on public exhibition for a period of 28 days, during which time submissions may be made to Council.

**Financial Implications:**

There are no financial implications to review this Policy.

**Attachments**

1. [!\[\]\(97faa0168e491544be255cfcab218e9b\_img.jpg\)](#) Submission received
2. [!\[\]\(b2166b76608b8499cffc130bf1b1fe60\_img.jpg\)](#) Draft Cemetery Management Policy

BRENDAN SMITH  
CHIEF OPERATING OFFICER

JAMES RONCON  
GENERAL MANAGER

22nd March 2017

my name is [REDACTED]  
my father [REDACTED]  
pass away 2 Months ago. Both  
Dad and Mum want to be place  
in the rose garden at the  
Cemetery.

my husband and I would like to  
be place next to my parents.  
But apparently you can't prepaid  
a lot in the rose garden at the  
moment. But you can for a gravesite  
my husband and I are repaid  
to pay upfront for all what is  
required.

I found out that this matter  
is up for review in March  
of this year.

Thank you  
[REDACTED]



## DRAFT CEMETERY MANAGEMENT POLICY

QUALITY CONTROL			
TRIM REFERENCES	D14/28765 – 12/114		
RESPONSIBLE POSITION	Manager Infrastructure Strategy		
APPROVED BY	Council		
REVIEW DATE	March 2021	REVISION NUMBER	2
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
25 March 2015	Public Exhibition	44900	
29 July 2015	Adopted	45007	
29 March 2017	Public Exhibition	45502	

### 1. INTRODUCTION

This policy has been developed to assist in the management of the Broken Hill Cemetery.

### 2. POLICY OBJECTIVE

The Broken Hill City Council Cemetery Management Policy outlines the overall principles that underpin how Council manages its cemetery in order to comply with legislative requirements and to provide a dignified and responsive cemetery and memorial service to the community.

### 3. POLICY SCOPE

This policy applies to the Broken Hill Cemetery, which is under the care, control and management of the Broken Hill City Council, following the introduction of the *Local Government (Control of Cemeteries) Amendment Act 1966*, in the early 1970's.

This policy is aimed at all members of the public; including Council employees, residents, visitors and contractors, who have an interest in or are undertaking work within the Broken Hill Cemetery.

### 4. POLICY STATEMENT

#### 4.1. Cemetery Maintenance

Council shall maintain lawn areas, trees and vegetation, roadways and paths adjacent to and within the monumental sections. All shrubs, plants in the cemetery and gardens are planted and cared for by Council. Council may remove any trees, shrubs or other vegetation from the cemetery.

The public are not permitted to plant flowers, shrubs or trees in any area within the cemetery boundary without Council's written consent. Council may remove any shrubs, trees or other vegetation that have been planted on a burial site or within the Cemetery without Council's written consent.

Council are not responsible for the upkeep, maintenance, repair, restoration, or cleaning of any monument or structure at a burial site. Council will endeavor to contact the Exclusive Right holder if damage is caused to a grave or monument. It is important that all Exclusive Right holders provide up to date contact details to Council.

Council may act to remove any structure in a cemetery that has become dilapidated, unsightly, is crumbling, or deemed to be unsafe in a risk assessment carried out by Council. Council's actions will be limited to making unsafe structures safe to ensure public and employee safety.

Where subsidence is evident, Council may fill and compact the ground.

#### **4.2. Cemetery Records**

Prior to Council taking on the management of the Cemetery in the 1970's, the cemetery management and records were administered by various church and community trustees, and consequently some records are incomplete, missing or incorrect.

The Public Health Regulation 2012, Part 8 - Disposal of Bodies, Division 3 - Handling of bodies, Section 68 Register of Burials, states:

- 1.1.1. A cemetery authority must maintain a register of all burials carried out at the cemetery.*
- 1.1.2. The cemetery authority must make in the register an entry relating to each burial immediately after the burial has been carried out.*
- 1.1.3. Each entry must include the following:*
  - a) the name, age and last address of the person whose body or remains have been buried;*
  - b) the date of the person's death;*
  - c) the date of the burial;*
  - d) the section and allotment where the burial has been made;*
  - e) the name of the person (if any) who continues to hold any right of burial in that allotment;*
  - f) the name of the funeral director who transported the body to the cemetery;*
  - g) the fees paid to the cemetery authority for the burial.*
- 1.1.4. The cemetery authority must keep a copy of the register at the cemetery and make it available for inspection on request by an authorised officer.*
- 1.1.5. If a cemetery authority ceases to direct the operations of a cemetery, the chief executive officer of the authority must ensure that the register of burials for the cemetery is sent to the Director-General or otherwise disposed of as the Director-General may direct.*

Council will ensure that:

- a) A register of burials is maintained, as required by legislation;
- b) Each burial is recorded in the burial register immediately after the service. Council will mark burial locations on a map. Printed copies of records and maps are available at Council;
- c) Registers are amended to remove or correct inaccuracies;
- d) As time permits, Council staff will investigate and locate burial records not currently held at Council and continue with the ongoing collation of all burial records, where possible;
- e) Council will locate and record reservations and unmarked graves within the cemetery, where possible.

#### **4.3. Fees and Charges**

Cemetery fees are detailed in Council's Schedule of Fees and Charges. The Schedule is reviewed annually and implemented on 1 July each year.

#### **4.4. Exclusive Right of Burial and Work Permits**

An Exclusive Right of Burial (Exclusive Right) grants the holder the authority to make decisions about the grave/plot/niche and/or the monument, which may include:

- a) Erection or alteration of a monument;

- b) Initial and subsequent burials, exhumations and relocations;
- c) Maintenance of the grave or monument.

The Exclusive Right is perpetual.

A maximum of two people may own an Exclusive Right.

A Work Permit grants the holder the authority to make decisions about the monument, which may include:

- a) Erection or alteration of a monument;
- b) Maintenance of the grave or monument.

The Work Permit is perpetual.

As of 1 January 2004, the purchase of an Exclusive Right includes both the Exclusive Right and Work Permit. Any Exclusive Right that was purchased prior to this date will require a Work Permit to be purchased separately prior to any monumental works being undertaken.

The Exclusive Right does not give the holder any equity or property holding in the cemetery. There is no ownership of 'the plot' or cemetery land. It is a permit that provides conditional access and right to the specified burial site.

An Exclusive Right does not need to be produced when the owner is the deceased and will be interred in the plot/grave indicated on the Exclusive Right as it is assumed that the person purchased the Exclusive Right with the intention of their own interment.

*a) Transfer of Exclusive Right to another person*

Upon application Council will transfer the ownership of an Exclusive Right from the existing holder to a person or persons. The original Certificate must be presented to Council with the transfer section completed and signed by the Exclusive Right owner.

*b) Surrender or Transfer of Exclusive Right and/or Work Permit to Council*

The holder or joint holders of an Exclusive Right and Work Permit granted by the Council may transfer the Exclusive Right and/or Work Permit to Council.

Council will only accept the transfer of an Exclusive Right and/or Work Permit if:

- Evidence of ownership of the Exclusive Right and/or Work Permit is supplied to Council.
- The gravesite described in the Exclusive Right and/or Work Permit to be transferred has not been used for burial of human remains including the remains from a cremation or if it has previously been used, an exhumation has occurred and the gravesite is no longer required.
- The gravesite is free of structural improvements, such as headstone, marker and plantings. If a monument has been placed on a spare grave, the Exclusive Right and Work Permit holder will be responsible, at their own cost, for the removal of the monument prior to the transfer of the Exclusive Right and/or Work Permit to Council.
- Council will reimburse the applicant for the amount paid for the Exclusive Right and/or Work Permit at the time of the original purchase, or if paid prior to the introduction of decimal currency an amount determined by Council.

*c) Exclusive Right and/or Work Permit to pass to surviving holder*

If jointly owned, upon the death of one of the joint holders of an Exclusive Right and/or Work Permit, the remaining joint holder is, or joint holders are, entitled to the full ownership of the Exclusive Right and Work Permit.

If all original holders of the Exclusive Right are deceased, the right of ownership will pass to the estate of the most recently deceased holder or to the person(s) nominated in the estate. If a further interment or further monumental work is requested, all persons with an interest must agree to the interment or works by completing a Statutory Declaration.

d) *Exclusive Right and/or Work Permit bequeathed*

The holder of a burial permit may bequeath the Exclusive Right and/or Work Permit as if it were the holder's personal estate.

Upon application made by a person to whom a burial permit has devolved as a result of a bequest, Council will amend the register so as to indicate that the person has become the holder of the Exclusive Right and/or Work Permit. A new certificate will be issued and the original certificate will be retained at Council and recorded as cancelled.

Evidence in writing of a bequeath is required to be provided to Council in order to make any changes

e) *Power of Attorney*

A person who produces Power of Attorney documents relating to the Exclusive Right Holder(s) will have the same interment and monument works decision rights as the holder(s) would.

#### **4.5. Exclusive Right for Spare Plots/Niches and Pre Selection of Spare Plots/Niches**

All spare plots/niches purchased incur a fee for as per the Schedule of Fees and Charges, in effect at the time of the spare plot/niche being purchased. Only upon payment shall an Exclusive Right and Work Permit be issued.

a) *Spare Plot and Niche Pre Selection Fees*

- If a person requests a specific plot or niche location, Council's Pre Selection Fee will apply.
- If a person does not specify a spare plot or niche and rather accepts Council's selection of a plot or niche, this will not be classed as a pre-selected plot and the Pre Selection Fee will not apply.

b) *Available Locations for Spare Plots and Niches*

- General Section
- Denomination Sections
- Cremation Wall

All spare plots and niches will be marked with a reservation marker (peg) by Cemetery Staff to identify this as a spare plot.

Council will permit a maximum of six (6) spare plots/niches to be purchased by any one family at any one time.

c) *Spare plots are not available for pre-purchase in the Rose Garden or Native Garden, unless:*

- At the time of a deceased person being interred, one only adjacent plot may be pre-purchased for future burial, subject to a sloper being placed at the site of the spare plot within three months of the plot purchase.

#### **4.6. Exclusive Right and Work Permits for Old Graves**

An application for the purchase of an Exclusive Right for Old Grave must be submitted to Council on the applicable form.

#### **4.7. Grave and Plot Allocation Sizing**

a) *In Ground Plots:*

- 2100mm depth;
- 700mm width;
- First Interment is dug at 1800mm in ground depth;
- Reopen interments are dug at 1200mm in ground depth.
- Interment of ashes at the head end or foot end of a grave is determined on a merit by merit basis, at the time of application. Fees apply.

b) *Rose Garden:*

- Plot Allocation Size - 450mm x 400mm.

#### **4.8. Monuments**

For the purpose of this policy, the definition of a permanent and a temporary monument is considered as the following:

- Permanent - A monument that is not easily removable. Any concrete or granite grave, headstone, slab or sloper, a sloper with a plaque, any masonry structures and sculptures;
- Temporary - A monument that is easily removable. A brick (without mortar), wire, metal or wooden fence, a wooden cross, pebbles or stones, a wire cage cover (without a slab).

The holder of an Exclusive Right and Work Permit is responsible for all costs relating to a monument, including maintenance and repair.

*All permanent monuments and monumental work must comply with AS 4204-1994 Headstones and Cemetery Monuments and AS 4425-1996 Above-Ground Burial Structures.*

A grave site can be marked with a wooden cross without the requirement to purchase a Work Permit.

Name plates on crosses must be engraved to survive weather and age deterioration.

Monument sizing is as follows:

a) *Gravesites*

Monuments erected on graves shall adhere to Australian Standards AS 4204-1994 Headstones and Cemetery Monuments and AS 4425-1996 Above-Ground Burial Structures. Council appreciates the personalisation of gravesites and requests that any memorials and monuments are of a tasteful manner which cannot be deemed as offensive.

b) *Rose Garden*

All plots must be marked with a Sloper and a Plaque.

Monument sizing in the Rose Garden are:

- Large Base - 450mm x 400mm;
- Standard Base - 300mm x 300mm;
- Standard Sloper - 250mm x 200mm;
- Plaque - standard 152mm x 152mm.

Monuments and plaques must not exceed the plot allocation size of 450mm x 400mm.

If Council is required to undertake any work relating to a monument to ensure public or employee safety it may recover these costs from the holder.

#### **4.9. Tributes - Ornaments, Floral and Other**

Council's first priority remains public safety and Council must ensure that respect is shown at time to all mourners. Therefore Council advise that items placed at gravesites are limited to floral arrangements and a limited number of ornaments.

a) *Rose Garden*

Tributes must not exceed the plot allocation size of 450mm x 400mm. Any items exceeding this plot allocation may be removed.

b) *Cremation Wall*

The Cremation Wall is designed to reflect a plaque and a single flower holder only. Any other ornaments and tributes that obstruct any niches are not permitted and may be removed. Council will send notification to the Exclusive Right holder to advise that ornaments and tributes will be removed.



c) *All Areas*

Council reserves the right to remove any tributes on a gravesite, niche or plot that cause safety concerns to visitors, Council staff and Council equipment, interferes with any maintenance work or burials, or encroaches upon other graves and plots. This includes alcohol, other drink and food products.

**4.10. Contractor Requirements for Work Undertaken within the Cemetery**

Any person or business providing or carrying out monumental masonry services in the Cemetery, including the construction, erection, repair, cleaning and restoration of structures over burial sites and spare plots, must comply with Council's requirements, policies and procedures.

Council require specific valid insurance documents to be retained on file at Council prior to any works being undertaken. The required information will be noted on the Application for Licence to Work in the Broken Hill Cemetery and Council will require both the signed application form and required documents to be submitted prior to a licence being approved and issued, and any work being undertaken on Council property. At such time that insurance policies expire, Council will request updated documents to be submitted to Council and work will not be permitted to be undertaken until all updated documents have been received by Council.

Council reserve the right to decline an approval for an interment booking request, cancel or revoke an approval for proposed work or stop work in progress for failure to comply with Council requirements.

The above-mentioned information is applicable to all Funeral Directors, Monumental Masons and Contractors that conduct funeral services, interments or any type of work in the cemetery.

A person shall not, in the Cemetery:

- a) construct, install, alter, restore, renovate or improve any monument, memorial, foundation, vault, table, headstone, gravestone, kerbing, railing or other structure, unless it is of:
  - a material and design approved in writing by Council;
  - carried out to the standard of workmanship required by Council; and
  - *constructed or maintained in accordance with AS 4204-1994 Headstones and Cemetery Monuments and AS 4425-1996 Above-Ground Burial Structures;*
  - Make any inscription or carry out any adornment, unless it is approved by Council and made or carried out to the standard required by Council or erase, correct, or require the erasure or correction of, wording of any inscription that has been constructed, installed, made or carried out without Council's written consent; or otherwise than in accordance with an approval given by Council;
- b) remove a monument, memorial, foundation, vault, table, headstone, gravestone, kerbing, rail or other structure from the Cemetery without Council's written permission;
- c) do any of the above without first having an Application for Licence to Work in the Broken Hill Cemetery approved.

**4.11. Interments**

All requests for interments must be made to Council, with the provision of 48 hours notification.

**4.12. Children's Section of the Cemetery**

For the purpose of this policy and Council's Schedule of Fees and Charges, Council considers a child to be aged between 0 and 13 years.

Exclusive Rights, Work Permits, Burial Times and Fees and Charges will apply in relation to all interments in the Children's Section of the Cemetery, also known as and marked on the Cemetery Map as General 1.

No fee is applicable when placing a memorial plaque on the garden wall or in the garden bed border of General 1 where no remains are being interred. Council request that the details of the memorialised child and the person placing the memorial plaque submit their contact details to Council so that Council may record appropriate details.

**4.13. War Cemetery**

The Returned Services League Garden of Remembrance is situated within the Cemetery. The walls within the garden contain plaques of service men and women who were either killed in battle or who have since passed on. New plaques are added on a regular basis. Any enquiries are to be directed to the Broken Hill Returned Services League Sub Branch.

**4.14. War Graves**

Council exempt the Commonwealth War Graves Commission and Returned Services League (RSL) from the payment of an Exclusive Right in relation to grave sites purchased for eligible ex-service men and women, although a fee for a Work Permit will be applied for any monumental work to be undertaken. Once a monument has been erected, the headstone or plaque is not to be altered in any manner.

The RSL will order a brass plaque for the Rose Garden or the RSL Wall. The RSL Wall does not have provision for the interment of ashes.

If an additional interment is requested to be undertaken in the grave or plot, Council will apply a fee for an Exclusive Right according to the current fee noted in Council's Schedule of Fees and Charges, applicable at the time of the request, and any other applicable fees. Personal details of the additional interred person/s will only be recorded on the grave by means of a plaque attached in the centre of the slab, not on an existing or new headstone.

If the grave is damaged during the reopen process for a second or subsequent interment, the RSL will be advised and will be required to arrange for the grave to be repaired.

**4.15. Shared Grave**

In previous times, shared graves were used for the interment of persons without means, babies born without life and infants.

Often the deceased were interred in a grave site designed specifically for the purpose of a shared grave, or interred with the next available burial, such as being placed in the coffin or grave site with an unrelated adult who was being interred.

While Council have some records of the interred in shared graves, there are many deaths that were not registered or recorded and as such records were not maintained at the time and are not available at Council. Many records Council obtained from community and religious trustees were incomplete and while sometimes, details such as the name and date were recorded, the location was not.

Council are empathetic towards relatives and understand that this is a very sensitive topic. Council respect the rights of relatives who do wish to acknowledge and do not wish to acknowledge an interred person at the Cemetery and as such the following applies:

- a) Due to multiple relatives potentially having an interest in purchasing the Exclusive Right and Work Permit for a shared grave, Council are unable to determine an appropriate person to grant these permits to.
- b) Due to the sensitive nature of a shared grave and the fact that some deaths of infants were not discussed within the family, it is impossible for Council to locate and contact each interred persons relative to confirm if they object to a sale of any permits.
- c) Council respects the rights of families mentioned in point b) and will not allow for one relative to name any interred person in the shared grave on any monument, plaque or cross who is not related to that person.
- d) Due to points a), b) and c), Council are unable to permit the purchase of an Exclusive Right and Work Permit for a grave that was used as a shared grave. As such, Council will not grant or apply fees for an Exclusive Right or Work Permit for a shared grave site.
- e) Council will allow for a relative to purchase and have placed on the gravesite a Plaque or a Wooden Cross on the grave site with the details of their interred relative only.
- f) Council advise that the plaque must reflect that the grave is a shared grave through the mandatory wording 'Resting with Others in this Shared Grave'. While this will recognise it is a shared grave with other people interred, it will not reveal any personal information of others interred.

**4.16. Exhumation**

An exhumation may only take place when an order by a Coroner or a Court permitting this is issued, or an applicant has obtained, prior to commencing the exhumation both:

- Approval for exhumation by NSW Department of Health in accordance with the provision of *Public Health (Disposal of Bodies) Regulation, 2002*; and
- Approval from Council as per the Cemeteries and Crematoria Act 2013, Section 66

An exhumation of cremated remains does not require NSW Health approval and can be conducted with Council approval only.

**4.17. Mohammedan Section of the Cemetery**

Exclusive Rights of Burial in the Mohammedan Section of the Cemetery are treated differently to other sections of the Cemetery due to historical reasons.

Several members of the Mohammedan community have been provided with an Exclusive Right of Burial at no charge, resolved at the Councils ordinary meeting held 30 April 2014.

All further burials in this section for those not specified in Councils report and resolution, will have the Exclusive Right of Burial fee applied at the time of burial.

**4.18. Miscellaneous**

A person must not do any of the following within a cemetery:

- a) Damage, deface, interfere with or alter burial sites;
- b) Damage, deface, interfere with or alter monuments;
- c) Bury, inter or exhume any human remains, whether cremated or not;
- d) Enter or remain in the cemetery between sunset and sunrise;
- e) No animals are permitted in the Cemetery unless riding a horse or leading a dog on a leash;
- f) Take part in any gathering, meeting or assembly, except for the purpose of religious, research, historical, educational or other ceremony of burial or commemoration;
- g) Engage in trade or commerce without Council's written consent;
- h) Distribute any circulars, advertisements, paper drawn or photographic material without prior Council consent;
- i) Drive a vehicle at a speed of more than twenty (20) kilometres per hour;
- j) Drive a vehicle or a vehicle and trailer having an unladen weight of more than three (3) tonnes;
- k) Drive a vehicle through a cemetery for the purpose of travelling between places outside of the cemetery;
- l) Park a vehicle on any known burial place, verge or plantation, or in a manner that is likely to impede traffic;
- m) Teach, learn or practice driving a vehicle;
- n) Camp or reside on any cemetery land;
- o) Possess or consume an alcoholic or intoxicating beverage or substance;
- p) Urinate or defecate;
- q) Bring or leave any rubbish, refuse, scrap metal (including remains of vehicles), rock, soil, sand or any other such substances;
- r) Remove any dead timber, logs, trees, flora, whether standing or fallen;
- s) Kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced;
- t) Plant any tree, shrub, herbage or other plant without prior consent.

## **5. IMPLEMENTATION**

### **5.1. Roles and Responsibilities**

The following Council officers are responsible for the implementation and the adherence to this policy:

- General Manager
- Manager Infrastructure Strategy
- Asset Planner Buildings
- Asset Planner Open Spaces
- Council staff

### **5.2. Communication**

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

### **5.3. Associated Documents**

The following documentation is to be read in conjunction with this policy.

- Australian Standard AS 4204-1994 Headstones and Cemetery Monuments;
- Australian Standard AS 4425-1996 Above-Ground Burial Structures.

## **6. REVIEW**

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Manager Infrastructure Strategy is responsible for the review of this policy.

## **7. LEGISLATIVE AND LEGAL FRAMEWORK**

This policy is to be read in conjunction with the following:

- Anti-Discrimination Act 1977;
- Births, Deaths and Marriages Registration Act 1995;
- Cemeteries and Crematoria Act 2013 - Sect 66;
- Conservation of Cemeteries Act 1974;
- Coroners Act 1980;
- Crown Lands Act 1989;
- Crown Lands (General Reserves) By-Law 2006;
- Crown Lands (General Reserves) Amendment (Sustainable Burials) By-law 2011;
- Heritage Act 1977;
- Human Tissues Act 1983;
- Local Government Act 1993;
- Local Government (Control of Cemeteries) Amendment Act 1966;
- Privacy and Personal Information Protection Act 1998;
- Public Health (Disposal of Bodies) Regulation 2002;
- Public Health Act 1991;

- Public Health Regulation 1991;
- State Records Act 1998;
- Work Health and Safety Act 2011.

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Cemetery Management Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

## 8. DEFINITIONS

**'Adult'** shall mean a person aged 13 years and 1 day and over.

**'Applicant'** shall mean the person making an application for an Exclusive Right of Burial, Work Permit, enquiry, burial, relocation or exhumation. This could be a Funeral Director, Monumental Mason or a Family member or Friend.

**'Burial/Interment'** shall mean the placement of the remains of a deceased person in a grave, plot, or niche.

**'Burial Site/Grave Site'** shall mean a gravesite, vault site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.

**'Child'** shall mean a person aged 0 up to 13 years of age.

**'Council'** shall mean the Broken Hill City Council.

**'Exclusive Right of Burial'** shall mean a certificate that provides a person with the authorisation of who **can be interred or exhumed from a burial site**. *The Exclusive Right does not give the holder any equity or property holding in the cemetery.*

**'Exclusive Right Holder'** shall mean the owner / purchaser of the Exclusive Right of Burial and recorded as such in Council's register. In some circumstances, the Exclusive Right Holder refers to a surviving member of the original holder's family, their executor or administrator, Power of Attorney, their heir or successor. Ownership may be formally transferred or bequeathed by a Will. There is no entitlement to any 'real estate' or property as such.

**'Exhumation'** shall mean the removal of the remains of a deceased person from a grave site.

**'Fee'** shall mean a fee fixed by Council in its annual Schedule of Fees and Charges. Fees are updated each year and typically come into effect as of the 1<sup>st</sup> July each year.

**'Funeral Director/Undertaker'** shall mean person(s) whose business is the management of funerals and conducts a funeral and burial.

**'Grave'** shall mean an occupied burial site.

**'Monument'** shall mean any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial right.

**'Monumental Mason'** shall mean a tradesman mason or person possessing the skills to carry out monumental masonry work.

**'Plot'** shall mean:

- An unoccupied burial site;
- A burial site within the Rose Garden.

**'Pre Selection'** shall mean the selection of a spare plot at a specific location.

**'Register'** shall mean the Council's formal repository of data containing all the required details of burial, cremation, memorial site or right of burial. (Note: limited records are available prior to 1973).

**'Slab'** shall mean the slab of concrete covering the gravesite.

**'Spare Plot'** shall mean an unoccupied burial site that has been selected, purchased and marked as a spare plot for a future burial.

## ORDINARY MEETING OF THE COUNCIL

May 12, 2017

**ITEM 6**BROKEN HILL CITY COUNCIL REPORT NO. 88/17

SUBJECT: DRAFT COMPLIANCE AND ENFORCEMENT POLICY 2017 FOR  
PUBLIC EXHIBITION 12/14

**Recommendation**

1. That Broken Hill City Council Report No. 88/17 dated May 12, 2017, be received.
2. That Council endorse the Draft Compliance and Enforcement Policy 2017 for the purposes of public consultation.
3. That the Draft Compliance and Enforcement Policy be exhibited for public comment for a 28 day period.
4. That the Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Compliance and Enforcement Policy.

**Executive Summary:**

Council has a responsibility under Section 8 of the *Local Government Act 1993* to ensure that its regulatory activities are carried out in a consistent manner and without bias.

Council's regulatory and enforcement actions should be exercised to ensure the health, safety and environmental protection of all stakeholders including residents, visitors, workers and business operators. All stakeholders should have confidence in the decision making and internal review processes. Attached is the draft "Compliance and Enforcement Policy 2017".

**Report:**

This policy has been developed to ensure good governance and best practice standards are adhered to. This policy has been reviewed and complies with contemporary Local Government requirements.

Broken Hill City Council is an enforcement authority and its Officers are required to make decisions and use discretion about appropriate enforcement action when non-compliant issues are identified.

The spirit of this Policy is to use a graduated approach to enforcement action, for example the issue of a warning letter, which if not successful in resolving the issue may be followed by statutory Notices and Orders and, finally some form of enforcement proceedings either via a penalty notice or Court action if compliance cannot be achieved by any other method.

The draft Policy also recognises in some situations the gravity of the incident or other circumstances determines that an escalated approach is not appropriate and immediate regulatory action is required e.g. where an activity is or is likely to result in a significant

public health or safety risk, or is or likely to cause significant environmental harm e.g. unauthorised development.

In accordance with Section 160 of the *Local Government Act 1993* the Draft Compliance and Enforcement Policy 2017 will be placed on public exhibition for a period of 28 days, during which time submissions may be made to the Council.

**Strategic Direction:**

Key Direction:	4.Our Leadership
Objective:	4.1 Openness and Transparency in Decision Making
Function:	Leadership & Governance
DP Action:	4.1.1.13 – Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation

**Relevant Legislation:**

Relevant Legislation predominately includes but is not limited to, the *Local Government Act 1993* and *Environmental Planning and Assessment Act 1979*.

Section 160 of the *Local Government Act 1993* requires plans and policies to be placed on public exhibition for a period of 28 days, during which time submissions may be made to the Council.

**Financial Implications:**

There are no financial implications to implement this Policy.

**Attachments**

1. [↓](#) DRAFT COMPLIANCE AND ENFORCEMENT POLICY 2017

BRENDAN SMITH  
CHIEF OPERATING OFFICER

JAMES RONCON  
GENERAL MANAGER

## DRAFT COMPLIANCE AND ENFORCEMENT POLICY

QUALITY CONTROL		
TRIM REFERENCES	D12/11854	
RESPONSIBLE POSITION	Manager Planning, Development and Compliance	
APPROVED BY	Council	
REVIEW DATE	May 2017	REVISION NUMBER
EFFECTIVE DATE	ACTION	MINUTE NUMBER
29/7/2015	Adopted	45005

### 1. INTRODUCTION

This policy has been developed to ensure good governance and best practice standards are adhered to.

Broken Hill City Council is an enforcement authority and its Officers are required to make decisions and use discretion about appropriate enforcement action when non - compliant issues are identified.

Council also has a responsibility under Section 8 of the *Local Government Act 1993* to ensure that its regulatory activities are carried out in a consistent manner and without bias.

Council's regulatory and enforcement actions should be exercised to ensure the health, safety and environmental protection of all stakeholders including residents, visitors, workers and business operators. All stakeholders should have confidence in the decision making and internal review processes.

Council supports and welcomes the positive assistance of the community in reporting issues of concern and undertakes to work collaboratively with the community to promote the benefits of compliance, as a way of sustaining a safer quality of life for all.

The spirit of this Policy is to use a graduated approach to enforcement action. For example the issue of a warning letter, which if not successful in resolving the issue may be followed by statutory Notices and Orders; and finally, some form of enforcement proceedings, either via a penalty notice or Court action, if compliance cannot be achieved by any other method.

The Policy also recognises in some situations the gravity of the incident or other circumstances that determine an escalated approach, is not appropriate and immediate regulatory action is required. For example where an activity is, or is likely to, result in a significant public health or safety risk, or is, or is likely to, cause significant environmental harm.

### 2. POLICY OBJECTIVE

Broken Hill City Council is strongly opposed to unlawful and non - compliant activities and aims to provide and deliver regulatory services in a fair, equitable and consistent manner designed to protect the natural, built and social environment.



This Policy aims to 'demonstrate accountability, transparency and ethical conduct'.

Consequently the Policy aims to:

- 2.1.** Ensure all regulatory activities meet Council's Charter of Responsibilities under Section 8 of the *Local Government Act 1993*;
- 2.2.** Assist Council Officers to respond promptly and effectively to complaints of unlawful activity and undertake proactive investigation;
- 2.3.** Ensure Officers comply with Council's Code of Conduct when investigating any unlawful activity;
- 2.4.** Provide a framework for operational guidelines and procedures for Council Officers and the community; which incorporate the principles of procedural fairness and natural justice; where decisions are made in a consistent, fair, equitable and transparent manner;
- 2.5.** Provide a framework for criteria to determine whether enforcement action is warranted and if so, ensure such action is in accordance with the delegation in a timely, cost effective manner and proportional to the relative seriousness of the situation;
- 2.6.** Provide a framework to ensure all possible options are considered prior to the implementation of enforcement action;
- 2.7.** Take a proactive approach to compliance by providing information to the public about Council's role and policy on enforcement and encourage a culture of compliance aimed at self regulation, rather than Council imposed enforcement action;
- 2.8.** Provide a service which embodies good practice and ensures that Council is a Model Litigant by behaving ethically, fairly and honestly in litigation.

### **3. POLICY SCOPE**

This Policy applies to all areas where Council has a compliance and enforcement role under the various Acts and Regulations.

The application of the Policy includes, but is not limited to:

- a) Abandoned vehicles;
- b) Asbestos management;
- c) Boarding houses;
- d) Brothels;
- e) Commercial/ private swimming pools;
- f) Caravan parks, camp grounds and primitive camp grounds;
- g) Development (building work, carrying out of a work, subdivision, use of land and demolitions);
- h) Environmental and pollution control issues;
- i) Failure to comply with a condition of an approval, an Order or Notice;
- j) Fire safety;
- k) Food safety;
- l) Removal of trees or clearing vegetation from land;
- m) Parking control;
- n) Public health and safety;
- o) The control over the keeping of animals and companion animals;
- p) The regulation of unlawful development activities;

- q) Waste;
- r) Any other functions for which Council is the appropriate Regulatory Authority;
- s) Display of house numbers;
- t) Directional signage, and;
- u) Construction of paving on Public Footway.

Any enforcement action will be in accordance with this Policy, relevant NSW legislation and the State Debt Recovery Office (SDO) Guidelines.

Whilst it is intended the principles in this Policy will have general application, there may be cases where the particular circumstances justify departure from these principles.

In any situation where an Officer considers taking action which varies with the Policy and associated guidelines/procedures, the Officer will discuss the reasons for the variance with the Supervisor and will document and implement the agreed course of action.

### **3.1. Additional Requirements for Parking and Traffic Matters**

This Policy applies to Council's enforcement functions and supports the concept of an escalated and proportionate approach to all non - compliant issues, except for parking and traffic matters.

While this Policy covers all matters to be taken into account when exercising discretion about compliance and enforcement matters, it recognises that Rangers who work with traffic and parking matters are faced with different time frames and decisions, which need to be made on the spot.

It is Council's Policy that Rangers will enforce the road rules and will carry out traffic and parking duties in a fair, equitable and consistent manner with a zero tolerance approach in school zones.

Zero tolerance is the strict enforcement of the rules.

### **3.2. Additional Requirements for Development Matters**

Development is defined in the *Environmental Planning and Assessment Act 1979* as the use of land, the subdivision of land, the erection of a building, the carrying out of a work, the demolition of a building or work and any other act, matter or thing referred to in Section 26 that is controlled by an environmental planning instrument, but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

It is Council's Policy that Compliance Officers will enforce relevant legislation and carry out compliance inspections in relation to development in a fair, equitable and consistent manner with a zero tolerance approach to unlawful and unauthorised development and not compliance with development consent conditions.

Zero tolerance is the strict enforcement of legislation.

## **4. POLICY STATEMENT**

### **4.1. Enforcement and Compliance Principles**

Broken Hill City Council as a responsible regulator is committed to:

- a) Acting with consistency, impartiality, objectivity and fairness;

- b) Avoiding any discrimination on the basis of race, religion, political association, sex or national origin;
- c) The adoption of a graduated and proportionate response (where appropriate) to legislative non-compliance;
- d) Providing every opportunity for compliance by all stakeholders by indicating the relevant penalties for non-compliance;
- e) Providing written advice or directions in a clear and simple manner;
- f) Ensure any action taken is in the public interest and the action is in proportion to the offence;
- g) Ensure any action taken by Council is justified, against the correct person, cost effective and based on sound evidence which will withstand robust scrutiny;
- h) Ensure any decision to take no further action or issue a caution is in the public interest and in accordance with relevant guidelines (such as SDRO);
- i) Avoiding any actual or potential conflict of interest situations;
- j) Conducting all investigations in accordance with the Code of Conduct and making decisions in a professional manner with appropriate integrity;
- k) Creating awareness and seeking support with all stakeholders, including workers and business operators and the broader community, of the need for compliance when dealing with relevant issues;
- l) Ensuring action is instigated within legislative time limits; and
- m) Disclosing all evidence relevant to an alleged offence and assisting the Court, as required.

#### **4.2. Procedural Fairness**

Council is committed to natural justice and acting fairly in all aspects of the implementation of this Policy. In order to achieve this outcome Council will:

- a) Provide an opportunity for an alleged offender to provide an explanation however, there will be situations such as parking enforcement, development matters and other circumstances considered to represent a serious risk to public safety or the environment or the like, which would preclude this opportunity;
- b) Give due consideration to any written submission made by an alleged offender made either directly to Council, or via another agency (such as SDRO);
- c) Make all appropriate enquires investigations and searches prior to making an enforcement decision;
- d) Establish appropriate procedures to avoid an enforcement decision being influenced by an actual, potential or perceived conflict of interest;
- e) Implement procedures to ensure relevant information is provided to a complainant and alleged offender, subject to maintaining appropriate confidentiality provisions; and
- f) Act without bias and within statutory time frames.

#### **4.3. Disclosure of Information**

Council Officers will respect the privacy and confidentiality of information received however, due to its statutory obligations and other requirements, confidentiality cannot always be guaranteed.

The complainant's identity may be disclosed where:

- a) Access to the information is permitted under legislation, including but not limited to the *Government Information (Public Access) Act 2009*;

- b) Legal action is commenced and the information is disclosed in evidence;
- c) The person consents to the disclosure of the information;
- d) The principles of natural justice dictate that information be disclosed to the person who is the subject of the complaint, which may enable the complainant to be identified; and
- e) Council is of the opinion that disclosure of information is necessary to effectively investigate the matter.

Council Officers will also observe the information protection principles in the *Privacy and Personal Information Protection Act 1998*, which provides in certain circumstances for information to be shared with other public sector agencies for law enforcement purposes.

Reasons for decisions regarding compliance and enforcement action will be made available, unless to do so would cause a breach of the law. Reasons may not be given in any case where the information may cause harm to an informant, witness, or the alleged offender, nor in circumstances which would significantly prejudice the administration of justice.

#### **4.4. Community Awareness**

Council will take every opportunity to promote ongoing community awareness in regard to compliance/enforcement. This may include but is not limited to; website references, the publication of press releases and the periodic inclusion in any community newsletters with a view to improving community confidence and awareness.

Awareness initiatives that focus on residents, developers and business operators will adopt an educational approach designed to engage and promote:

- a) An awareness of the spirit and content of this Policy;
- b) Implementation of strategies that promote proactive compliance with legislation;
- c) The minimisation of non-compliance by improving the knowledge of legislation within the community; and
- d) The benefits of complying with the legislation and the consequences of not complying.

### **5. IMPLEMENTATION**

#### **5.1. Roles and Responsibilities**

The following Council Officers are responsible for the implementation and the adherence to this policy:

All employees who deal with complaints and the enforcement of relevant legislation are responsible for implementing this Policy such as Building Surveyor, Town Planner, Compliance Officer, Weeds Officer, Ranger, Environmental Health Officer and any authorised Officers appointed by the General Manager.

#### **5.2. Communication**

This Policy will be communicated to the community and employees in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council, the Policy will be made available on Council's website.

#### **5.3. Associated Documents**

The following documentation is to be read in conjunction with this policy.

- Local Orders Policy;
- Local Approvals Policy; and

- Code of Conduct Policy.

## **6. REVIEW**

Review of this Policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required, to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council Officer will be notified of the review requirements three months prior to the expiry of this policy.

The Manager Planning, Development and Compliance is responsible for the review of this policy.

## **7. LEGISLATIVE AND LEGAL FRAMEWORK**

This policy is to be read in conjunction with the following:

- a) *Australian Road Rules 2008;*
- b) *Boarding Houses Act 2012;*
- c) *Companion Animals Act 1998;*
- d) *Contaminated Land Management Act 1997;*
- e) *Crown Lands Act 1989;*
- f) *Disability Discrimination Act 1992;*
- g) *Environmental Planning and Assessment Act 1979;*
- h) *Fines Act 1996;*
- i) *Food Act 2003;*
- j) *Impounding Act 1993;*
- k) *Local Government Act 1993;*
- l) *Motor Dealers Act 1974;*
- m) *Noxious Weeds Act 1993;*
- n) *Protection of the Environment Operations Act 1997;*
- o) *Public Health Act 2010;*
- p) *Swimming Pool Act 1992;*
- q) *Roads Act 1993*
- r) *Roads Regulations 2008;*
- s) *Road Transport (General) Regulation 2013;*
- t) *Road Transport (Mass Loading and Access) Regulation 2005;*
- u) *Rural Fires Act 2008;*
- v) *Work Health and Safety Act 2011;*
- w) *Work Health and Safety Regulation 2011 and;*
- x) The Regulations relating to the above Acts.

Council Officers shall refrain from personal activities that would conflict with proper execution and management of Council's Compliance and Enforcement Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Compliance and Enforcement Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

## 8. DEFINITIONS

The following explanation is provided in regard to terms used in this Policy:

**'Authorised Officer'** shall mean a Council Officer with delegated authority to carry out specific duties and take any necessary enforcement action. Such Officers carry specific Authorities under various Acts, which include prescribed powers of entry to certain properties.

**'BCA'** shall mean Building Code of Australia, part of the National Construction Code series.

**'BPB'** shall mean Building Professionals Board.

**'Civil Proceedings'** shall mean and include:

- Notices, Orders and Directions issued pursuant to various legislation;
- Class 4 proceedings in the Land and Environment Court seeking an order to remedy a breach of the *Environmental Planning and Assessment Act 1979*, the *Local Government Act 1993*, the *Protection of the Environment Act 1997* or any other Act, if the breach is causing, or is likely to cause harm to the environment; and
- Interlocutory relief for matters causing or with reasonable potential to cause serious environmental harm. In such proceedings it is likely the Council would be required to provide an undertaking as to damages.

**'Complainant'** shall mean a person lodging a customer action request (complaint) to Council.

**'Council'** shall mean Broken Hill City Council.

**'Defendant'** shall mean an alleged offender against whom action is being taken in Court.

**'EP&A Act'** shall mean the *Environmental Planning and Assessment Act 1979*.

**'Offence'** shall mean an offence under NSW legislation.

**'PCA'** shall mean Principal Certifying Authority.

**'PIN or Penalty Notice'** shall mean Penalty Infringement Notice (or Penalty Notice) occasionally referred to as an 'on the spot fine'.

**'Respondent'** shall mean the party against whom civil proceedings are brought.

**'Unauthorised/unlawful activity'** shall mean any activity that is:

- Contrary to the terms or conditions of a development consent, approval or permission;
- Contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land;
- Contrary to a legislative provision regulating particular activity of work;
- Without a required development consent, approval, permission or licence;
- Contrary to legislation for which the Council is the appropriate regulatory authority; and
- Includes any activity, place or structure which is a risk to public health and safety, but excludes any parking or traffic offences which are dealt with in accordance with the Australian Road Rules.

## ORDINARY MEETING OF THE COUNCIL

May 17, 2017

**ITEM 7**BROKEN HILL CITY COUNCIL REPORT NO. 89/17

SUBJECT: DRAFT RELATED PARTY TRANSACTION POLICY FOR PUBLIC EXHIBITION 12/14

**Recommendation**

1. That Broken Hill City Council Report No. 89/17 dated May 17, 2017, be received.
2. That the Draft Related Party Transaction Policy be endorsed for the purpose of public exhibition.
3. That the Draft Related Party Transaction Policy be exhibited for public comment for a 28 day period.
4. That the Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Related Party Transaction Policy.

**Executive Summary:**

Council has been advised through the Code of Accounting Practice and Financial Reporting (Code) Update 24 consultation process, that the Australian Accounting Standards Board has determined that, from 1 July 2016, AASB 124 related party disclosures will apply to government entities, including local governments.

In the financial reporting period beginning 1 July 2016, related party relationships and transactions with key management personnel, their close family members and council-related entities, will need to be identified and may need to be disclosed in councils' financial statements.

Council is required to have systems in place to identify related parties and capture transactions. The Finance Department has drafted the Related Party Transactions Policy.

In accordance with the *Local Government Act 1993* all policies require public exhibition for a period no less than 28 days following which all submissions should be considered and the policies be either amended, adopted or rejected.

The Audit, Risk and Improvement Committee received the Related Party Transaction Policy at the meeting held on the 11 May 2017 and have reviewed the policy without amendment.

**Report:**

From 1 July 2016, the Australian Accounting Standards Board has determined that AASB 124 Related Party Disclosures will apply to government entities, including local governments.

The objective of the accounting standard is to ensure that annual financial statements contain disclosures necessary for stakeholders to draw attention to the possibility that the

financial position and financial performance may have been affected by transactions and outstanding balances with related parties.

Council recognises that Related Party transactions can present potential or actual conflicts of interest and may raise questions about whether they are in the best interests of the organisation.

It is therefore important that Key Management Personnel act honestly and with reasonable care and diligence whilst avoiding improper use of their position and information. It is equally important that Key Management Personnel of the Council are subject to a high level of accountability, including appropriate disclosure of their transactions with the Council in the Annual Financial Statements.

The purpose of this policy is to define the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 - Related Party Disclosures.

Related parties are likely to include the Mayor, Councilors, General Manager, Senior Executives, their close family members and any entities controlled or jointly controlled by Council. Any transactions between council and these parties, whether monetary or otherwise, will need to be identified and may need to be disclosed.

As per the *Local Government Act 1993*, the Related Transactions Party policy is required to be placed on public exhibition for no less than 28 days. Following this period, all submissions will be considered and a further report will be brought back to Council recommending amendment, adoption or rejection of the policies.

**Strategic Direction:**

Key Direction:	4 Our Leadership
Objective:	4.1 Openness and Transparency
Function:	Leadership and Governance
DP Action:	4.1.3 Decision makers provide accountability through planning and reporting frameworks.

**Relevant Legislation:**

*Australian Accounting Standard AASB124 related party disclosures (AASB124)*  
*Australian Accounting Standard AASB10 consolidated financial statements (AASB10)*  
*Local Government Act 1993*  
*Local Government (General) Regulation 2005*

**Financial Implications:**

The creation of this policy demonstrates a strong commitment to improved financial performance and compliance.

**Attachments**

1. [↓](#) Draft Related Party Transaction Policy

JAY NANKIVELL  
FINANCE MANAGER

JAMES RONCON  
GENERAL MANAGER



## DRAFT RELATED PARTY TRANSACTIONS POLICY

QUALITY CONTROL			
TRIM REFERENCES	D17/19541		
RESPONSIBLE POSITION	Manager Finance		
APPROVED BY			
REVIEW DATE	1 July 2019	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
30 June 2017			

### 1. INTRODUCTION

From 1 July 2016, the Australian Accounting Standards Board has determined that AASB 124 Related Party Disclosures will apply to government entities, including local governments.

The objective of the accounting standard is to ensure that annual financial statements contain disclosures necessary for stakeholders to draw attention to the possibility that the financial position and financial performance may have been affected by transactions and outstanding balances with related parties.

Council recognises that Related Party transactions can present potential or actual conflicts of interest and may raise questions about whether they are in the best interests of the organisation.

It is therefore important that Key Management Personnel act honestly and with reasonable care and diligence whilst avoiding improper use of their position and information. It is equally important that Key Management Personnel of the Council are subject to a high level of accountability, including appropriate disclosure of their transactions with the Council in the annual financial statements.

### 2. POLICY OBJECTIVE

The purpose of this policy is to define the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 - Related Party Disclosures.

### 3. POLICY SCOPE

This policy applies to all Key Management Personnel and is in accordance with legislation and guidelines.

### 4. POLICY STATEMENT

Related Party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A related Party relationship could influence the normal business operations of Council even if Related Party Transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another—for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect assessments of Council's operations.

AASB 124 provides that Council must disclose all material and significant Related Party Transactions and outstanding balances; including commitments, in its Annual Financial Statements. Generally, disclosure will only be made where a transaction has occurred between council and a related party of council. In addition the transaction must be material in nature or size, when considered individually or collectively.

When assessing whether such transactions are significant the following factors will be taken into consideration:

- significance in terms of size;
- was it carried out on non-market terms;
- is it outside normal day-to-day council operations;
- was it subject to council approval;
- did it provide a financial benefit not available to the general public;
- was the transaction likely to influence decisions of users of the Annual Financial Statements.

Regard must also be given for transactions that are collectively, but not individually significant.

To enable Council to comply with AASB 124 Council's KMP, as defined in Section 4.1 of this Policy, are required to declare full details of any Related Parties and Related Party Transactions. Such information will be retained and reported, where necessary, in Council's Annual Financial Statements.

#### **4.1. Key Management Personnel**

AASB 124 defines KMP's as "those persons having authority and responsibility, either directly or indirectly, for planning, directing and controlling the activities of the entity."

KMP's for the Council are considered to include:

- Councillors (including the Mayor);
- General Manager;
- Senior Executive Officers (including Directors and the General Manager)
- Public Officer; and
- Responsible Accounting Officer.

#### **4.2. Identification of Related Parties**

A related party is a person or entity that is related to the entity that is preparing its financial statements.

For the purposes of this Policy, related parties of Council are:

- Entities related to Council;
- Key Management Personnel (KMP) of Council
- Close family members of KMP;
- Possible close family members of KMP's; and
- Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

Also a person or entity is a related party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of;
- they and Council are joint ventures of the same third party;
- they are part of a joint venture of a third party and council is an associate of the third party;
- they are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- they are controlled or jointly controlled by Close members of the family of a person;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council; or
- they or any member of a group of which they are a part, provide KMP services to Council.

#### **4.3. Related party Transactions**

Related Party Transactions are required to be disclosed, regardless of whether a price is charged. Such transactions may include:

- purchase or sale of goods (finished or unfinished);
- purchase or sale of property and other assets;
- rendering or receiving services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- provision of guarantees or collateral;

- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised);
- quotations and/or tenders;
- commitments; and
- settlements of liabilities on behalf of Council or by Council on behalf of the related party.

#### **4.4. Materiality & Significance**

Materiality thresholds are reviewed annually as part of the audit process and reported related party disclosures will be in compliance with the framework of the Australian Accounting Standard AASB124 and other relevant standards, as required.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- significance of transaction in terms of size;
- whether the transaction was carried out on non-market terms;
- whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- whether the transaction is disclosed to regulatory or supervisory authorities;
- whether the transaction has been reported to senior management; and
- whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

#### **4.5. Discloser**

Council must disclose all material and significant Related Party Transactions in its annual financial statements and include the following detail:

- the nature of the related party relationship; and
- relevant information about the transactions including:
  - the amount of the transaction;
  - the amount of outstanding balances, including commitments, and
  - provision for doubtful debts related to the amount of outstanding balances; and
  - the expense recognised during the period in respect of bad or doubtful debts due from related parties.

Related party transactions excluded from disclosure requirements on the basis of Ordinary Citizen Transactions are;

- any valid discounts and fee waivers that are available to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance, and

- any service or benefit occurring within normal employee, customer or supplier relationships and at arm's length; and
- are not material or significant;

#### **4.6. Procedures**

The method for identifying the close family members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

The preferred method of reporting is for KMP to provide details of Related Parties and Related Party Transactions to the Governance Officer.

Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register.

Should a KMP have any uncertainty as to whether a transaction may constitute a related party transaction they should contact the Governance Officer for clarification.

#### **4.7. Privacy**

Information provided by KMP and other related parties shall be held for the purpose of compliance with Council's legal obligation and shall be disclosed where required for compliance or legal reasons only.

#### **4.8. Review**

A review of KMP's and their related parties will be completed on adoption of this policy and then at intervals not exceeding twelve months.

This policy will also be reviewed when any of the following occur:

- a change of Councillors, Chief Executive Officer or other KMP;
- corporate restructure;
- the related legislation/documents are amended or replaced;
- other circumstances as determined from time to time by a resolution of Council; and
- as a result of changes to the OLG Local Government Code of Accounting Practice and Financial Reporting.

#### **4.9. Training and Communication**

This policy will be provided to KMP in the initial awareness raising and data collection and as part of Councillor inductions.

Internal training on supporting this policy shall be scheduled as required.

### **5. IMPLEMENTATION**

#### **5.1. Roles and Responsibilities**

The following Council officers are responsible for the implementation and the adherence to this policy:

- Councillors (including the Mayor);
- General Manager;
- Senior Executive Officers (including Directors and the General Manager)
- Public Officer; and
- Responsible Accounting Officer.

### 5.2. Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

### 5.3. Associated Documents

The following documentation is to be read in conjunction with this policy.

- Council Code of Conduct Policy

## 6. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be every two years from the effective date. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Manager Finance is responsible for the review of this policy.

## 7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- *Australian Accounting Standard AASB124 related party disclosures (AASB124)*
- *Australian Accounting Standard AASB10 consolidated financial statements (AASB10)*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Related Party Transactions policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

## 8. DEFINITIONS

- **AASB 124:** means the Australian Accounting Standards Board, Related Party Disclosures Standard.
- **Act:** means the Local Government Act 1993.
- **Close members of the family of a person:** are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- a. that person's children and spouse or domestic partner;
  - b. children of that person's spouse or domestic partner; and
  - c. dependants of that person or that person's spouse or domestic partner.
- **Entity:** can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body.
- **Key Management Personnel (KMP):** - as defined in Section 4.1 of this Policy.
- **KMP Compensation:** means all forms of consideration paid, payable, or provided in exchange for services provided, and may include:
  - a. Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees;
  - b. Post-employment benefits such as pensions, other retirement benefits, postemployment life insurance and post-employment medical care;
  - c. Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation; and
  - d. Termination benefits
- **Material:** (materiality) means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.
- **Ordinary Citizen Transaction:** means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.
- **Possible (Possibly) Close members of the family of a person:** are those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include:
  - a. that person's brothers' and sisters';
  - b. aunts', uncles', and cousins' of that person's spouse or domestic partner;
  - c. dependants of those persons' or that person's spouse or domestic partner as stated in b.; and
  - d. that person's or that person's spouse or domestic partners', parents' and grandparents'.
- **Related Party:** defined in Section 4.2 of this Policy.
- **Related Party Transaction:** - is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.
- **Regulation:** - means the Local Government (General) Regulation 2005

- **Senior Executive:** means an employee of the Council who reports directly to the General Manager and whose position would be considered to be a senior position in the Council's corporate structure.
- **Significant:** (significance) means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.
- **Remuneration:** means remuneration package and includes any money. Consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transaction.



## ORDINARY MEETING OF THE COUNCIL

May 2, 2017

BROKEN HILL CITY COUNCIL REPORT NO. 90/17SUBJECT:                    TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE                    11/307**Recommendation**

1. That Broken Hill City Council Report No. 90/17 dated May 2, 2017, be received.
2. That Council provide in principle support in order to begin the planning process for the temporary suspension of the Alcohol Free Zone for the portion of Sulphide Street, adjacent to the Palace Hotel. Specific details of the suspension and road closure are Crystal Lane (West end), Sulphide Street (South end) and Sulphide Street and Argent Street (bounded by the Palace Hotel and Argent House). This area will include both footpaths in the closed section of Sulphide Street.
3. That the temporary suspension be in place from Friday, 08 September to Monday, 11 September 2017 subject to the final conditions, inclusive of trading times, contained in the liquor licence as advised by Barrier Local Area Command.
4. That the temporary suspension of the Alcohol Free Zone be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that all other existing alcohol free zones in Broken Hill remain in force.
5. That the General Manager be authorised to implement the suspension and advertising processes on final advice of Barrier Local Area Command.
6. That Barrier Local Area Command be advised of Council's decision.

**Executive Summary:**

The Palace Hotel located at 227 Argent Street has submitted an application to Council to temporarily lift a portion of the established Alcohol Free Zone in the CBD area for the duration of the *Broken Heel Festival*, from Friday, 08 September 2017 to Monday, 11 September 2017.

**Report:**

The *Broken Heel Festival* celebrates Broken Hill's link to the movie '*The Adventures of Priscilla, Queen of the Desert*', filmed in and around the city. Following the success of the inaugural festival held in 2015, The Palace Hotel has secured the *Broken Heel Festival* as an annual signature regional event for the city and region.

In order to obtain maximum benefit from the event, event organisers from the Palace Hotel have requested a temporary suspension of the Alcohol Free Zone and subsequent road closure of the portion of Sulphide Street, adjacent to the Palace Hotel. Specific details of the suspension and road closure are Crystal Lane (West end), Sulphide Street (South end) and

Sulphide Street and Argent Street (bounded by the Palace Hotel and Argent St House). This area will also include both footpaths in the closed section of Sulphide Street.

The final decision on suspension of the AFZ involves coordinated efforts among Barrier LAC, Local Traffic Committee and Council on the various application components organised by the applicant.

### **Ministerial Guidelines on Alcohol-Free Zones**

In accordance with Ministerial Guidelines on Alcohol-Free Zones;

- specifically that Council must pass a valid resolution to suspend a particular alcohol-free zone
- that liaison with the local police, before and after the council resolution is essential to ensure that both groups are informed and action is coordinated and
- that Council may undertake any other consultation that it considers necessary

Barrier Local Area Command (BLAC) were advised on 8 May 2017 of the approach by the organisers of the festival for suspension of the Alcohol Free Zone. Barrier LAC provided a written response saying that:

*'Whilst we are yet to see final plans and approvals re licensing and their event, Barrier LAC is happy to provide in principal support to progress planning for this event....pending final plans and our final view.'*

*Having observed the event last year and the popularity of the activities such as the 'street parade' out of the town square and also the footpath impacts around the edges of the Palace Hotel we would very much be including in discussions from a traffic perspective that additional measures are needed in relation to a traffic plan and management strategies to support particularly the street parade and other activities which enter onto the road.*

*As a growing event in terms of performers as well as community interest/participation defined plans to safely separate event patrons from vehicles in Argent Street is something that is seen by NSWPF as a key risk which requires management including barriers and traffic arrangements to ensure a safe and secure event. This will be something brought up in Traffic Committee meetings by our representatives.....'*

Similarly, letters have been prepared to immediate business neighbours who might be impacted by the specific road closures seeking their views and any impacts of suspension of the AFZ on business arrangements for the term of the Festival. All responses will be provided to Barrier LAC and the Local Traffic Committee as part of the consultation processes and for final decision by Barrier LAC.

The organisers have submitted an application to the NSW Liquor Licence Board to cover the period of the event. At time of preparation of this report, the application has not yet been forwarded from the Board to Barrier LAC. Consent of Council will also be sought on this application following consideration by Barrier LAC.

Past history indicates that Barrier LAC will place all their conditions on the liquor licence. From the Command point of view, it is these conditions under the *Licensing Act* which will be effectively policed.

The applicant has liaised with Council regarding traffic management planning. The traffic management aspects will be considered by the Local Traffic Committee at its June 6 2017 meeting with recommendations to be brought to the Ordinary Council Meeting of 31 May 2017.

Given that the event is to be held in early September 2017, a tight decision schedule involving a number of parties dependent on an indeterminate date of the issuance of the liquor licence, it is recommended that Council give in principle agreement to the suspension of the Alcohol Free Zone subject to the liquor licence and conditions being granted and on final advice of Barrier Local Area Command with the General Manager authorised to implement the suspension and advertising processes when so advised.

**Strategic Direction:**

Key Direction:	1 Our Community
Objective:	1.1 People in our community are in safe hands
Function:	Public Safety
DP Action:	1.1.1.11 Maintain partnership with NSW Police to maximise public safety through safe building and environment initiatives

**Relevant Legislation:**

Suspension of the Alcohol Free Zones must be in accordance with the *Local Government Act 1993* and Ministerial Guidelines 2009 on Alcohol-Free Zones.

**Financial Implications:**

There are no financial implications to Council associated with the temporary suspension of the established Alcohol Free Zone as there are no exemption signs located in the immediate area that require removal and/or cover up for the duration of the suspension.

**Attachments**

1. [!\[\]\(d27edc55493507da2f9b8c7a52b3b96f\_img.jpg\)](#) Proposed suspension area of Alcohol Free Zone

RAZIJA NU'MAN  
CORPORATE RESPONSIBILITY OFFICER

JAMES RONCON  
GENERAL MANAGER



## ORDINARY MEETING OF THE COUNCIL

May 19, 2017

**ITEM 9**BROKEN HILL CITY COUNCIL REPORT NO. 91/17

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD  
ENDING MARCH 2017 12/160

**Recommendation**

1. That Broken Hill City Council Report No. 91/17 dated May 19, 2017, be received.
2. That the 3rd Quarterly Budget Review Statement and recommendations be adopted.
3. That Council note the projected 2017/2018 operating deficit (before capital) is reduced by \$139K to \$2,487K.
4. That Council note the 2017/2018 projected capital budget is increased by \$107K to \$16,841K.

**Executive Summary:**

The Quarterly Budget Review Statement (QBRs) presents a summary of Council's financial position at the end of the third quarter for the financial year ended 30 June 2017.

The quarterly budget review process is the mechanism through which Council and the community are informed of Council's progress against the Operational Plan (annual budget), together with recommendations for changes and reasons for budget variations.

Improvements made to-date to the expected end of financial year result are significant and reflect the substantial effort currently underway to implement and develop further strategies to address Council's underlying budgetary weaknesses.

The March Quarterly Budget Review shows a favourable operating adjustment with the projected 2016/2017 operating result (before capital items) to reduce from a projected operating result deficit of \$2,626K to an overall projected operating result at 30 June 2017 of \$2,487K. This is an improvement of \$139K or 5%.

Budgeted capital expenditure is expected to increase by \$107K. This will increase expected capital expenditure from \$16,734K as stated in the December 2016 Quarterly Review to \$16,841K for the 2016/2017 financial year.

**Report:*****Budget Review:***

In accordance with s203 of the *Local Government (General) Regulations 2005*:

- (1) Not later than 2 months after the end of each quarter, the responsible accounting officer of a Council must prepare and submit to the Council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Council's Revenue Policy included in the Operational Plan for the relevant year, a revised estimate of the income and expenditure for that year.

- (2) A budget review statement must include or be accompanied by:
- (a) A report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure; and
  - (b) If that position is unsatisfactory, recommendation for remedial action.

In accordance with s211 (*Authorisation of expenditure*) of the *Local Government (General) Regulations 2005*:

- (1) A council, or a person purporting to act on behalf of a council, must not incur a liability for the expenditure of money unless the council at the annual meeting held in accordance with subclause (2) or at a later ordinary meeting:
- (a) has approved the expenditure, and
  - (b) has voted the money necessary to meet the expenditure.

The QBRs appear as Attachment 1, and has been produced in accordance with the guidelines and standards issued by the Office of Local Government.

### ***Operational Budget Result:***

The total adjustment for the September Quarterly Budget Review shows a decrease in the deficit projected in the 2016/2017 Operational Plan by \$139k (before capital items) to an overall projected budget deficit of \$2,487K. This variance is attributable to the following items:

- Additional investment income of \$101K due to improved cash flow management and increased cash reserves throughout the year.
- Additional RMS works of \$290K on state roads has been agreed to in the final quarter of 2017/2018. This equates to an additional 328K in grant income due to the 10% profit margin on all RMS works.
- Capital grant income increase of \$1,210K. This is made up of a reduction of \$2,872K due to the BHP grant payment not expected to be received until the 2017/2018 financial year. In addition to this, there has been an increase of \$142K for lead remediation works at Patton Park, AJ Keast Park & Lamb Oval for capital improvements, \$29K for Memorial Oval War Memorial repairs as well as receiving Civic Centre milestone payments of \$3,911K.

### ***Capital Budget Result:***

Budgeted capital expenditure is expected to increase by \$107K. This will increase expected capital expenditure from \$16,734K as stated in the December 2016 Quarterly Review to \$16,841K for the 2016/2017 financial year.

This result reflects the following movements:

- Additional \$145K for passenger vehicle fleet replacement. The Hail Storm in November 2016 caused damage to a number of Council's passenger vehicles. The replacement cost of passenger vehicles that received damage is \$360K. After insurance reimbursements of \$66K and the original budget of \$150K for planned passenger vehicle renewal, there is a shortfall of \$145K. The 2017/2018 budget will subsequently be reduced from \$245K to \$100K for passenger vehicle fleet replacement.

- Additional expenditure on buildings for the sum of \$32k. This is made up of \$25k to upgrade the Building Management System for the Administration Building and \$7k for extensions to the Sturt Park Shed to accommodate equipment currently stored at the Administration Building, which will need to be relocated due to the ground floor and basement refurbishment.
- Replacement air-conditioning system for the Visitors Information Centre and Administration Centre for \$200K have been removed from 2016/2017 capital budget pending further analysis and outcomes from the ground floor refurbishment.
- \$130K for Council's contribution to upgrade drainage at the Patton/Comstock and Eyre/Comstock intersections. Council has been granted \$700K under the Fixing Country Roads Grants Program for the overall project.

**Strategic Direction:**

Key Direction: Our Leadership  
Objective: Openness and Transparency in Decision Making  
DP Action: Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation

**Relevant Legislation:**

*Clause 203(1) of the Local Government (General) Regulations 2005.*  
*Clause 211 of the Local Government (General) Regulations 2005.*

**Financial Implications:**

An improvement in Council's 2016/2017 projected year end deficit of \$139K. Council's projected year end operating result (before capital items) is now a deficit of \$2,487K.

Full details of the financial implications of this quarter's QBRS are contained within the attached report.

**Attachments**

1. [!\[\]\(029651ce9ee64da8525b17c64e266edc\_img.jpg\)](#) Quarterly Budget Review Statement - March 2017

JAY NANKIVELL  
FINANCE MANAGER

JAMES RONCON  
GENERAL MANAGER

Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

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This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRs report



Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Broken Hill City Council for the quarter ended 31/03/17 indicates that Council's projected financial position at 30/6/17 will be Satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: 

Date: 19/05/2017

Jay Nankivell  
Responsible Accounting Officer

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRS report

Broken Hill City Council

**Quarterly Budget Review Statement**

for the period 01/01/17 to 31/03/17

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 March 2017

**Income & Expenses - Council Consolidated**

	Original	Approved Changes		Revised	Variations		Projected	Actual
	Budget 2016/17	Sep QBRs	Dec QBRs	Budget 2016/17	for this Mar Qtr	Notes	Year End Result	YTD figures
<b>(\$000's)</b>								
<b>Income</b>								
Rates and Annual Charges	16,699	(29)		16,670	-		16,670	16,663
User Charges and Fees	3,472	195	(73)	3,594	-		3,594	2,794
Interest and Investment Revenues	446	183		629	101	1	730	610
Other Revenues	488			488	-		488	917
Grants & Contributions - Operating	9,667			9,667	328	2	9,995	5,608
Grants & Contributions - Capital	3,571			3,571	1,210	3	4,781	3,790
Net gain from disposal of assets	-			-			-	-
<b>Total Income from Continuing Operations</b>	<b>34,343</b>	<b>349</b>	<b>(73)</b>	<b>34,619</b>	<b>1,639</b>		<b>36,258</b>	<b>30,382</b>
<b>Expenses</b>								
Employee Costs	15,158	40		15,198	-		15,198	11,012
Borrowing Costs	394	(62)		332	-		332	184
Materials & Contracts	6,529	207	(73)	6,663	290	2	6,953	4,082
Depreciation	6,987	-		6,987	-		6,987	5,562
Other Expenses	4,453	41		4,494	-		4,494	3,368
Net Loss from disposal of assets	-	-		-	-		-	-
<b>Total Expenses from Continuing Operations</b>	<b>33,521</b>	<b>226</b>	<b>(73)</b>	<b>33,674</b>	<b>290</b>		<b>33,964</b>	<b>24,208</b>
<b>Net Operating Result - Continuing Operations</b>	<b>822</b>	<b>123</b>	<b>-</b>	<b>945</b>	<b>1,349</b>		<b>2,294</b>	<b>6,174</b>
Discontinued Operations - Surplus/(Deficit)	-	-	-	-	-		-	-
<b>Net Operating Result from All Operations</b>	<b>822</b>	<b>123</b>	<b>-</b>	<b>945</b>	<b>1,349</b>		<b>2,294</b>	<b>6,174</b>
<b>Net Operating Result before Capital Items</b>	<b>(2,749)</b>	<b>123</b>	<b>-</b>	<b>(2,626)</b>	<b>139</b>		<b>(2,487)</b>	<b>2,384</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRs report

Broken Hill City Council

**Quarterly Budget Review Statement**

for the period 01/01/17 to 31/03/17

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 March 2017

**Income & Expenses - Council Consolidated**

	Original	Approved Changes		Revised	Variations	Projected	Actual
(\$000's)	Budget 2016/17	Sep QBRs	Dec QBRs	Budget 2016/17	for this Mar Qtr	Year End Result	YTD figures
<b>Income</b>							
Our Leadership	21,343	154		21,497	101	21,598	19,565
Our Community	7,280	131		7,411	1,538	8,949	2,186
Our Economy	1,615	64	(73)	1,606		1,606	4,896
Our Environment	4,104			4,104	-	4,104	3,735
<b>Total Income from Continuing Operations</b>	<b>34,343</b>	<b>349</b>	<b>(73)</b>	<b>34,619</b>	<b>1,639</b>	<b>36,258</b>	<b>30,382</b>
<b>Expenses</b>							
Our Leadership	9,977	(178)		9,799	-	9,799	7,636
Our Community	14,724	89		14,813	290	15,103	10,399
Our Economy	4,156	280	(73)	4,363	-	4,363	3,564
Our Environment	4,664	35		4,699	-	4,699	2,609
<b>Total Expenses from Continuing Operations</b>	<b>33,521</b>	<b>226</b>	<b>(73)</b>	<b>33,674</b>	<b>290</b>	<b>33,964</b>	<b>24,208</b>
<b>Net Operating Result - Continuing Operations</b>	<b>822</b>	<b>123</b>	<b>-</b>	<b>945</b>	<b>1,349</b>	<b>2,294</b>	<b>6,174</b>
Discontinued Operations - Surplus/(Deficit)	-	-	-	-		-	-
<b>Net Operating Result from All Operations</b>	<b>822</b>	<b>123</b>	<b>-</b>	<b>945</b>	<b>1,349</b>	<b>2,294</b>	<b>6,174</b>
<b>Net Operating Result before Capital Items</b>	<b>(2,749)</b>	<b>123</b>	<b>-</b>	<b>(2,626)</b>	<b>139</b>	<b>(2,487)</b>	<b>2,384</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRs report

Broken Hill City Council

**Quarterly Budget Review Statement**

for the period 01/01/17 to 31/03/17

**Income & Expenses Budget Review Statement**

**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details
1	Increase in investment income of \$101K due to improved cash flow management and increased cash reserves throughout the year.
2	Additional RMS works of \$290K on state roads has been agreed to in the final quarter of 2017/2018. This equates to an additional \$328K in grant income due to a 10% profit margin on all RMS works.
3	Capital income increase of \$1,210K. This is made up of a reduction of \$2,872K due to the BHP grant payment not expected to be received until the 2017/2018 financial year. In addition to this, there has been an increase of \$142K for lead remediation works at Patton Park, AJ Keast Park & Lamb Oval for capital improvements, \$29K for Memorial Oval War Memorial repairs as well as receiving Civic Centre milestone payments of \$3,911K

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRS report

Broken Hill City Council

**Capital Budget Review Statement**

Budget review for the quarter ended 31 March 2017

**Capital Budget - Council Consolidated**

(\$000's)	Original Budget 2016/17	Approved Changes			Revised Budget 2016/17	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Sep QBRs	Dec QBRs					
<b>Capital Expenditure</b>									
New Assets									
- Plant & Equipment	1,688	887	172	20	2,767	145	1	2,912	448
- Land & Buildings	6,247	360			6,607			6,607	10
- Roads, Bridges, Footpaths	-				-	-		-	97
- Other	-				-	-		-	
Renewal Assets (Replacement)									
- Plant & Equipment				250	250	-		250	
- Land & Buildings	-	4,372			4,372	(168)	2,3	4,204	3,712
- Roads, Bridges, Footpaths	2,467	71	160	40	2,738	130	4	2,868	24
- Other	-				-	-		-	
<b>Total Capital Expenditure</b>	<b>10,402</b>	<b>5,690</b>	<b>332</b>	<b>310</b>	<b>16,734</b>	<b>107</b>		<b>16,841</b>	<b>4,291</b>
<b>Capital Funding</b>									
Rates & Other Untied Funding	-				-	-		-	-
Capital Grants & Contributions	3,572				3,572	1,210		4,782	3,790
Reserves:									
- External Restrictions/Reserves	2,872				2,872	-		2,872	-
- Internal Restrictions/Reserves	200			250	450	-		450	-
New Loans	-				-	-		-	-
Receipts from Sale of Assets									
- Plant & Equipment	163				163	-		163	-
<b>Total Capital Funding</b>	<b>6,807</b>	<b>-</b>	<b>-</b>	<b>250</b>	<b>7,057</b>	<b>1,210</b>		<b>8,267</b>	<b>3,790</b>
<b>Net Capital Funding - Surplus/(Deficit)</b>	<b>(3,595)</b>	<b>(5,690)</b>	<b>(332)</b>	<b>(60)</b>	<b>(9,677)</b>	<b>1,103</b>		<b>(8,574)</b>	<b>(501)</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRs report

Broken Hill City Council

**Quarterly Budget Review Statement**

for the period 01/01/17 to 31/03/17

**Capital Budget Review Statement**

**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details
1	Additional \$145K for passenger vehicle fleet replacement. The Hail Storm in November 2016 caused damage to a number of Council's passenger vehicles. The replacement cost of passenger vehicles that received damage is \$360K. After insurance reimbursements of \$66K and the original budget of \$150K for planned passenger vehicle renewals in 2016/2017, there is a shortfall of \$145K. The 2017/2018 budget will subsequently be reduced from \$245K to \$100K for passenger vehicle fleet replacement.
2	Additional expenditure on buildings for the sum of \$32k This is made up of \$25k to upgrade the Building Management System for the Administration Building and \$7k for extensions to the Sturt Park Shed to accommodate equipment currently stored at the Administration Building, which will need to be relocated due to the ground floor and basement refurbishment.
3	Replacement air-conditioning system for the Visitor Information Centre and the Administration Centre for \$200K have been removed pending further analysis and outcomes from the ground floor refurbishment.
4	\$130K for Council's contribution to upgrade drainage at the Patton/Comstock and Eyre/Comstock intersections. Council has been granted \$700K under the Fixing Country Roads Grants Program for the overall project.

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRS report

Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Cash & Investments Budget Review Statement**

Budget review for the quarter ended 31 March 2017

**Cash & Investments - Council Consolidated**

(\$000's)	Original Budget 2016/17	Approved Changes		Revised Budget 2016/17	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Sep QBRS	Dec QBRS					
<b>Externally Restricted <sup>(1)</sup></b>								
Accommodation Bonds - Aged Hostel	45			45			45	45
Developer Contributions - General	475			475			475	475
Domestic Waste Management	3,098			3,098			3,098	4,780
Royalties	389	35		424			424	450
Specific Purpose Unexpended Grants	4,030	(2,872)		1,158			1,158	5,300
<b>Total Externally Restricted</b>	<b>8,037</b>	<b>(2,837)</b>	<b>-</b>	<b>5,200</b>	<b>-</b>		<b>5,200</b>	<b>11,050</b>
(1) Funds that must be spent for a specific purpose								
<b>Internally Restricted <sup>(2)</sup></b>								
Infrastructure Replacement	2,000	1,720		3,720			3,720	3,720
Employee Leave Entitlements	922	-		922			922	922
Regional Aquatic Centre Reserve	89	-		89			89	89
Innovation Reserve	700	300		1,000			1,000	1,000
Security Bonds, Deposits & Retentions	39	-	32	71			71	71
Plant Purchase Reserve	893	107	(250)	750			750	750
Other	402	-		402			402	402
<b>Total Internally Restricted</b>	<b>5,045</b>	<b>2,127</b>	<b>(218)</b>	<b>6,954</b>	<b>-</b>		<b>6,954</b>	<b>6,954</b>
(2) Funds that Council has earmarked for a specific purpose								
<b>Unrestricted (ie. available after the above Restrictions)</b>	<b>5,261</b>	<b>1,541</b>	<b>-</b>	<b>5,479</b>			<b>5,479</b>	<b>3,449</b>
<b>Total Cash &amp; Investments</b>	<b>18,343</b>	<b>(710)</b>	<b>(218)</b>	<b>17,633</b>	<b>-</b>		<b>17,633</b>	<b>21,453</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRS report



Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Cash & Investments Budget Review Statement**

**Comment on Cash & Investments Position**

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

The Cash at Bank figure included in the Cash & Investment Statement totals \$ 21,453

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 31/03/17

**Reconciliation Status**

The YTD Cash & Investment figure reconciles to the actual balances held as follows: **\$ 000's**

Cash at Bank (as per bank statements)	1,453
Investments on Hand	20,000

less: Unpresented Cheques	(Timing Difference)	-
add: Undeposited Funds	(Timing Difference)	

less: Identified Deposits (not yet accounted in Ledger)	(Require Actioning)	
add: Identified Outflows (not yet accounted in Ledger)	(Require Actioning)	-

less: Unidentified Deposits (not yet actioned)	(Require Investigation)	
add: Unidentified Outflows (not yet actioned)	(Require Investigation)	

<b>Reconciled Cash at Bank &amp; Investments</b>	<b>21,453</b>
--	---------------

<b>Balance as per Review Statement:</b>	<b>21,453</b>
---	---------------

Difference:	*	-
-------------	---	---

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRs report



**Key Performance Indicators Budget Review Statement**

Budget review for the quarter ended 31 March 2017

(\$000's)	Current Projection		Original Budget 16/17	Actuals Prior Periods	
	Amounts	Indicator		15/16	14/15
	16/17	16/17			

The Council monitors the following Key Performance Indicators:

**1. Unrestricted Current Ratio**

Unrestricted Current Assets	16,431	3.14	2.72	2.23	1.45
Unrestricted Current Liabilities	5,227				

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of council.

**2. Debt Service Cover Ratio**

Operating Result before capital excluding interest and depreciation	4,832	4.53	5.21	9.01	4.43
Principle repayments plus borrowing costs	1,067				

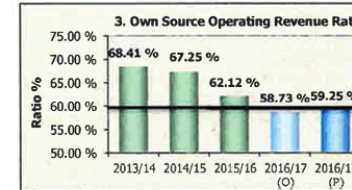
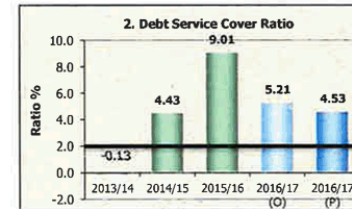
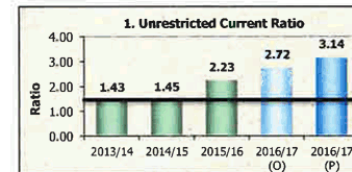
To assess the availability of operating cash to service debt including interest & principle repayments.

**3. Own Source Operating Revenue Ratio**

Total continuing operating revenue excluding grants & contributions	21,482	59.25 %	58.73 %	62.12 %	67.25 %
Income from Continuing Operations	36,258				

To assess the degree of Council's reliance upon external funding such as operating grants and contributions and to assess the security of Council's income.

Benchmark



Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Key Performance Indicators Budget Review Statement**

Budget review for the quarter ended 31 March 2017

(\$000's)	Current Projection		Original Budget 16/17	Actuals Prior Periods	
	Amounts 16/17	Indicator 16/17		15/16	14/15

The Council monitors the following Key Performance Indicators:

**4. Rates & Annual Charges Outstanding**

Rates, Annual & Extra Charges Outstanding	1,584	9.50 %	10.00 %	10.39 %	11.60 %
Rates, Annual & Extra Charges Collectible	16,670				

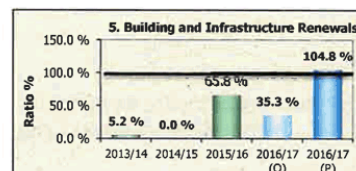
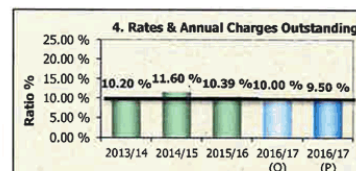
To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

**5. Building and Infrastructure Renewals**

Asset Renewals	7,322	104.8 %	35.3 %	65.8 %	0.0 %
Depreciation and Impairment	6,987				

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.

**Benchmark**



Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Contracts Budget Review Statement**

Budget review for the quarter ended 31 March 2017

**Part A - Contracts Listing** - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
GBM Consulting Pty Limited	Blende Street and Kanandah Road roadworks.	571,000	07/02/17	N/A	Y	
GBM Consulting Pty Limited	Reconstruction of Eyre/Comstock and Patton/Comstock intersections.	828,290	18/04/17	N/A	Y	
Vincent & Pritchard	Painting Council Buildings	174,898	19/01/17	N/A	Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or **\$50,000** - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRS report

Broken Hill City Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Contracts Budget Review Statement**  
**Comments & Explanations relating to Contractors Listing**

Notes	Details
N/A	

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRS report

Broken Hill City Council  
**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Consultancy & Legal Expenses Budget Review Statement**

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	145	Y
Legal Fees	105	Y

**Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

**Comments**

Expenditure included in the above YTD figure but not budgeted includes:

**Details**

N/A

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRS report

## ORDINARY MEETING OF THE COUNCIL

May 3, 2017

**ITEM 10**BROKEN HILL CITY COUNCIL REPORT NO. 92/17SUBJECT: INVESTMENT REPORT FOR APRIL 2017 11/48**Recommendation**

1. That Broken Hill City Council Report No. 92/17 dated May 3, 2017, be received.

**Executive Summary:**

The *Local Government (General) Regulation 2005* (Part 9, Division 5, Clause 212), effective from 1 September 2005, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the *Local Government Act 1993*, as per the Minister's Amended Investment Order gazetted 11 March 2011. The Responsible Accounting Officer must also include in the report, a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policy.

As at 30 April 2017, Council's Investment Portfolio had a current market valuation of \$20,016,929 or principal value (face value) of \$19,941,329 and was compliant with all legislative and policy requirements.

**Report:**

Council's investments as at 30 April 2017 are detailed in Attachment 1.

Portfolio Summary		
Portfolio Performance vs. RBA Cash Rate	✓	Council's investment performance did exceed benchmark.
Investment Policy Compliance		
Legislative Requirements	✓	Compliant with policy
Portfolio Credit Rating Limit	✓	Compliant with policy
Institutional Exposure Limits	✓	Compliant with policy
Term to Maturity Limits	✓	Compliant with policy

**Market Review****Global issues**

China's latest GDP release showed its economy grew by nearly 7% during the first quarter of 2017, well above the target 6.5% rate. The strong result was led by large increases in industrial production, retail sales and fixed asset investment.

Economists remain concerned that China's economic growth is being fuelled by too much debt. Despite the government's goal to reign in borrowing, household mortgages grew by the largest increase on record in March.

In the US, President Trump revealed his tax reform plan highlighting a cut in the corporate tax rate from 35% to 15% and a restructuring of personal tax brackets. With little clarity on how

the tax cuts would be paid for, the final package could be quite different after Congressional examination and negotiations.

Overall global economic growth is expected to rise by 3.5% in 2017 and 3.6% in 2018 according to the International Monetary Fund's latest update.

### **Domestic issues**

In Australia, Consumer Price Inflation rose by 2.1% in the March quarter. This is the first time since 2014 that the headline rate has been within the RBA's 2-3% target range. The increase, led by petrol, electricity and construction material, is not expected to change the RBA's stance on the cash rate.

The minutes of the latest RBA meeting revealed the Board's ongoing concerns of a weak labour market and strong housing growth – conflicting factors which are expected to keep interest rates on hold well into 2018.

### **Interest rates**

The RBA's official cash rate remains at 1.50%. Australian money market rates decreased over the month, moving further away from any expected interest rate hike in the foreseeable future. Likewise, term deposit rates across most maturities ended lower for the month. The best indicative 3 month TD from Australian majors closed April in the 2.50% area and highest 12 month rate from a four major was down to approx. 2.65%.

### ***Council's Portfolio by Source of Funds – April 2017***

As at 30 April 2017, Council's Investment Portfolio had a current market valuation of \$20,016,929 or principal value (face value) of \$19,941,329 with the source of these funds being detailed in the table below.

	Source of Funds	Principal Amount
GENERAL FUND	Operating Capital & Internal Restrictions	10,021,329
	Accommodation Bonds Reserve	45,000
	Royalties Reserve	450,000
	Domestic Waste Management Reserve	4,700,000
	Grants	4,250,000
	Developer Contributions	475,000
TOTAL PORTFOLIO		\$19,941,329

### ***Certificate by Responsible Accounting Officer***

All investments have been placed in accordance with Council's Investment Policy, Section 625 of the *Local Government Act 1993* (as amended), the Revised Ministerial Investment Order gazetted 11 February 2011, Clause 212 of the *Local Government (General) Regulations 2005* and Third Party Investment requirements of the then Department Local Government Circular 06-70. Council continues to obtain independent financial advice on its investment portfolio in accordance with the then Department of Local Government Circular of 16 September 2008.

### **Strategic Direction:**

- Key Direction 4: Our Leadership
- Objective 4.1: Openness and Transparency in Decision Making
- Action 4.1.1.13: Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation.

### **Relevant Legislation:**

This report is provided for Council's consideration in compliance with the requirements of *Part 9, Division 5, Clause 212 of the Local Government (General) Regulations 2005*.

**Financial Implications:**

The recommendation has no financial impact.

**Attachments**

1. [↓](#) Investment Report - April 2017

JAY NANKIVELL  
FINANCE MANAGER

JAMES RONCON  
GENERAL MANAGER





**Investment Summary Report  
April 2017**



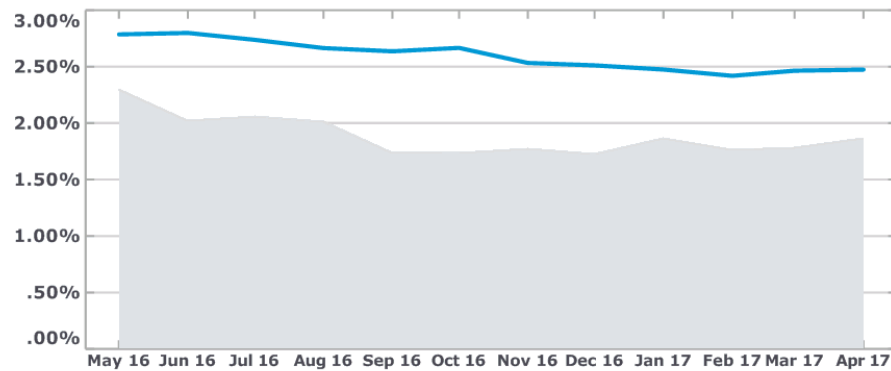
**Broken Hill City Council**  
Executive Summary



**Investment Holdings**

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	941,328.56	941,328.56	1.11
Term Deposit	19,000,000.00	19,075,600.68	2.54
	<b>19,941,328.56</b>	<b>20,016,929.24</b>	<b>2.47</b>

**Investment Performance**

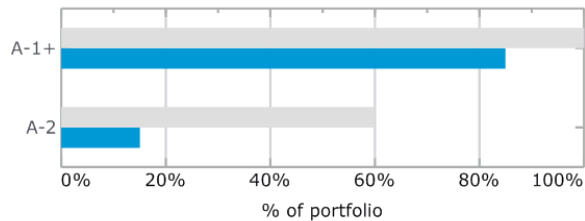


Portfolio Annualised Return

Ausbond BB Index Annualised Return

**Investment Policy Compliance**

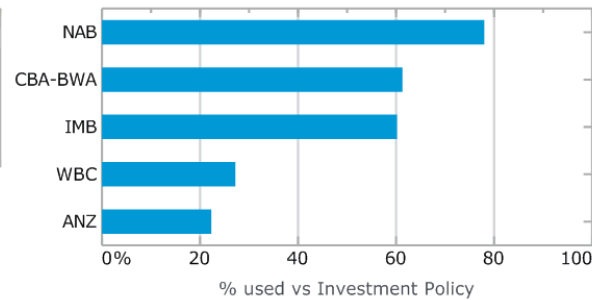
**Total Credit Exposure**



Portfolio Exposure

Investment Policy Limit

**Highest Individual Exposures**



% used vs Investment Policy

**Term to Maturities**

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	19,941,329	100%
	<b>19,941,329</b>	

## Broken Hill City Council

### Investment Holdings Report



#### Cash Accounts

Face Value (\$)	Current Yield	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
866,212.71	1.1500%	Westpac Group	A-1+	866,212.71	473409	Cheque
75,115.85	0.6000%	Westpac Group	A-1+	75,115.85	473410	Maxi
<b>941,328.56</b>	<b>1.1061%</b>			<b>941,328.56</b>		

#### Term Deposits

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
3-May-17	1,500,000.00	2.6000%	IMB Ltd	A-2	1,500,000.00	1-Feb-17	1,509,509.59	534939	9,509.59	AtMaturity	
3-May-17	1,500,000.00	2.6000%	Westpac Group	A-1+	1,500,000.00	3-Feb-17	1,509,295.89	534943	9,295.89	AtMaturity	
10-May-17	500,000.00	2.5500%	National Australia Bank	A-1+	500,000.00	8-Feb-17	502,864.38	534945	2,864.38	AtMaturity	
17-May-17	1,000,000.00	2.5500%	National Australia Bank	A-1+	1,000,000.00	15-Feb-17	1,005,239.73	534942	5,239.73	AtMaturity	
24-May-17	1,500,000.00	2.5500%	IMB Ltd	A-2	1,500,000.00	22-Feb-17	1,507,126.03	534940	7,126.03	AtMaturity	
24-May-17	1,500,000.00	2.5000%	Bankwest	A-1+	1,500,000.00	27-Mar-17	1,503,595.89	535129	3,595.89	AtMaturity	
31-May-17	1,000,000.00	2.5000%	National Australia Bank	A-1+	1,000,000.00	1-Mar-17	1,004,178.08	535125	4,178.08	AtMaturity	
31-May-17	1,500,000.00	2.5000%	ANZ Banking Group	A-1+	1,500,000.00	1-Mar-17	1,506,267.12	535130	6,267.12	AtMaturity	
7-Jun-17	1,000,000.00	2.5000%	National Australia Bank	A-1+	1,000,000.00	8-Mar-17	1,003,698.63	535126	3,698.63	AtMaturity	
7-Jun-17	1,000,000.00	2.5000%	National Australia Bank	A-1+	1,000,000.00	10-Mar-17	1,003,561.64	535127	3,561.64	AtMaturity	
14-Jun-17	2,500,000.00	2.5100%	National Australia Bank	A-1+	2,500,000.00	15-Mar-17	2,508,080.14	535128	8,080.14	AtMaturity	
21-Jun-17	1,000,000.00	2.5000%	Bankwest	A-1+	1,000,000.00	21-Apr-17	1,000,684.93	535216	684.93	AtMaturity	
5-Jul-17	1,000,000.00	2.5000%	Bankwest	A-1+	1,000,000.00	5-Apr-17	1,001,780.82	535215	1,780.82	AtMaturity	
19-Jul-17	2,000,000.00	2.6000%	Bankwest	A-1+	2,000,000.00	23-Feb-17	2,009,545.21	534944	9,545.21	AtMaturity	
26-Jul-17	500,000.00	2.5200%	ANZ Banking Group	A-1+	500,000.00	26-Apr-17	500,172.60	535217	172.60	AtMaturity	
	<b>19,000,000.00</b>	<b>2.5361%</b>			<b>19,000,000.00</b>		<b>19,075,600.68</b>		<b>75,600.68</b>		

## Broken Hill City Council

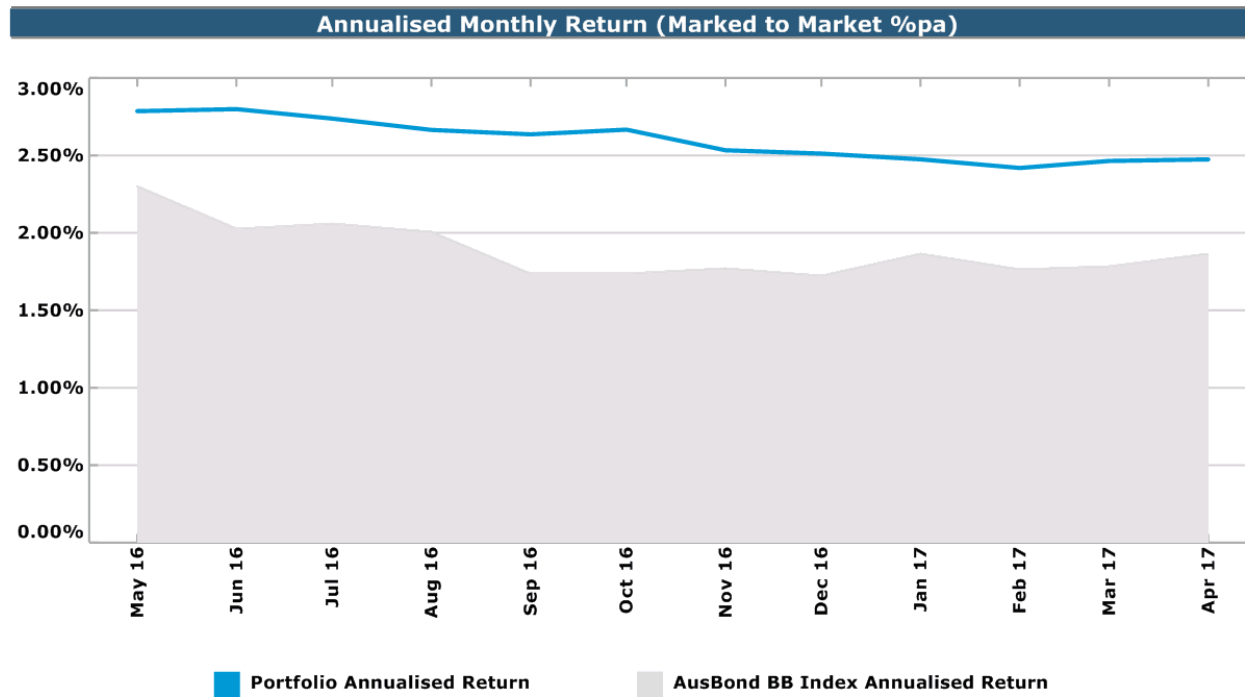
### Accrued Interest Report



Accrued Interest Report								
Asset Type	Deal Number	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days Accrued	Interest Accrued (\$)	Percentage Return
Westpac Group	473409	866,212.71				30		
Westpac Group	473410	75,115.85				30		
<b>Cash</b>								
Bankwest	534941	1,000,000.00	1-Feb-17	5-Apr-17	4,401.37	4	279.45	2.55%
ANZ Banking Group	534824	2,000,000.00	11-Jan-17	12-Apr-17	12,964.38	11	1,567.12	2.60%
ANZ Banking Group	534825	500,000.00	25-Jan-17	26-Apr-17	3,241.10	25	890.41	2.60%
IMB Ltd	534939	1,500,000.00	1-Feb-17	3-May-17	0.00	30	3,205.48	2.60%
Westpac Group	534943	1,500,000.00	3-Feb-17	3-May-17	0.00	30	3,205.48	2.60%
National Australia Bank	534945	500,000.00	8-Feb-17	10-May-17	0.00	30	1,047.95	2.55%
National Australia Bank	534942	1,000,000.00	15-Feb-17	17-May-17	0.00	30	2,095.89	2.55%
IMB Ltd	534940	1,500,000.00	22-Feb-17	24-May-17	0.00	30	3,143.84	2.55%
Bankwest	535129	1,500,000.00	27-Mar-17	24-May-17	0.00	30	3,082.19	2.50%
National Australia Bank	535125	1,000,000.00	1-Mar-17	31-May-17	0.00	30	2,054.79	2.50%
ANZ Banking Group	535130	1,500,000.00	1-Mar-17	31-May-17	0.00	30	3,082.19	2.50%
National Australia Bank	535126	1,000,000.00	8-Mar-17	7-Jun-17	0.00	30	2,054.79	2.50%
National Australia Bank	535127	1,000,000.00	10-Mar-17	7-Jun-17	0.00	30	2,054.79	2.50%
National Australia Bank	535128	2,500,000.00	15-Mar-17	14-Jun-17	0.00	30	5,157.53	2.51%
Bankwest	535216	1,000,000.00	21-Apr-17	21-Jun-17	0.00	10	684.93	2.50%
Bankwest	535215	1,000,000.00	5-Apr-17	5-Jul-17	0.00	26	1,780.82	2.50%
Bankwest	534944	2,000,000.00	23-Feb-17	19-Jul-17	0.00	30	4,273.97	2.60%
ANZ Banking Group	535217	500,000.00	26-Apr-17	26-Jul-17	0.00	5	172.60	2.52%
<b>Term Deposit</b>					<b>20,606.85</b>		<b>39,834.25</b>	<b>2.54%</b>
					<b>20,606.85</b>		<b>39,834.25</b>	<b><u>2.54%</u></b>

## Broken Hill City Council

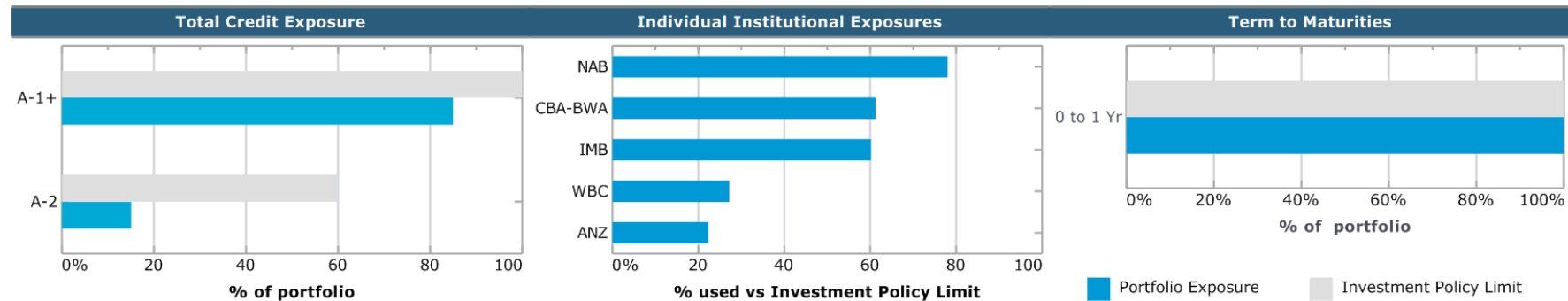
### Investment Performance Report



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Apr 2017	2.47%	1.87%	0.61%
Last 3 Months	2.45%	1.81%	0.65%
Last 6 Months	2.48%	1.80%	0.68%
Financial Year to Date	2.56%	1.83%	0.73%
Last 12 months	2.60%	1.89%	0.71%

## Broken Hill City Council

### Investment Policy Compliance Report



	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1+	16,941,329	
		<b>16,941,329</b>	<b>85% 100%</b> ✓
Short Term	A-2	3,000,000	
		<b>3,000,000</b>	<b>15% 60%</b> ✓
		<b>19,941,329</b>	<b>100%</b>

✓ = compliant  
X = non-compliant

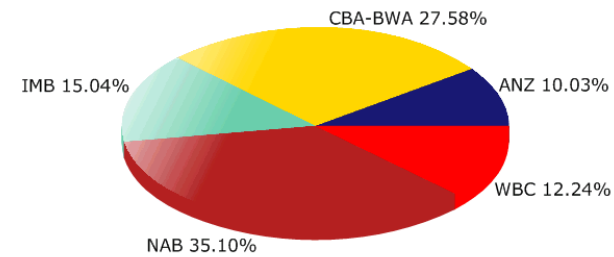
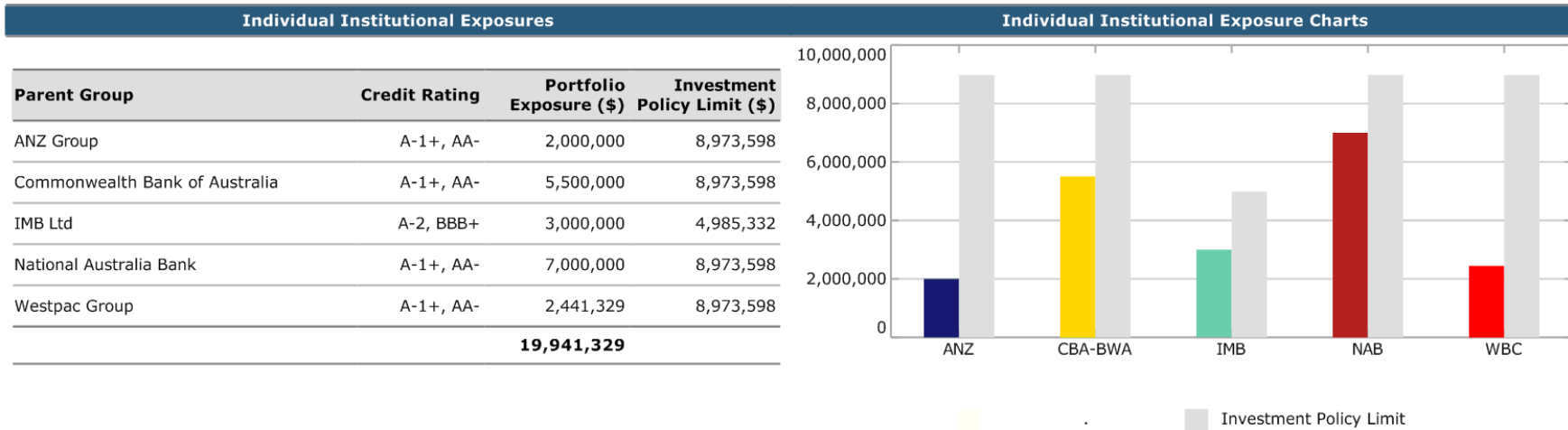
	% used vs Investment Policy Limit
National Australia Bank (A-1+, AA-)	78% ✓
Commonwealth Bank of Australia (A-1+, AA-)	61% ✓
IMB Ltd (A-2, BBB+)	60% ✓
Westpac Group (A-1+, AA-)	27% ✓
ANZ Group (A-1+, AA-)	22% ✓

	Face Value (\$)	Policy Max
Between 0 and 1 Year	19,941,329	100% 100% ✓
	<b>19,941,329</b>	

Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	941,329	5%
01. Less Than 30 Days	7,500,000	38%
02. Between 30 Days and 60 Days	8,000,000	40%
03. Between 60 Days and 90 Days	3,500,000	18%
	<b>19,941,329</b>	

## Broken Hill City Council

### Individual Institutional Exposures Report



## Broken Hill City Council

### Cash Flows Report



#### Current Month Cashflows

Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
5-Apr-17	534941	Bankwest	Term Deposits	Interest - Received	4,401.37
		Bankwest	Term Deposits	Maturity Face Value - Received	1,000,000.00
				Deal Total	1,004,401.37
	535215	Bankwest	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
				Deal Total	-1,000,000.00
		Day Total			
12-Apr-17	534824	ANZ Banking Group	Term Deposits	Interest - Received	12,964.38
		ANZ Banking Group	Term Deposits	Maturity Face Value - Received	2,000,000.00
				Deal Total	2,012,964.38
Day Total				2,012,964.38	
21-Apr-17	535216	Bankwest	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
				Deal Total	-1,000,000.00
		Day Total			
26-Apr-17	534825	ANZ Banking Group	Term Deposits	Interest - Received	3,241.10
		ANZ Banking Group	Term Deposits	Maturity Face Value - Received	500,000.00
				Deal Total	503,241.10
	535217	ANZ Banking Group	Term Deposits	Settlement Face Value - Paid	-500,000.00
				Deal Total	-500,000.00
		Day Total			
Net Cash Movement for Period					1,020,606.85

#### Next Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
3-May-17	534939	IMB Ltd	Term Deposit	Interest - Received	9,723.29
		IMB Ltd	Term Deposit	Maturity Face Value - Received	1,500,000.00
				<u>Deal Total</u>	<u>1,509,723.29</u>
	534943	Westpac Group	Term Deposit	Interest - Received	9,509.59
		Westpac Group	Term Deposit	Maturity Face Value - Received	1,500,000.00



## Broken Hill City Council

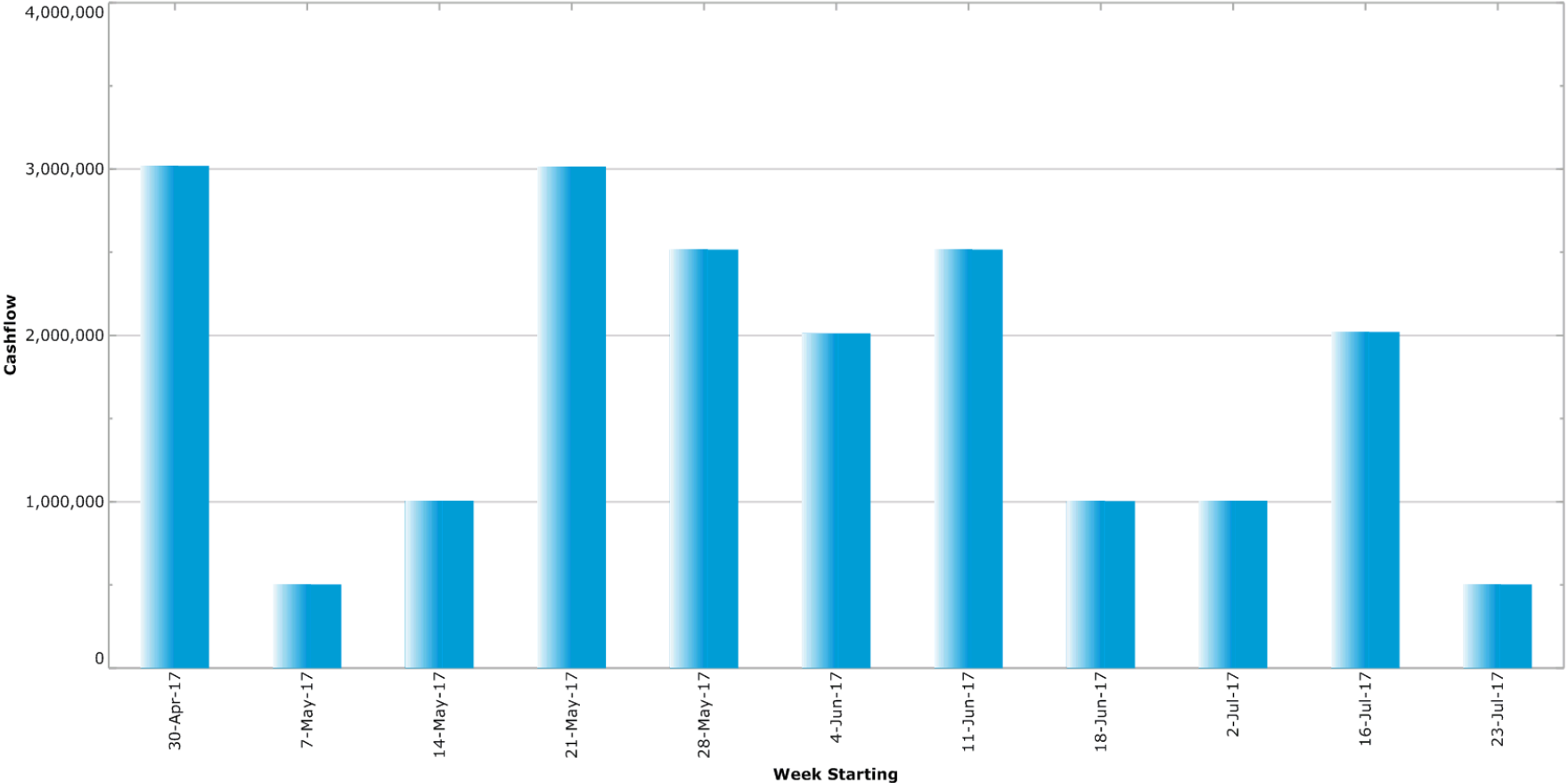
### Cash Flows Report



#### Next Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
				<u>Deal Total</u>	<u>1,509,509.59</u>
				<b>Day Total</b>	<b>3,019,232.88</b>
<b>10-May-17</b>	534945	National Australia Bank	Term Deposit	Interest - Received	3,178.77
		National Australia Bank	Term Deposit	Maturity Face Value - Received	500,000.00
				<u>Deal Total</u>	<u>503,178.77</u>
				<b>Day Total</b>	<b>503,178.77</b>
<b>17-May-17</b>	534942	National Australia Bank	Term Deposit	Interest - Received	6,357.53
		National Australia Bank	Term Deposit	Maturity Face Value - Received	1,000,000.00
				<u>Deal Total</u>	<u>1,006,357.53</u>
				<b>Day Total</b>	<b>1,006,357.53</b>
<b>24-May-17</b>	534940	IMB Ltd	Term Deposit	Interest - Received	9,536.30
		IMB Ltd	Term Deposit	Maturity Face Value - Received	1,500,000.00
				<u>Deal Total</u>	<u>1,509,536.30</u>
	535129	Bankwest	Term Deposit	Interest - Received	5,958.90
		Bankwest	Term Deposit	Maturity Face Value - Received	1,500,000.00
				<u>Deal Total</u>	<u>1,505,958.90</u>
				<b>Day Total</b>	<b>3,015,495.21</b>
<b>31-May-17</b>	535125	National Australia Bank	Term Deposit	Interest - Received	6,232.88
		National Australia Bank	Term Deposit	Maturity Face Value - Received	1,000,000.00
				<u>Deal Total</u>	<u>1,006,232.88</u>
	535130	ANZ Banking Group	Term Deposit	Interest - Received	9,349.32
		ANZ Banking Group	Term Deposit	Maturity Face Value - Received	1,500,000.00
				<u>Deal Total</u>	<u>1,509,349.32</u>
				<b>Day Total</b>	<b>2,515,582.19</b>
				<b>Net Cash Movement for Period</b>	<b>10,059,846.58</b>

Broken Hill City Council  
Cash Flows Report



## ORDINARY MEETING OF THE COUNCIL

May 15, 2017

**ITEM 11**BROKEN HILL CITY COUNCIL REPORT NO. 93/17

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 369 HELD TUESDAY APRIL 4, 2017 AND MEETING NO 370 HELD TUESDAY MAY 2, 2017 11/397

**Recommendation**

1. That Broken Hill City Council Report No. 93/17 dated May 15, 2017, be received.
2. That the minutes for the Local Traffic Committee Meeting No. 369, held April 4, 2017, be received and recommendations within minutes be adopted.
3. That the minutes for the Local Traffic Committee Meeting No. 370, held May 2, 2017, be received and recommendations within minutes be adopted.

**Executive Summary:**

Guidelines published in March 2009 by the Roads and Traffic Authority (now known as the Roads and Maritime Services), titled '*A guide to the delegation to councils for the regulation of traffic*' states: "The Local Traffic Committee (LTC) has no decision-making powers and is primarily a technical review committee. It only advises the Council on matters for which the Council has delegated authority, being certain prescribed traffic control devices and traffic control facilities.

The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to Roads and Maritime Services or relevant organisation. Such matters must not be referred to the LTC.

Council is not bound by the advice given by its LTC. However if Council does wish to act contrary to the unanimous advice of the LTC or when the advice is not unanimous, it must notify Roads and Maritime Services & the NSW Police and wait 14 days before proceeding."

**Report:**

This report is to provide Council with the minutes and action list of the Local Traffic Committee meeting held April 4, 2017 and May 2, 2017, which details recommendations to Council for consideration and adoption.

**Strategic Direction:**

Key Direction:	4. Our Leadership
Objective:	4.3 United We Stand
Function:	Leadership & Governance
DP Action:	4.3.1.1 Develop committees and/or workgroups for key issues and projects impacting Council and the City

**Relevant Legislation:**

- *Road Transport (Safety and Traffic Management) Regulation 1999*, and
- Road Rules 2008
- A guide to the delegation to councils for the regulation of traffic (guidelines)

**Financial Implications:**

Financial implications for any of the recommendations to Council will be detailed in the LTC minutes, if relevant.

**Attachments**

1. [!\[\]\(13dd0e1ab3baa23f7c1ed52b3eec2756\_img.jpg\)](#) Minutes Local Traffic Committee - Meeting No 369, April 2017.pdf
2. [!\[\]\(5ed985c65f50e5350eeeb77f03c2e095\_img.jpg\)](#) Minutes Local Traffic Committee - Meeting No 370, May 2017.pdf

BRENDAN SMITH  
CHIEF OPERATING OFFICER

JAMES RONCON  
GENERAL MANAGER

## LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING NO 369

Held 9.30am Tuesday 4 April 2017

Ground/First/Second Floor Meeting Room - Council Administration Building

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The Chairperson Council's Manager Infrastructure, Andrew Bruggy opened the meeting at 9.32am and welcomed all representatives present.

### **369.1 Present**

Andrew Bruggy	Chairperson Manager Infrastructure, Broken Hill City Council
Joe Sulicich	Roads and Maritime Services Representative
Peter Beven	Local Member Representative
Marion Browne	Councillor
James Druitt	Observer, Asset Planner Transport, Broken Hill City Council
Penny Robinson	Minute Secretary Administration Officer, Broken Hill City Council

### **369.2 Apologies**

Sergeant Kerri Lane	Broken Hill Police Representative
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### **369.3 Disclosure of interest Delete whichever does not apply below** Nil

### **369.4 Adoption of previous minutes**

Previous minutes of meeting No 368 held March 2017 were confirmed via voting as follows:

All in favour:	Council, Local Member Representative, Roads and Maritime Services Representative and Police Representative
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### 369.5 Council Resolutions

The following Committee recommendations were adopted by Council at its meeting held 26 March 2017

<b>ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 55/17 - DATED MARCH 15, 2017 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 367 HELD TUESDAY FEBRUARY 7, 2017 AND MEETING NO 368 HELD TUESDAY MARCH 7, 2017</b>	
11/397	
<u>Recommendation</u>	
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 55/17 dated March 15, 2017, be received.</li> <li>2. That the minutes for the Local Traffic Committee Meeting No. 367, held February 7, 2017, be received and recommendations within minutes be adopted.</li> <li>3. That the minutes for the Local Traffic Committee Meeting No. 368, held March 7, 2017, be received and recommendations within minutes be adopted.</li> </ol>	
<b>RESOLUTION</b> Minute No. 145506 Councillor D. Gallagher moved ) Councillor M. Clark seconded )	
That the recommendation of item 20 be adopted.	
CARRIED	

### 369.6 Matters Arising from the Previous Meeting

Nil

### 369.7 Correspondence In

Item No.	TRIM No.	Details
369.7.1	D17/13954	Request to block the lane area behind Knox Street.
<b>Discussion Notes</b>		<p>The committee discussed the correspondence received.</p> <p>The area of concern, behind Knox Street backs onto the regeneration area. The committee discussed the concern relating to unauthorised access to the regeneration area that currently occurs and queried if blocking the lane would assist to eliminate this access along with access for dirt bikes and the like.</p> <p>If the lane area was to be blocked, it would restrict rear access to properties causing another issue.</p> <p>Council's Manager Infrastructure, Andrew Bruggy advised that in other local areas, gates and padlocks have been installed with a lock to continue to allow rear property access to residents. The residents are provided with the pin code to access the key. This has been successful in most cases.</p> <p>Andrew Bruggy advised the committee that he will arrange consultation with the residents and correspondent to discuss possible outcomes to resolve this matter.</p> <p>Andrew Bruggy will also contact Peter Oldsen, Broken Hill Lead Program in relation to seeking funding for a fence upgrade to reduce unauthorised access to the regeneration area, if required.</p> <p>Andrew is to provide a report back to the committee.</p>
<b>Recommendation</b>		No recommendation is required to Council at this stage.

**Moved**

All representatives present agreed to the further investigation and consultation proposed.

Item No.	TRIM No.	Details
369.7.2	D17/13949	Information for the committee provided from Council's Manager Infrastructure, Andrew Bruggy relating to CMC having to redirect trucks due to Essential Energy Roadworks.

**Discussion Notes**

The committee noted the information and no further action is required for this item.

**369.8 Correspondence Out**

Item No.	TRIM No.	Details
367.7.2	D17/13948	Response from Infrastructure Projects Engineer, David Zhao relating to Item No 367.7.2 - Galena Street Refuge
368.7.2	D17/12883	Response Letter - Harry Ferguson Tractor Club - Dig Tree Tractor Trek Transiting Broken Hill.
368.7.3	D17/12765	Response Letter - Review of Bus Zone located at Aruma Lodge, Beryl Street
368.7.5	D17/13025	Response Letter – Request for a marked Pedestrian Crossing to accompany the Refuge located in Thomas Street, opposite the Hospital.

**369.9 Action Item List**

<b>Item No.</b>	<b>356.9.1</b>
<b>TRIM No.</b>	D16/32609
<b>CRM No.</b>	24806/2016
<b>Responsible Officer</b>	Asset Planner Transport, James Druitt
<b>Current Status</b>	Asset Planner Transport, James Druitt to follow up actions required as the proposed recommendation was adopted by Council at its meeting March 2017.
<b>Date</b>	<b>Item Details</b>
February 2016	<p><b>Wright and Warnock Street Intersection</b></p> <p>Councillor Browne has been approached by a resident for the Committee to consider alternative options to reduce speeds of motorists in this area as the current measures in place are not adequate.</p>

Date	Committee Recommendation/s
July 2016	Two week trial to commence of a temporary closure of the areas.  Advertising in BDT to occur, letter box drop arranged for local residents by James Druitt and secretary to advise via email the local emergency services.
August 2016	James Druitt to report the outcome and feedback to the committee for further review.
September 2016	Andrew Bruggy and James Druitt to investigate the installation of speed humps in Wright Street.
February 2017	The committee propose that Council offer to provide safety devices to the residents of the houses at the top of Wright and Warnock Street as a means to resolve this issue. The committee conclude that a permanent road closure is not required at the Wright and Warnock Street intersection.
Action Date	Running Actions
October 2016	BHCC, Asset Planner Transport, James Druitt has costed speed humps awaiting advice on installation. Design plan to be provided to next meeting.
November 2016	BHCC, Asset Planner Transport, James Druitt has provided a report to committee with costing for proposed works.  Query from the committee if the residents agree with the speed hump installation - Asset Planner Transport advised that this was advised in consultation with the local residents.  Query if Warnock Street traffic has also been reviewed? Speed counters reviewed this area previously.  Chairperson, David Zhao suggests that bollards be extended form the Warnock Street bend rather than installing the speed hump.  Council to speak with the residents primarily effected at the Warnock Street end of Wright Street relating to bollards or guard rails instead of speed hump. Also identify individual concerns. Council to report back to December 2016 meeting.
December 2016	Council Officer James Druitt spoke to the residents and they voiced that they would like the street closed. This is resulted because of several crashes into fences, no major crashes/fatalities etc. However if the street is closed it may cause issued for diverting the traffic. Discussion from the committee suggest that a road closure may not be the best option and discussion of guard rails being installed in the area.  Further investigation required as to implications if the road is closed.  Traffic count previously conducted and concluded minimal vehicles speeding in the area. When the temporary road closure occurred vehicles then used the lanes near Wright and Long Street.  RMS to undertake further investigation to provide a report on road closure implications to be provided to the committee.
February 2017	Remains pending.



The committee discussed this item in length going over the discussion raised in previous months in consideration with the traffic counts conducted and crash history of the area. The committee wish to see this item come to a conclusion in the near future. The committee propose a new recommendation to Council being that; Council offer to provide safety devices to the residents of the houses at the top of Wright and Warnock Street as a means to resolve this issue and; the committee conclude that a permanent road closure is not required at the Wright and Warnock Street intersection.

March 2017

Remains pending

April 2017

Asset Planner Transport, James Druitt to follow up actions required as the proposed recommendation was adopted by Council at its meeting March 2017.

Target Date	Not Determined
<b>Item No.</b>	<b>360.8.2</b>
<b>TRIM No.</b>	D16/19712, D16/23167
<b>CRM No.</b>	
<b>Responsible Officer</b>	Asset Planner Transport, James Druitt
<b>Current Status</b>	Completed in March 2017
Date	Item Details
June 2016	<b>Review of 60 degree parking lines at the corner of Mica/Chloride Streets and request for short term parking bay area.</b> Request for review of 60 degree parking lines at the corner of Mica/Chloride Streets and request for short term parking bay area.
Date	Committee Recommendation/s
June 2016	The Committee notes this correspondence received and agree that parking should be returned to 45 degree parking and a Council Officer is to make appointment for review of requirement for short term parking bay. Amending the angled parking may result in loss of 1 parking space.
November 2016	Council to re-in state line marking to 45 degree and include loading zone in Chloride Street. Council to absorb the cost.
Action Date	Running Actions
	Parking should be returned to 45 degree parking and a Council Officer is to make appointment for review of requirement for short term parking bay. Amending the angled parking may result in loss of 1 parking space.
September 2016	Asset Planner Transport, James Druitt to talk to the applicant regarding delivery times for loading zone.
November 2016	

	Asset Planner Transport, James Druitt has provided a report to committee detailing options to include the 45 degree parking and a loading zone. Query of who will pay for this line-marking?
	60 degree parking is considered to point the parked vehicles out too far into the road for loading/unloading. Concerns raised of passing traffic coming too close to vehicles/people accessing boots of cars with the 60 degree parking. Refer to recommendation above.
December 2016	Asset Planner Transport, James Druitt to arrange for the line-marking works to be scheduled.
March 2017	Pending line-marking to be completed March 2017

<b>Target Date</b>	Not determined
<b>Item No.</b>	365.7.4
<b>TRIM No.</b>	D16/49822
<b>CRM No.</b>	27431/2017
<b>Responsible Officer</b>	Council's Asset Planner Transport
<b>Current Status</b>	Works to be arranged
<b>Date</b>	<b>Item Details</b>

November 2016	Sacred Heart Parish requesting <b>Sulphide Street drop-off zone</b> for parishioners and visitors that may be aged or have a disability to have easier access to the Cathedral. Requesting Saturday from 5pm to 7pm and Sundays from 9am to 11am.
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<b>Date</b>	<b>Committee Recommendation/s</b>
November 2016	Council Officer to have discussion with correspondent relating to needs/who will fund this request and provide a report back to the committee for recommended actions.
December 2016	Line-marking and signage works to be undertaken in Sulphide Street, in front of the cathedral with the costing to be funded by the Sacred Heart Parish. Works to include 2 car park spaces for drop off purposes only with a 'NO PARKING' sign to also be installed. Council to provide a quote to the Sacred Heart Parish to advise of cost for works.

<b>Action Date</b>	<b>Running Actions</b>
November 2016	Is disable parking more appropriate for this area? Is there any existing disabled parking in this area?
December 2016	Council's Asset Planner Transport provided the committee with plans that will include 2 spaces for drop off with a 'NO PARKING' sign. RMS representative, Joe Sulicich was advised by Father Fulzun that the Sacred Heart Parish will fund this line-marking and signage request.
February 2017	Pending Council adopt new recommendation.

March 2017 Recommendation adopted in February 2017 Council meeting - Council to provide a quote to the Sacred Heart Parish to advise of cost for works.

April 2017 Sales and Services quote paid. CRM entered for works to commence. CRM 27431/2017

Target Date	
<b>Item No.</b>	<b>367.7.2</b>
<b>TRIM No.</b>	D17/3942
<b>CRM No.</b>	Nil
<b>Responsible Officer</b>	Council's Infrastructure Projects Engineer, David Zhao (Alternate Chairperson)
<b>Current Status</b>	Proposed recommendation adopted by Council at its March 2017 meeting. Asset Planner Transport, James Druitt is to arrange the actions as per recommendation.
Date	Item Details
February 2017	Request to remove refuge island adjacent to the Galena Street car wash.
Date	Committee Recommendation/s
February 2017	<p>Council Officer to draft a parking plan for the area in-front of the houses in question by the refuge in Galena Street, opposite McDonalds. The plan is to be provided to the committee for further review.</p> <p>Chairperson, David Zhao to arrange a joint media release with RMS and Police relating to jay-walking and possible fines that can be incurred.</p>
Action Date	Running Actions
February 2017	<p>Video supplied with correspondence, video was viewed by the committee.</p> <p>RMS, Joe Sulicich advised committee that; this refuge was installed early 2015 and was funded by RMS; that on-site consultation took place prior to installation and; letters of support from the community were provided at the time. Joe Sulicich provided to the committee a copy of a Council media release that provided information to the community on the installation of the refuge.</p> <p>Joe Sulicich advised committee that the intention of the refuge was to provide a crossing area and slow traffic.</p> <p>Discussion of placement of refuge and if it is in the most appropriate place for crossing. RMS advised that the refuge was placed in that location as was required to meet standards for the installation.</p>

	<p>Discussion of parking availability in front of the property as the committee identify that this is the primary concern from the correspondence.</p> <p>The committee concluded that the refuge will not be removed however parking in the area may need to be reviewed.</p> <p>Councillor Browne queried can there be some media around using this refuge. Chairperson David Zhao advised that he will discuss with Council's Communications Specialist the possibility of a combined media release between Council, RMS and police about jay-walking and fines that can be incurred.</p>
March 2017	<p>Discussion of the matter. Council Officer, James Druitt has held discussion with the Car Wash manager relating to the footpath on the car wash side being uneven/rough for pedestrians. Discussion to be ongoing re condition of the footpath area.</p> <p>Pending – previous recommendation to go to March Ordinary Council meeting.</p>
April 2017	<p>Proposed recommendation adopted by Council at its March 2017 meeting. Asset Planner Transport, James Druitt is to arrange the actions as per recommendation</p>

Target Date	April 2017
<b>Item No.</b>	<b>368.9.2</b>
<b>TRIM No.</b>	Nil
<b>CRM No.</b>	Nil
<b>Responsible Officer</b>	Asset Planner Transport, James Druitt
<b>Current Status</b>	Pending
Date	Item Details
March 2017	RMS, Joe Sulicich raised concern of the driveway signage to the carpark located by 240 Blende Street.
Date	Committee Recommendation/s
March 2017	Nil
Action Date	Running Actions
March 2017	<p>RMS, Joe Sulicich queried should the existing give-way sign be replaced with a 'Stop' sign. The purpose of this query is to possibly improve pedestrian safety.</p> <p>Council to address this issue if it is identified that the current signage is incorrect.</p> <p>RMS to confirm with motor registry relating to signage requirements and advise Council's Manager Infrastructure, Andrew Bruggy of the outcome.</p>

April 2017

With further discussion the committee raised the same query for Westside Plaza area, Council Officer, James Druitt to follow up with Westside Plaza Manager as to what signage is in the area.

Stop signs have been installed at both sides of Council's carpark. RMS, Joe Sulicich advised hold line should also be placed and RMS can provide advice on standards for the line-marking should Council wish to line-mark.

Manager Infrastructure requested RMS please provide the standard to Council for line-marking.

<b>Target Date</b>	April 2017
<b>Item No.</b>	<b>368.9.3</b>
<b>TRIM No.</b>	Nil
<b>CRM No.</b>	CRM No 27179/2017
<b>Responsible Officer</b>	Minute Secretary, Penny Robinson
<b>Current Status</b>	CRM entered.
<b>Date</b>	<b>Item Details</b>
March 2017	RMS, Joe Sulicich reported to the committee concerns of gum trees overhanging and require trimming as obstruct vision of drivers.
<b>Date</b>	<b>Committee Recommendation/s</b>
March 2017	Nil
<b>Action Date</b>	<b>Running Actions</b>
March 2017	CRM to be entered by minute secretary.
April 2017	RMS, Joe Sulicich was advised that a customer request was logged. Joe requested that the description be amended to reflect the trimming is required by the RMS works depot driveway, Bagot Street.
<b>Target Date</b>	March 2017

**369.10 General Business**

Item No.	TRIM No.	Details
369.10.1	N/A	Local Member Representative, Peter Beven advised that Kevin Humphries MP requested he raise the matter of ore trucks travelling in Broken Hill. Mr Humphries has queried the haulage route and if it is possible for the route to be along Crystal Street to Menindee Road.
<b>Discussion Notes</b>		<p>Council's Manager Infrastructure, Andrew, Bruggy queried availability of funding for the damage that would occur to the local roads.</p> <p>Local Member Representative, Peter Beven advised that funding would only be available should Council apply for assistance after damage occurs to the local roads.</p> <p>RMS, Joe Sulicich advised that RMS Regional Manager are to meet with Kevin Humphries MP for further discussions as this matter is related to state roads. Joe Sulicich also advised that RMS plans to hold further discussions with Council, possibly May 2017 relating to this matter, date to be confirmed.</p> <p>The committee concluded that at this time, this matter is outside of the committee's scope.</p>
<b>Recommendation</b>		No recommendation required at this time.
Item No.	TRIM No.	Details

369.10.2 N/A

The committee went on a guided tour of the North Mine on 21 March 2017 and was shown the haulage route area and underground entrance/exit for the ore trucks.

Council's Manager Infrastructure, Andrew Bruggy advised the committee that he had sent correspondence to thank Perilya for the tour.

Andrew Bruggy also advised that the invitation to tour the North Mine area was extended to the Councillors should they also wish to go in a site visit.

**369.11 Next Meeting Date** 2 May 2017

**369.12 Meeting Closed** 9.53am

## LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING NO 370

Held 9.30am Tuesday 2 May 2017

Ground Floor Meeting Room - Council Administration Building

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The Chairperson Council's Manager Infrastructure, Andrew Bruggy opened the meeting at 9.30am and welcomed all representatives present.

### 370.1 Present

Andrew Bruggy	Chairperson Manager Infrastructure, Broken Hill City Council
Joe Sulicich	Roads and Maritime Services Representative
Peter Beven	Local Member's Representative
Marion Browne	Councillor
James Druitt	Observer, Asset Planner Transport, Broken Hill City Council
Penny Robinson	Minute Secretary Administration Officer, Broken Hill City Council
Sergeant Kerri Lane	Broken Hill Police Representative

### 370.2 Apologies – Nil

### 370.3 Disclosure of interest – Nil

### 370.4 Adoption of previous minutes

Previous minutes of meeting No 369 held April 2017 were confirmed via voting as follows:

All in favour: Council, Local Member's Representative, Roads and Maritime Services Representative and Police Representative

### 370.5 Council Resolutions

Council resolutions on Traffic Committee recommendation was not available at the time of issuing this agenda. The outcome will be provided to the committee at the June meeting.

### 370.6 Matters Arising from the Previous Meeting - Nil

**370.7 Correspondence In**

Item No.	TRIM No.	Details
370.7.1	D17/21339	Truck traffic in Town - Larry Angell
<b>Discussion Notes</b>		Information noted by committee. Council's Manager Infrastructure, Andrew Bruggy will forward the information to RMS, Joe Sulicich for further response on the matter.
<b>Recommendation</b>		No recommendation is required to Council at this stage.
<b>Moved</b>		All present voting members

**370.8 Correspondence Out**

Item No.	TRIM No.	Details
369.7.1	D17/13954 D17/17522	Response Letter relating to the request to block the lane area behind Knox Street.

**370.9 Action Item List**

<b>Item No.</b>	<b>356.9.1</b>
<b>TRIM No.</b>	D16/32609
<b>CRM No.</b>	24806/2016
<b>Responsible Officer</b>	Asset Planner Transport, James Druitt
<b>Current Status</b>	May 2017 - Asset Planner Transport, James Druitt to follow up actions required.
<b>Date</b>	<b>Item Details</b>
February 2016	<b>Wright and Warnock Street Intersection</b> Councillor Browne has been approached by a resident for the Committee to consider alternative options to reduce speeds of motorists in this area as the current measures in place are not adequate.
<b>Date</b>	<b>Committee Recommendation/s</b>
July 2016	Two week trial to commence of a temporary closure of the areas. Advertising in BDT to occur, letter box drop arranged for local residents by James Druitt and secretary to advise via email the local emergency services.
August 2016	James Druitt to report the outcome and feedback to the committee for further review.



September 2016	Andrew Bruggy and James Druitt to investigate the installation of speed humps in Wright Street.
February 2017	The committee propose that Council offer to provide safety devices to the residents of the houses at the top of Wright and Warnock Street as a means to resolve this issue. The committee conclude that a permanent road closure is not required at the Wright and Warnock Street intersection.
Action Date	Running Actions
October 2016	BHCC, Asset Planner Transport, James Druitt has costed speed humps awaiting advice on installation. Design plan to be provided to next meeting.
November 2016	<p>BHCC, Asset Planner Transport, James Druitt has provided a report to committee with costing for proposed works.</p> <p>Query from the committee if the residents agree with the speed hump installation - Asset Planner Transport advised that this was advised in consultation with the local residents.</p> <p>Query if Warnock Street traffic has also been reviewed? Speed counters reviewed this area previously.</p> <p>Chairperson, David Zhao suggests that bollards be extended form the Warnock Street bend rather than installing the speed hump.</p> <p>Council to speak with the residents primarily effected at the Warnock Street end of Wright Street relating to bollards or guard rails instead of speed hump. Also identify individual concerns. Council to report back to December 2016 meeting.</p>
December 2016	<p>Council Officer James Druitt spoke to the residents and they voiced that they would like the street closed. This is resulted because of several crashes into fences, no major crashes/fatalities etc. However if the street is closed it may cause issued for diverting the traffic.</p> <p>Discussion from the committee suggest that a road closure may not be the best option and discussion of guard rails being installed in the area.</p> <p>Further investigation required as to implications if the road is closed.</p> <p>Traffic count previously conducted and concluded minimal vehicles speeding in the area. When the temporary road closure occurred vehicles then used the lanes near Wright and Long Street.</p> <p>RMS to undertake further investigation to provide a report on road closure implications to be provided to the committee.</p>
February 2017	<p>Remains pending.</p> <p>The committee discussed this item in length going over the discussion raised in previous months in consideration with the traffic counts conducted and crash history of the area. The committee wish to see this item come to a conclusion in the near future. The committee propose a new recommendation to Council being that; Council offer to provide safety devices to the residents of the houses at the top of Wright and Warnock Street as a means to resolve this issue and; the committee conclude that a permanent road closure is not required at the Wright and Warnock Street intersection.</p>
March 2017	Remains pending

April 2017 Asset Planner Transport, James Druitt to follow up actions required as the proposed recommendation was adopted by Council at its meeting March 2017.

May 2017 Asset Planner Transport, James Druitt to follow up actions required.

Target Date	Not Determined
Item No.	365.7.4
TRIM No.	D16/49822
CRM No.	27431/2017
Responsible Officer	Council's Asset Planner Transport
Current Status	May 2017 - Works to be arranged including line-marking. Materials have been ordered.
Date	Item Details
November 2016	Sacred Heart Parish requesting <b>Sulphide Street drop-off zone</b> for parishioners and visitors that may be aged or have a disability to have easier access to the Cathedral. Requesting Saturday from 5pm to 7pm and Sundays from 9am to 11am.
Date	Committee Recommendation/s
November 2016	Council Officer to have discussion with correspondent relating to needs/who will fund this request and provide a report back to the committee for recommended actions.
December 2016	Line-marking and signage works to be undertaken in Sulphide Street, in front of the cathedral with the costing to be funded by the Sacred Heart Parish. Works to include 2 car park spaces for drop off purposes only with a 'NO PARKING' sign to also be installed. Council to provide a quote to the Sacred Heart Parish to advise of cost for works.
Action Date	Running Actions
November 2016	Is disable parking more appropriate for this area? Is there any existing disabled parking in this area?
December 2016	Council's Asset Planner Transport provided the committee with plans that will include 2 spaces for drop off with a 'NO PARKING' sign. RMS representative, Joe Sulicich was advised by Father Fulzun that the Sacred Heart Parish will fund this line-marking and signage request.
February 2017	Pending Council adopt new recommendation.
March 2017	Recommendation adopted in February 2017 Council meeting - Council to provide a quote to the Sacred Heart Parish to advise of cost for works.
April 2017	Sales and Services quote paid. CRM entered for works to commence. CRM 27431/2017

May 2017

Works to be arranged including line-marking. Materials have been ordered.

Target Date	
<b>Item No.</b>	<b>367.7.2</b>
<b>TRIM No.</b>	D17/3942
<b>CRM No.</b>	Nil
<b>Responsible Officer</b>	Council's Infrastructure Projects Engineer, David Zhao (Alternate Chairperson)
<b>Current Status</b>	May 2017 - Remains pending. Proposed recommendation adopted by Council at its March 2017 meeting. Asset Planner Transport, James Druitt is to arrange the actions as per recommendation.

Date	Item Details
February 2017	Request to remove refuge island adjacent to the Galena Street car wash.

Date	Committee Recommendation/s
February 2017	Council Officer to draft a parking plan for the area in-front of the houses in question by the refuge in Galena Street, opposite McDonalds. The plan is to be provided to the committee for further review.  Chairperson, David Zhao to arrange a joint media release with RMS and Police relating to jay-walking and possible fines that can be incurred.

Action Date	Running Actions
February 2017	Video supplied with correspondence, video was viewed by the committee.  RMS, Joe Sulicich advised committee that; this refuge was installed early 2015 and was funded by RMS; that on-site consultation took place prior to installation and; letters of support from the community were provided at the time. Joe Sulicich provided to the committee a copy of a Council media release that provided information to the community on the installation of the refuge.  Joe Sulicich advised committee that the intention of the refuge was to provide a crossing area and slow traffic.  Discussion of placement of refuge and if it is in the most appropriate place for crossing. RMS advised that the refuge was placed in that location as was required to meet standards for the installation.  Discussion of parking availability in front of the property as the committee identify that this is the primary concern from the correspondence.

	The committee concluded that the refuge will not be removed however parking in the area may need to be reviewed.
	Councillor Browne queried can there be some media around using this refuge. Chairperson David Zhao advised that he will discuss with Council's Communications Specialist the possibility of a combined media release between Council, RMS and police about jay-walking and fines that can be incurred.
March 2017	Discussion of the matter. Council Officer, James Druitt has held discussion with the Car Wash manager relating to the footpath on the car wash side being uneven/rough for pedestrians. Discussion to be ongoing re condition of the footpath area.
	Pending – previous recommendation to go to March Ordinary Council meeting.
April 2017	Proposed recommendation adopted by Council at its March 2017 meeting. Asset Planner Transport, James Druitt is to arrange the actions as per recommendation
May 2017	Pending

Target Date	April 2017
<b>Item No.</b>	<b>368.9.2</b>
<b>TRIM No.</b>	Nil
<b>CRM No.</b>	Nil
<b>Responsible Officer</b>	Asset Planner Transport, James Druitt
<b>Current Status</b>	Completed - May 2017
<b>Date</b>	<b>Item Details</b>
March 2017	RMS, Joe Sulicich raised concern of the driveway signage to the carpark located by 240 Blende Street.
<b>Date</b>	<b>Committee Recommendation/s</b>
March 2017	Nil
<b>Action Date</b>	<b>Running Actions</b>
March 2017	RMS, Joe Sulicich queried should the existing give-way sign be replaced with a 'Stop' sign. The purpose of this query is to possibly improve pedestrian safety.  Council to address this issue if it is identified that the current signage is incorrect.  RMS to confirm with motor registry relating to signage requirements and advise Council's Manager Infrastructure, Andrew Bruggy of the outcome.

April 2017	<p>With further discussion the committee raised the same query for Westside Plaza area, Council Officer, James Druitt to follow up with Westside Plaza Manager as to what signage is in the area.</p> <p>Stop signs have been installed at both sides of Council's carpark. RMS, Joe Sulicich advised hold line should also be placed and RMS can provide advice on standards for the line-marking should Council wish to line-mark.</p> <p>Manager Infrastructure requested RMS please provide the standard to Council for line-marking.</p>
May 2017	<p>RMS provided advice on standards for line-marking to Council's Manager Infrastructure, Andrew Buggy for consideration.</p> <p>Action item completed.</p>

<b>Target Date</b>	April 2017
<b>Item No.</b>	<b>368.9.3</b>
<b>TRIM No.</b>	Nil
<b>CRM No.</b>	CRM No 27179/2017
<b>Responsible Officer</b>	Minute Secretary, Penny Robinson
<b>Current Status</b>	RMS, Joe Sulicich will follow up if this tree trimming has improved the vision concerns of RMS staff and will advise if this matter is resolved.
<b>Date</b>	<b>Item Details</b>
March 2017	RMS, Joe Sulicich reported to the committee concerns of gum trees overhanging and require trimming as obstruct vision of drivers.
<b>Date</b>	<b>Committee Recommendation/s</b>
March 2017	Nil
<b>Action Date</b>	<b>Running Actions</b>
March 2017	CRM to be entered by minute secretary.
April 2017	<p>RMS, Joe Sulicich was advised that a customer request was logged. Joe requested that the description be amended to reflect the trimming is required by the RMS works depot driveway, Bagot Street.</p> <p>RMS to confirm if vision remains an issue for drivers</p>
May 2017	RMS, Joe Sulicich will follow up if this tree trimming has improved the vision concerns of RMS staff and will advise if this matter is resolved.
<b>Target Date</b>	March 2017

**370.10 General Business**

Item No.	TRIM No.	Details
370.10.1	N/A	Police NSW, Kerri Lane – Warnock and Galena Street Stop sign is requested to be removed. Police advise that the 'Stop' sign is not being enforced as is not correctly placed on the intersection.
<b>Discussion Notes</b>		The committee agree with the request for the 'Stop' sign to be removed and replaced with a 'Give Way' sign.
<b>Recommendation</b>		Council's Asset Planner Transport James Druitt will place this request on the works schedule.
Item No.	TRIM No.	Details
370.10.2	N/A	Police NSW, Kerri Lane – Request to close off the car park behind the Town Hall Façade for the 'Back to Barrier' Police Event to be held on 13 May 2017 from 10am to 2pm. Sergeant David Gallagher can be contacted if additional information for this event is required.
<b>Discussion Notes</b>		The committee have no objection to this event and carpark closure.
<b>Recommendation</b>		Council's Manager Infrastructure, Andrew Bruggy will contact Sergeant Gallagher and seek further details required from Council.
Item No.	TRIM No.	Details
370.10.3	N/A	Local Member's Representative, Peter Beven advised that at the corner of Cummins and Bromide Street has a low hanging tree that requires lopping.
<b>Discussion Notes</b>		The tree currently obstructs vision for vehicles entering the eastern corner of the intersection.
<b>Recommendation</b>		CRM to be entered.
Item No.	TRIM No.	Details
370.10.4	N/A	Local Member's Representative, Peter Beven advised that on the corner of Argent and Garnet Streets that a small saltbush on the southern corner requiring removal as obstructs vehicle vision.
<b>Discussion Notes</b>		The salt bush blocks vision for vehicles entering the intersection.
<b>Recommendation</b>		CRM to be entered.

Item No.	TRIM No.	Details
370.10.5	N/A	Local Member's Representative, Peter Beven raised previous item action item 369.10.1 relating to discussion of the Heavy vehicle route.
Discussion Notes		Council's Manager Infrastructure, Andrew Bruggy advised that this matter has previously been raised to Council for consideration.
Recommendation		This matter does not require further action from the committee.

370.11 Next Meeting Date 6 June 2017

370.12 Meeting Closed 9.53am

## ORDINARY MEETING OF THE COUNCIL

May 23, 2017

**ITEM 12**BROKEN HILL CITY COUNCIL REPORT NO. 94/17SUBJECT:                    ACTION LIST REPORT11/25**Recommendation**

1. That Broken Hill City Council Report No. 94/17 dated May 23, 2017, be received.

**Executive Summary:**

The purpose of the report is to ensure that Council and the community are informed on the status of actions required by previous Council resolutions.

**Report:**

The Action List attached to this report is for information only and will be provided to Council on a monthly basis.

The report covers Council's decisions at Council Meetings for the period February 29, 2012 to April 26, 2017.

Discussions have been held with staff regarding the long outstanding items on the Action List, most of which are leasing/licencing matters. Staff will be working to finalise these items as a priority and/or request Council to rescind resolutions where circumstances have changed.

**Strategic Direction:**

Key Direction: 4 - Our Leadership  
Objective: 4.2 – Our Leaders Make Smart Decisions  
Function: Leadership and Governance  
DP Action: 4.2.1.1 - Decisions are made in a timely manner to ensure effective delivery.

**Relevant Legislation:**

*Local Government Act 1993*

**Financial Implications:**

Nil

**Attachments**

1. [↓](#) Action List Report - Ordinary Council Meetings

JAMES RONCON  
GENERAL MANAGER



## COUNCIL RESOLUTIONS – ACTION LIST

Printed: Tuesday, 23 May 2017 2:09:57 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Confidential Matters of the Council 29 February 2012	False	Confidential Matters
<h3>OLD ACTIONS</h3>		
<p><b>ITEM 1</b> (Item 45 in open minutes) - SUSTAINABILITY REPORT NO. 8/12 - DATED JANUARY 13, 2012 – RENEWAL OF LEASE TO THE AERO CLUB OF BROKEN HILL INC. AT AIRPORT - <b>CONFIDENTIAL</b> 11/232</p>		
<p><u>Recommendation</u></p> <p>That Sustainability Report No. 8/12 dated January 13, 2012 be received.</p> <p>That Council renew its lease with The Aero Club of Broken Hill Inc. for a period of five (5) years being the first option to renew the lease.</p> <p>That the lease be amended as outlined in the body of this report to address water charges.</p> <p>That documents relating to this matter be executed under Council's Common Seal as required.</p>		
<p><b>RESOLUTION</b></p> <p><u>Minute No. 43222</u></p> <p>Councillor B. Algate moved ) That the recommendation of item 1 be adopted.</p> <p>Councillor N. Gasmier seconded )</p>		
<p>CARRIED</p>		
<p><b>23 May 2017 - 11:44 AM - Leisa Bartlett</b></p>		
<p><b>no change, LPI rejected original plans due to the condition of the paperwork. Plans have been resubmitted for approval. Approval of these RFDS plans are holding up other planning matters at the Airport</b></p>		
<p>13 Apr 2017 - 1:59 PM - Leisa Bartlett</p>		
<p>Still pending finalisation of RFDS subdivision with LPI</p>		
<p>16 Sep 2016 - 1:25 PM - Leisa Bartlett</p>		
<p>Awaiting documentation from Surveyor. Due to recent subdivision for sale of land to RFDS, the DP planning numbers will change and therefore will affect this subdivision for lease purposes, therefore it is necessary to wait until the DPI have processed the RFDS subdivision before this plan is lodged.</p>		
<p>17 Aug 2016 - 1:51 PM - Tracy Stephens</p>		
<p>Awaiting new Administration Sheet for signing by GM and Mayor. Subdivision plans can then be registered with LPI.</p>		

## COUNCIL RESOLUTIONS – ACTION LIST

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
06 Jun 2016 - 3:46 PM - Brendan Smith		Action reassigned to Andrew Bruggy by: Leisa Bartlett
19 Jan 2016 - 2:59 PM - Leisa Bartlett		Sub-division plans being lodged with Dept. Lands Information. Once the plan is registered, the lease can be finalised.
06 May 2015 - 4:56 PM - Frederick Docking		Pending Sub Division for lease purposes
11 Dec 2014 - 4:42 PM - Frederick Docking		Amendment for water charges to lease draft signed and returned. GM to sign off DA and return to Tracey Stephens for consent for lease purposes.
11 Jun 2014 - 3:29 PM - Louine Hille		Plan requires minor amendment to stop it being requisitioned. Development Consent to subdivision for lease purposes required. Development Application being compiled.
13 Feb 2014 - 12:10 PM - Michelle Rolton		Lot numbering determined, awaiting final plan.
17 Jan 2014 - 12:14 PM - Louine Hille		Draft Plan received for examination and approval.
15 Nov 2013 - 11:06 AM - Michelle Rolton		Plan now due November 2013, as additional survey works were required.
22 Oct 2013 - 2:18 PM - Louine Hille		New plan of subdivision for Lease purposes being prepared. Due 30 October 2013.
06 Jun 2013 - 3:28 PM - Leisa Bartlett		LPI have rejected registration due to change in Airport Title descriptions. Further survey work required prior to re-lodgement of Lease.
07 Feb 2013 - 3:26 PM - Leisa Bartlett		Lease with Council's Solicitor for registration. Lease has been requisitioned twice due to plan reference - LPI have changed rules. Further advice to be sought from Council's Solicitor.
02 Aug 2012 - 3:25 PM - Leisa Bartlett		Reminder to return documents sent.
03 May 2012 - 3:23 PM - Leisa Bartlett		Documents with Lessee for execution.

## COUNCIL RESOLUTIONS – ACTION LIST

Printed: Tuesday, 23 May 2017 2:09:57 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Extraordinary Meeting of the Council 30 October 2013	False	Further Business
<b>ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 269/13 - DATED OCTOBER 17, 2013 - WILLYAMA COMMON - COMPULSORY ACQUISITION OF CROWN LAND AT BROKEN HILL AIRPORT</b>		
11/89, 11/214		
<u>Recommendation</u>		
That Broken Hill City Council Report No. 269/13 dated October 17, 2013, be received.		
That Council compulsorily acquire Crown Land being Lots 5938 and 5939 in DP 725373 as shown in the attached diagram for "Airport Purposes" to formalise existing occupation.		
That the acquisition be under the Terms of the Local Government Act 1993.		
That the consent of the Minister and Governor be sought for the acquisition.		
That Council seek agreement from Trade and Investment, Crown Lands Western Division for the acquisition.		
That Minerals be excluded from the acquisition.		
That Council obtain a Native Title opinion in relation to Lot 5939 in DP 725373, formerly part of Western Lands Lease 1060.		
That if necessary, Council liaise with other parties that may have an interest in Lot 5939 in DP 725373 should Native Title issues require to be addressed.		
That upon acquisition the land be classified as Operational Land.		
That compensation be determined as at the date of acquisition by the Acquisition Valuation Branch of the Land and Property Management Authority.		
That the consent of the Crown (Trade and Investment, Crown Lands Western Division) and the Division of Local Government be sought should all matters be agreed upon to dispense with pre-acquisition requirements given that the compensation as determined at the date of acquisition will be the purchase price.		
That documents relating to this matter be executed under Council's Common Seal if required.		
<b>RESOLUTION</b>		
Minute No. 44468		
Councillor D. Gallagher moved	)	That the recommendation of item 1 be adopted.
Councillor C. Adams seconded	)	

## COUNCIL RESOLUTIONS – ACTION LIST

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MEETING	FURTHER REPORT REQUIRED	SUBJECT	
<p><i>16 Sep 2016 - 1:27 PM - Leisa Bartlett</i></p> <p>Results of EOI need to be analysed and assess implications.</p> <p><i>20 Jun 2016 - 2:41 PM - Leisa Bartlett</i></p> <p>Pending outcome of Expression of Interest process.</p> <p><i>16 Sep 2015 - 11:38 AM - Andrew Bruggy</i></p> <p>Council sending letter to Minister and Crown.</p> <p><i>20 Apr 2015 - 4:18 PM - Leisa Bartlett</i></p> <p>With impending EOI outcome - no further action at this stage with report to future Council Meeting.</p> <p><i>12 Jun 2014 - 11:37 AM - Louine Hille</i></p> <p>History of site being compiled for submission to Barrister.</p> <p><i>14 May 2014 - 11:41 AM - Leisa Bartlett</i></p> <p>Native Title status of one remaining lot to be determined.</p>			CARRIED
Ordinary Meeting of the Council 24 September 2014	False	Reports	
<p><b>ITEM 14- BROKEN HILL CITY COUNCIL REPORT NO. 231/14 - DATED SEPTEMBER 04, 2014 - LICENCE PART LIVING DESERT STATE PARK ADJACENT 376 NINE MILE ROAD TO FORMALISE ADVERSE POSSESSION</b></p> <p>11/411</p>			
<p><u>Recommendation</u></p> <p>That Broken Hill City Council Report No. 231/14 dated September 4, 2014, be received.</p> <p>That Council, in its appointed capacity of Trust Manager of the Living Desert State Park Trust grant a Licence, with Ministerial consent, to Cristal-Lee White and Mathew Joseph Dempster for the purpose of "Environmental Protection and Access".</p> <p>That documents relating to this matter be executed under Council's Common Seal in the absence of a Trust Seal.</p>			
<p><b>RESOLUTION</b></p> <p>Minute No. 44768</p> <p>Councillor P. Black moved )</p> <p>Councillor C. Adams seconded )</p>			That the recommendation of item 14 be adopted.
			CARRIED

## COUNCIL RESOLUTIONS – ACTION LIST

Printed: Tuesday, 23 May 2017 2:09:57 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p><b>16 Mar 2017 - 11:26 AM - Leisa Bartlett</b></p> <p>Council has received written advice from the NSW Aboriginal Land Council on Wednesday 15th March that there is no objection to the issue of the Crown Licence, on the condition that:</p> <ul style="list-style-type: none"> <li>a. The tenure is no higher than a licence</li> <li>b. The licence only formalises the existing informal arrangement (area affected by the dam and the existing access to the property)</li> <li>c. The licence terminates if the claim of the subject land (Living Desert) is granted in the future</li> <li>d. Any proposed future works on the claimed land in relation to this licence – with the exception of basic fence maintenance – is referred to the NSW ALC for consent prior to the works commencing.</li> </ul> <p>Council's Solicitor will now be advised to continue to draw up licence agreement.</p> <p><b>16 Sep 2016 - 1:34 PM - Leisa Bartlett</b></p> <p>Due to Aboriginal Land Claim and native title implications, this matter needs to be referred to Crown Lands for review prior to proceeding. This may take several months before advice is received.</p> <p><b>06 Jun 2016 - 3:47 PM - Brendan Smith</b></p> <p>Action reassigned to Andrew Bruggy by: Leisa Bartlett</p> <p><b>10 Dec 2015 - 9:39 AM - Brendan Smith</b></p> <p>Action reassigned to Leisa Bartlett by: Leisa Bartlett</p> <p><b>06 May 2015 - 4:59 PM - Frederick Docking</b></p> <p>Further investigation required into obtaining Ministerial Consent for Licence. Have made contact with Crown Lands.</p>		
Confidential Matters of the Council 25 November 2015	False	Confidential Matters
<p><b>ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 268/15 - DATED OCTOBER 28, 2015 - - CONFIDENTIAL</b> 11/63</p> <p><u>Recommendation</u></p> <p>That Broken Hill City Council Report No. 268/15 dated October 28, 2015, be received.</p> <p>That Council, in its capacity as Trustees of the Willyama Common, grant three licenses to Anthony Schembri; John and Leanne Ray; and Mark Doyle for recreational purposes (a permissible use as described in the Management Plan of the Willyama Common) for the keeping of horses, horse riding and training).</p> <p>That the licenses be drawn subject to the three applicants agreeing to pay market rent for the land and associated legal/license set-up fees and that the granting of the licenses is also subject to the applicants abiding by the Management Plan for the Willyama Common and the Local Environmental Plan with regards to any development of the subject land.</p> <p>That the license terms be for four years, with the option to renew being first offered to the current licensees.</p> <p>That the common seal be affixed to the licences as required.</p>		

## COUNCIL RESOLUTIONS - ACTION LIST

Printed: Tuesday, 23 May 2017 2:09:57 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>That Karl Hahn be advised that a license is not available for the land indicated in his submission which encompasses the old south depot, south of Broken Hill in the Willyama Common due to it being a restricted area which is subject to asbestos rehabilitation works.</p> <p><b>RESOLUTION</b> Minute No. 45147 Councillor P. Black moved ) Councillor B. Algate seconded )</p> <p>That the recommendation of item 27 be adopted.</p> <p>CARRIED</p> <p>16 Mar 2017 - 11:24 AM - Leisa Bartlett</p> <p>Council has received written advice from the NSW Aboriginal Land Council on Thursday 16th March, advising that the licence for the area occupied by Schembri can be granted with the following conditions:</p> <p>a. Any improvements being of a temporary nature to be removed if required if the licence is terminated;</p> <p>b. The licence agreement containing a provision that is may be terminated in the event Aboriginal Land Claim 40503 is determined as a grant by the Crown Lands Minister</p> <p>c. The Aboriginal Culture and Heritage protection provisions of National Parks and Wildlife Act 1974 being complied with.</p> <p>Council's Solicitor will now be instructed to continue to draw up licence agreement.</p> <p>12 Sep 2016 - 3:55 PM - Leisa Bartlett</p> <p>Submission to be sent to Land Claims Unit to assess the proposed licence and determine whether licence can be issued.</p> <p>06 Jun 2016 - 12:26 PM - Leisa Bartlett</p> <p>Two applicants have withdrawn due to valuation and recent Aboriginal Land Claim. seeking legal advice regarding issuing a licence to third applicant due to Land Claim.</p> <p>13 Apr 2016 - 5:06 PM - Leisa Bartlett</p> <p>Valuations received for market rent and 3 applicant advised of annual rent amount and terms of licence and requested to advsie Council by May 13, 2016 if they wish Council to proceed to draw up licence agreements.</p> <p>07 Dec 2015 - 1:58 PM - Leisa Bartlett</p> <p>Process commenced for issuing of licences.</p>		
Ordinary Meeting of the Council 31 August 2016	False	Reports
<p><b>ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 182/16 - DATED AUGUST 15, 2016 - LEASE OF LAND AT GLADSTONE PARK TO ALMA SWIMMING CLUB INC.</b></p> <p>11/197</p> <p><u>Recommendation</u></p> <p>1. That Broken Hill City Council Report No. 182/16 dated August 15, 2016, be received.</p> <p>2. That Council's previous resolution of September 2, 2009 (minute number 42106) be rescinded in favour of a new motion:</p>		

## COUNCIL RESOLUTIONS – ACTION LIST

Printed: Tuesday, 23 May 2017 2:09:57 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>a. That Council, in its appointed capacity to manage the affairs of the Gladstone Park Reserve Trust, lease as much land as is necessary fronting Morish Street to formalise the existing occupation by the Alma Swimming Club Inc. together with an additional four metres along the eastern side of the site, for swimming club purposes.</p> <p>b. That the term of the lease be five years and that during this term, Council investigates another Trust model for management of the Gladstone Park Reserve that is better suited to the usage of the Reserve and also acceptable to the Department of Crown Lands.</p> <p>c. That rental at commencement be \$250 per annum and that this rental be reviewed annually for CPI increases.</p> <p>d. That public liability insurance in the sum of \$20 million be provided noting the rights and interests of Council as Trustee and the Minister administering the Crown Lands Act 1989, and that this amount be increased from time to time as required by Council's insurers.</p> <p>e. That the Alma Swimming Club insure its assets and contents for replacement value as determined in conjunction with its insurer.</p> <p>f. That all other standard leasing requirements be complied with.</p> <p>g. That the Alma Swimming Club be liable for Council's legal fees incurred in this matter.</p> <p>h. That, in the absence of a Trust Seal, lease documents be signed by the Mayor and General Manger under Council's Common Seal.</p>		
<p><b>RESOLUTION</b>  <u>Minute No. 45323</u>  Councillor J. Nolan moved )  Councillor J. Richards seconded )</p>		
		That the recommendation of item 15 be adopted.
		CARRIED
<p>23 May 2017 - 10:03 AM - Leisa Bartlett</p> <p>Reply received from Alma Swimming Club with queries on lease clauses. Liaising with Club at present.</p> <p>13 Apr 2017 - 10:35 AM - Leisa Bartlett</p> <p>Further email enquiry sent to Swimming Club whether they have received and reviewed the lease documents.</p> <p>17 Mar 2017 - 2:48 PM - Leisa Bartlett</p> <p>Solicitor sent lease documents to Alma swimming club on 19 Feb 2017. No response to date</p> <p>09 Feb 2017 - 11:41 AM - Leisa Bartlett</p> <p>Draft lease received and checked. Solicitor to send lease to Alma Swimming Club for signature prior to sending to Council.</p> <p>17 Nov 2016 - 5:03 PM - Louise Schipanski</p>		

## COUNCIL RESOLUTIONS – ACTION LIST

Printed: Tuesday, 23 May 2017 2:09:57 PM

MEETING	FURTHER REPORT REQUIRED	SUBJECT
Meeting held, instructions to be sent to Solicitor to draft lease. <i>16 Sep 2016 - 2:38 PM - Leisa Bartlett</i> Meeting to be arranged with Alma Swimming Club to discuss Council resolution and terms of lease.		
Ordinary Meeting of the Council 28 September 2016	False	Reports
<b>ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 195/16 - DATED SEPTEMBER 06, 2016 - DELEGATION OF FUNCTIONS</b>		11/264
<u>Recommendation</u>		
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 195/16 dated September 6, 2016, be received.</li> <li>2. That Council notes the Schedule of Delegable Functions for the Broken Hill City Council attached to this report at Attachment 1.</li> <li>3. That Broken Hill City Council delegate to the Mayor of the Broken Hill City Council, the Functions in accordance with the Instruments of Delegation attached to this report at Attachment 2.</li> <li>4. That Broken Hill City Council delegate to the Deputy Mayor of the Broken Hill City Council, the Functions in accordance with the Instruments of Delegation attached to this report at Attachment 3.</li> <li>5. That Broken Hill City Council delegate to the General Manager of the Broken Hill City Council, the Functions in accordance with the Instruments of Delegation attached to this report at Attachment 4.</li> <li>6. That the Chief Operating Officer (Deputy General Manager) be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave, such appointment to cease upon the return to work of the General Manager; and that such person acting as General Manager pursuant to this resolution has all the functions, delegations, and sub-delegations given to the General Manager by the Council.</li> <li>7. That Broken Hill City Council delegate to staff who hold the positions of Chief Operating Officer (Deputy General Manager), Manager Engineering Services, Manager Planning Development and Compliance, Asset Planner Buildings, Asset Planner Parks and Open Spaces, Roads and Parks Coordinator, Waste Management Coordinator, Trades Coordinator, Team Leader Parks and Open Spaces, Team Leader Roads, Labourer/Plant Operator, Works Operator, Ranger Living Desert and Finance Operations Coordinator, Senior Airport Reporting Officer, Airport Reporting Officer and Cemetery Services Coordinator of the Broken Hill City Council the relevant Functions under the <i>Noxious Weeds Act 1993</i> as indicated in the table attached to this report at Attachment 5.</li> <li>8. That in accordance with the Local Government's Promoting Better Practice Review, the Delegations of Functions be reviewed in two years' time (September 2018).</li> <li>9. That Council noted that the <i>Local Government Amendment (Governance and Planning) Bill 2016</i> will be presented to a future Council Meeting, once the commencement date has been proclaimed, explaining the amendments to the <i>Local Government Act 1993</i> and whether any amendments are required to the Delegations of Functions.</li> </ol>		



## COUNCIL RESOLUTIONS - ACTION LIST

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<b>RESOLUTION</b> Minute No. 45335 Councillor M. Browne moved ) Councillor B. Licul seconded )		
		That the recommendation of item 9 be adopted.
		CARRIED
09 Feb 2017 - 4:37 PM - Leisa Bartlett As per LG Act, delegations will be issued to staff within first 12 months of new term of Council.		
Confidential Matters of the Council 28 September 2016	False	Confidential Matters
<b>ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 212/16 - DATED SEPTEMBER 15, 2016 - EXPRESSION OF INTEREST 16/4 - SALE OF LAND AT THE BROKEN HILL REGIONAL AIRPORT - <u>CONFIDENTIAL</u></b> EO16/4 <b>(General Manager's Note:</b> This report considers sale of land and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).		
<u>Recommendation</u> 1. That Broken Hill City Council Report No. 212/16 dated September 15, 2016, be received. 2. That Council accepts the offer of \$8,500.00 from Mr Phillip Cvirn for purchase of land at the Broken Hill Regional Airport being part Lot 1 in DP1162606 (Lot 52 in DP876533 on Council's internal mapping system). 3. That each party be liable for their own legal costs incurred. 4. That the Mayor and General Manager be delegated to sign the sale of land contract under the Common Seal of Council.		
23 May 2017 - 10:40 AM - Leisa Bartlett Plans rejected by LPI due to condition of papers. Plans to be re-submitted. Surveyor has been engaged pending plans being approved. Estimate this to be completed by end of June.		
13 Apr 2017 - 2:02 PM - Leisa Bartlett March/April contact made with RFDS to sign Section 88 form and forward to Department of Land and Property Information to finalise sale.		
17 Mar 2017 - 2:49 PM - Andrew Bruggy Mr Cvirn was advise 16th March, that still with Land and Property Information		
22 Dec 2016 - 2:23 PM - Leisa Bartlett		

## COUNCIL RESOLUTIONS – ACTION LIST

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>Surveyor delayed due to waiting for Department of Property Land Information to register subdivision plans for sale of land at Airport to RFDS. Once these plans have been registered, plans to subdivide land for Mr Cvim can be drawn.</p> <p>13 Oct 2016 - 4:57 PM - Leisa Bartlett</p> <p>Letters sent to both applicants. Surveyor to be arranged to survey land for subdivision for sale purposes.</p>		
Ordinary Meeting of the Council 30 November 2016	False	Confidential Matters
<p><b>ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 246/16 - DATED NOVEMBER 23, 2016 - SUBDIVISION AND SALE OF LAND LOT 1 DP 1140550 - CONFIDENTIAL</b> 11/338</p> <p><b>(General Manager's Note:</b> This report considers Subdivision and Sale of Land and is deemed confidential under Section 10A(2) (a) of the Local Government Act, 1993 which contains matters that will involve the discussion of personnel matters concerning a particular individual).</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 246/16 dated November 23, 2016, be received.</li> <li>2. That Broken Hill City Council subdivide the land at 173 Murton Street (Lot 1 DP 1140550) and prepare sale of land contracts to the affected parties.</li> <li>3. That the Mayor and General Manager be authorised to sign the sale of land contracts and transfers under the Common Seal of Council.</li> </ol> <p>17 Mar 2017 - 3:48 PM - Leisa Bartlett</p> <p>solicitors are finalising contracts.</p> <p>06 Dec 2016 - 4:59 PM - Jay Nankivell</p> <p>Solicitor and surveyor engaged to prepare subdivision and contracts for sale of land.</p>		
Ordinary Meeting of the Council 30 November 2016	False	General Business
<p><b>ITEM 1 - MATTER OF URGENCY – MODEL CODE OF CONDUCT</b> 11/60</p> <p><b>RESOLUTION</b> Minute No. 45395 Councillor M. Clark moved ) Councillor J. Nolan seconded )</p> <p>That Council requests the Government review the Model Code of Conduct for Councils, with regards to Councillors right to freedom of speech.</p> <p>CARRIED</p>		

## COUNCIL RESOLUTIONS – ACTION LIST

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
23 May 2017 - 11:35 AM - Leisa Bartlett		
The Government is currently undertaking a review of the Model Code of Conduct. COMPLETE		
Ordinary Meeting of the Council 14 December 2016	False	Confidential Matters
<p><b>ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 260/16 - DATED DECEMBER 02, 2016 - TENDER FOR APPROVAL - T16/11 DESIGN AND CONSTRUCTION WASTE TRANSFER STATION AT THE BROKEN HILL WASTE MANAGEMENT FACILITY - <b>CONFIDENTIAL</b> 11/200</b></p> <p><b>(General Manager's Note:</b> This report considers a tender and is deemed confidential under Section 10A(2) (d) of the Local Government Act, 1993 which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 260/16 dated December 2, 2016, be received.</li> <li>2. That Council award the tender to CBC Project Management Group for the tendered amount of \$512 000 exc GST for the installation of a 6 bay transfer Station at the Broken Hill Waste Management Facility</li> <li>3. That Council approve budget increase of \$126 000 for T16/11 funded from the waste reserve to allow for the construction of a 6 bay transfer station as preference to accommodate a maximum of 12 vehicles at one time</li> <li>4. That Council approve additional budget of \$470 000 for the purchase of a Hook Lift Truck and industrial bins for the transfer station and loop road area funded from the waste reserve</li> </ol> <p><b>RESOLUTION</b> Minute No. 45418 Councillor C. Adams moved ) Councillor B. Licul seconded )</p> <p>That the resolution of item 20 be adopted.</p> <p>CARRIED</p>		
17 Mar 2017 - 2:50 PM - Andrew Bruggy		
Order written, Works scheduled to commence by early April		

## COUNCIL RESOLUTIONS – ACTION LIST

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 14 December 2016	False	Confidential Matters
<p><b>ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 262/16 - DATED DECEMBER 06, 2016 - CODE OF CONDUCT NO. BHC160401 - <b>CONFIDENTIAL</b></b> 16/42</p> <p><b>(General Manager's Note:</b> This report considers a Code of Conduct matter and is deemed confidential under Section 10A(2) (h) of the Local Government Act, 1993 which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).</p>		
<p><b>RESOLUTION</b></p> <p>Minute No. 45421</p> <p>Councillor B. Licul moved )</p> <p>Councillor M. Clark seconded )</p>		
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 262/16 dated December 6, 2016, be received.</li> <li>2. That in accordance with clause 8.43 of the Procedures, the Complaints Coordinator arranges this report to be tabled at the next ordinary Council meeting following the receipt of this report.</li> <li>3. That as a matter of urgency the General Manager, or a suitably qualified person of the General Managers choosing counsels the Subject Person regarding: <ol style="list-style-type: none"> <li>a) His obligations under the confidentiality provisions of the Code and Council's Media Relations Policy</li> <li>b) His obligations under the provisions of the Local Government Act 1993, including but not limited to the following provisions of the Local Government Act 1993: Section 10(A)(2) (c), Section Section 232 (Role of a Councillor) Section 335 (Functions of the General Manager) Section 352 (Independence of staff for certain purposes) Section 439 (Conduct Councillors and others) Section 440F (Misconduct Provisions)</li> <li>c) The implications of the release of confidential information on, but not limited to, the programs of Council, Council's legal obligations, and the communities trust in Council and its administration.</li> </ol> </li> </ol>		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
		<ul style="list-style-type: none"> <li>c) His obligations in relation to matters conducted in the Committee of the Whole.</li> <li>d) The impacts and possible consequences of making adverse comments about the programs of the Council.</li> <li>e) The impacts and possible consequences of adversely commenting on the skills, abilities and work of Council employees (including WHS Obligations)</li> <li>f) The concept of 'acting in the Public Interest' and what obligation a Councillor has in that regard. This counseling should focus on the Councillors obligation to act in the broader public interest or in the interests of the 'whole community'.</li> <li>g) The concept of 'leadership' and the obligations of Councillors as outlined in the Office of Local Government's Councillor Handbook.</li> <li>h) This counseling should occur not later than one month from the time in which this report is tabled at Council.</li> </ul>
		<p>4. That Council resolves to formerly censure the Subject Person for his conduct under the provisions of section 440(G) of the Local Government Act 1993. This censure is to occur at the meeting, or the meeting immediately following Council's consideration of this report.</p>
		<p>5. That Council resolves to report the conduct of the Subject Person to the Office of Local Government for consideration under the misconduct provisions, of the <i>Local Government Act 1993</i>, and include the subject person's response statement.</p>
		<p>6. That the Subject Person issues a public apology for making comments in the media, which brought the Council, Council employees and Council's programs, as it related to the Library and Community lounge project into disrepute. This apology is to be made at the meeting immediately following the tabling of this report.</p>
		<p>7. That the Subject Person issues a specific public apology, to Council employees involved in the production of a report to Council concerning the</p>

## COUNCIL RESOLUTIONS – ACTION LIST

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
		<p>relocation of the Council's library facilities and for any harm or embarrassment the comments caused them. This apology is to be made at the meeting immediately following the tabling of this report. The Council officers involved in the production of the report, still in the employ of Council are:</p> <p>Mr Harry Stamboulidis – Chief Finance Officer  Mr Shane Nankivel – Finance Manager  Mr Shane Stenhouse – Asset Planner  Mr Garry Schindler – Asset Inspector  Mr David Zhao – Infrastructure Engineer.</p> <p>8. Having consideration to the broader public interest and the serious nature of the breaches, the subject of this investigation, it is recommended that the finding of inappropriate conduct is made public.</p> <p>CARRIED</p>
<p><b>19 May 2017 - 2:25 PM - Razija Nu'man</b></p> <p>Response of OLG in Confidential report Ordinary Meeting May 2017</p> <p><b>COMPLETE</b></p> <p>13 Apr 2017 - 2:06 PM - Leisa Bartlett</p> <p>Reply yet to be received.</p> <p>13 Feb 2017 - 9:41 AM - Razija Nu'man</p> <p>Workshop with Norm Turkington and Assoc (LGNSW) held Thursday 9 February 2017, Staff and Councillor Relationships.</p> <p>10 Feb 2017 - 11:26 AM - Leisa Bartlett</p> <p>Recommendations of Council have been forwarded to Office of Local Government.</p>		

## COUNCIL RESOLUTIONS – ACTION LIST

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 14 December 2016	False	Confidential Matters
<p><b>ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 266/16 - DATED DECEMBER 13, 2016 - EO16/5 - LEASING OPPORTUNITIES AT THE TOURIST AND TRAVELLERS CENTRE - <u>CONFIDENTIAL</u></b> EO16/5</p> <p><b>(General Manager's Note:</b> This report considers a lease and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 266/16 dated December 13, 2016, be received.</li> <li>2. That Council enters into a lease arrangement with JA &amp; JM Gordon Investments Pty Ltd for occupation of Shop 3 at the Tourist and Travellers Centre plus exclusive use of two designated parking spaces located between the trade waste receptacle and the bus wash bay at the Centre.</li> <li>3. That the initial term of the lease be three years with three options to renew the lease each of three years duration.</li> <li>4. That the initial base rental be \$2,937.00 to be increased by a percentage of outgoings of the Tourist and Travellers Centre, to be negotiated by the General Manager.</li> <li>5. That the total rental amount be reviewed for CPI increases on July 1 each year with the first CPI review to be July 1, 2017.</li> <li>6. That all other standard lease terms as per the <i>Conveyancing Act 1919</i> be included.</li> <li>7. That the General Manager and Mayor be authorised to sign the lease contract under the Common Seal of Council.</li> </ol> <p><b>RESOLUTION</b> <u>Minute No. 45422</u> Councillor T. Kennedy moved ) Councillor M. Browne seconded )</p> <p style="text-align: right;">That the recommendation of item 24 be adopted.</p> <p style="text-align: right;">CARRIED</p> <p><b>19 May 2017 - 10:54 AM - Leisa Bartlett</b> Contact made with Lessee who advised that his Solicitor is reviewing the lease prior to him signing. Expect matter to be finalised in the next few weeks.</p> <p><b>03 Apr 2017 - 1:34 PM - Leisa Bartlett</b> Lease forwarded to interested lessee end of March 2017.</p> <p><b>16 Mar 2017 - 1:52 PM - Leisa Bartlett</b> Council's solicitor has forwarded through a draft lease for checking.</p>		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
09 Feb 2017 - 11:50 AM - Leisa Bartlett		
Negotiations are occurring with applicant regarding final rental amount.		
Ordinary Meeting of the Council 22 February 2017	False	Reports
<p><b>ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 13/17 - DATED FEBRUARY 07, 2017 - DEVELOPMENT APPLICATION 448/2004 MODIFICATION TO CONSENT TO ALLOW FOR MODIFIED TRANSPORTATION ROUTE AND USE OF A-DOUBLE ROAD TRAINS - ORE TRANSPORTATION FROM POTOSI TO SOUTHERN OPERATIONS</b></p> <p>11/467</p>		
<p><b>RESOLUTION</b></p> <p>Minute No. 45466</p> <p>Councillor J. Nolan moved )</p> <p>Councillor M. Browne seconded )</p>		
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 13/17 dated February 7, 2017, be received.</li> <li>2. That the Development Application 448/2004 modification be approved to allow for the use of A-double road trains for the transportation of ore from Potosi mine site to Southern mine operations following existing approved routes.</li> <li>3. That the original Development Consent No. 448/2004 be modified as follows: <ol style="list-style-type: none"> <li>a) Delete conditions 11 (d) (ii) and condition 11 (m) and insert instead. <ul style="list-style-type: none"> <li>• ii. Sealed roadway construction over the total area traversed by A Double road trains turning into and from the access road, extending between the northern edge of Kanandah Rd to the Southern Operations property boundary.</li> <li>• The maximum size vehicle permitted to transport ore material from Potosi Mine to Southern operations is an A-Double road train of standard configuration.</li> </ul> </li> <li>b) Insert new condition - In accordance with clause 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, prior to the commencement of haulage operations, a driver code of conduct for the task of transporting materials on public roads is to be prepared and implemented.</li> </ol> </li> </ol>		



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MEETING	FURTHER REPORT REQUIRED	SUBJECT
		<p>c) Insert new condition - That rigid framed covers shall be placed and used on all vehicles transporting ore from the Potosi Mine. This shall be in effect by 31 March 2017.</p> <p>4. That Perilya investigates a more effective truck wash to include washing of the sides and tops of mudguards as well as the wheels.</p> <p>5. That Council hold discussions with Perilya regarding the possibility of an alternate truck route through the City from the Potosi Mine to their southern operations.</p> <p style="text-align: right;">CARRIED</p> <p><b>17 Mar 2017 - 3:56 PM - Leisa Bartlett</b></p> <p>Preliminary discussions with RMS on 15 March 2017 to investigate possibility of re-routing Melbourne Highway via Menindee Rd and Crystal St. Further meetings are planned for 24 May 2017 in Broken Hill. DA approval issued. Council will request Perilya to investigate better wheel washing facilities.</p>
Ordinary Meeting of the Council 22 February 2017	False	Confidential Matters
<p><b>ITEM 29 - BROKEN HILL CITY COUNCIL REPORT NO. 26/17 - DATED FEBRUARY 14, 2017 - LICENCE TO ROTARY CLUB OF SOUTH BROKEN HILL FOR USE OF LAND AT AIRPORT FOR STORAGE PURPOSES - CONFIDENTIAL</b> 11/197</p> <p><b>(General Manager's Note:</b> This report considers a licence agreement and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 26/17 dated February 14, 2017, be received.</li> <li>2. That Council enter a licence agreement with Rotary Club of South Broken Hill for use of a small compound on Lot 1, DP1162606 at the Airport for storage purposes.</li> <li>3. That the licence agreement be for a period of 10 years.</li> <li>4. That due to the Rotary Club of South Broken Hill being a non-profit community organisation, the licence fee for the site be set at a peppercorn rental of \$1.00 per year (no CPI increase to apply) with the total fee for the 10 year licence to be paid in advance.</li> <li>5. That Council be responsible for all legal costs in the set-up of the licence up to the value of \$500.00 and Rotary Club of South Broken Hill be responsible for any additional costs over this amount.</li> </ol>		

## COUNCIL RESOLUTIONS - ACTION LIST

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<p>6. That all other standard licence agreement terms apply.</p> <p>7. That the Mayor and General Manger be authorised to execute the licence documents under the Common Seal of Council.</p> <p><b>RESOLUTION</b>  Minute No. 45483  Councillor J. Nolan moved )  Councillor T. Kennedy seconded )</p> <p>That the recommendation of item 29 be adopted.</p> <p>CARRIED</p> <p>19 May 2017 - 10:56 AM - Leisa Bartlett</p> <p>Licence signed by South Rotary and BHCC. COMPLETE</p> <p>06 Apr 2017 - 11:13 AM - Leisa Bartlett</p> <p>Early April, Council's Solicitor sent lease documents to South Rotary for signature.</p> <p>17 Mar 2017 - 11:51 AM - Leisa Bartlett</p> <p>Instructions sent to Council's Solicitor to draw up licence agreement.</p>		
Ordinary Meeting of the Council 29 March 2017	False	Reports
<p><b>ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 41/17 - DATED MARCH 21, 2017 - COUNCIL PORTFOLIO SYSTEM</b> 11/249</p> <p><b>RESOLUTION</b>  Minute No. 45492  Councillor J. Nolan moved )  Councillor C. Adams seconded )</p> <p>1. That Broken Hill City Council Report No. 41/17 dated March 21, 2017, be received.</p> <p>2. That Council trials the new Portfolio System for a period of 12 months with the outcomes reported to Council at expiry of the 12 month period.</p> <p>3. That Council notes that its Portfolio Councillors were adopted at the first Council Meeting of the newly appointed Council in September 2016.</p>		

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<p>4. That Council be presented with a 6 month progress report on the new Portfolio System.</p> <p>CARRIED</p> <p>05 May 2017 - 11:54 AM - Leisa Bartlett</p> <p>Report prepared to May Community Round Table Meeting with Terms of Reference for new Council Portfolio System. Meetings have been held with Portfolio Councillors regarding Terms of Reference and commencement of the system. COMPLETE</p>		
Ordinary Meeting of the Council 29 March 2017	False	Reports
<p><b>ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 53/17 - DATED MARCH 14, 2017 - DEVELOPMENT APPLICATION FOR THE DEVELOPMENT OF A NEW ANIMAL POUND FACILITY AT LOT 1 DP 1162606</b></p> <p>11/467</p> <p><u>Recommendation</u></p> <p>1. That Broken Hill City Council Report No. 53/17 dated March 14, 2017, be received.</p> <p>2. That consent be granted for Development Application 4/2017 for an animal pound facility at Lot 1 DP 1162606, No. 86 Airport Road, Broken Hill subject to the following conditions:</p> <p><u>General</u></p> <p>1. This consent relates to an Animal Pound Facility at Lot 1 DP 1162606, No. 86 Airport Road, Broken Hill, comprising:</p> <ul style="list-style-type: none"> <li>• 20 dog cages,</li> <li>• An office with future amenities,</li> <li>• A cattery and veterinary room,</li> <li>• A carport and patio with shade sail,</li> <li>• Exercise yards,</li> </ul>		

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		<ul style="list-style-type: none"> <li>• a dangerous dog enclosure,</li> <li>• a shipping container, and</li> <li>• car parking for 5 vehicles including a space for persons with disabilities.</li> </ul> <p>And as described and shown on the following documents submitted with the development application:</p> <ul style="list-style-type: none"> <li>• Statement of Environmental Effects prepared by Broken Hill City Council,</li> <li>• Drawing No 1 of 5, C-005/16 Ground Plan and Elevations by Kenx Design Associates Pty Ltd dated 21 January 2017,</li> <li>• Drawing No 2 of 5, C-005/16 Site and Contour Plan by Kenx Design Associates Pty Ltd dated 21 January 2017,</li> <li>• Drawing No 3 of 5, C-005/16 Reinforced Concrete Footing &amp; Slab Layout, Steelwork Marking Plan by Kenx Design Associates Pty Ltd dated 21 January 2017,</li> <li>• Drawing No 4 of 5, C-005/16 Electrical, IT &amp; Security Services, Sections and floor plans by Kenx Design Associates Pty Ltd dated 21 January 2017,</li> <li>• Drawing No 5 of 5, C-005/16 Details by Kenx Design Associates Pty Ltd dated 21 January 2017, and</li> <li>• Soil Testing Report prepared by CivilTest Pty Ltd dated 6 December 2016.</li> </ul> <p>Notes:</p> <p>Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be out without the prior approval of Council.</p> <p>CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE</p> <p>2. Notice of Commencement</p> <p>Notice must be given to Council at least two (2) days prior to the commencement of building work.</p> <p>3. Principal Certifying Authority/Construction Certificate</p> <p>The following must be undertaken before any building works can commence:</p>

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		<p>(a) A Principal Certifying Authority (PCA) must be appointed; and</p> <p>(b) A Construction Certificate must be obtained from either Council or an accredited certifier.</p> <p>4. Existing services and damage to public assets</p> <p>Prior to the commencement of any work(s) associated with this development:</p> <p>(a) The developer or his agent shall undertake a site inspection of the adjacent kerbs, gutters, carriageway, reserves and the like and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense. Any damage to the adjacent kerb, gutter, footpath/road reserve area, carriageway and the like that occurs during development works shall be repaired by the applicant; and</p> <p>(b) The developer or his agent must check that the proposed works are not affected by any Council, energy utility, telecommunications, gas service or other services. Any required alterations to services will be at the developer's expense.</p> <p>5. Supervision of works</p> <p>Prior to the commencement of any works, Council shall be advised in writing of the name of the person/company nominated to be responsible for construction works including erosion and sediment control measures.</p> <p>6. Sign – Supervisor Contact Details</p> <p>The person/company responsible for the construction of site works must erect a sign at the site in a visible position with that person/company's name, license number, site address and contact number, and the name of the Principal Certifying Authority, accreditation number and telephone number, where the Principal Certifying Authority is not the Council.</p> <p>7. Protection of existing vegetation</p> <p>No vegetation is to be removed from Lot 1 DP 1162606 or adjoining land at any time other than is necessary to construct and operate the animal pound facility within the site area shown on Drawing No 1 of 5, C-005/16 Ground Plan and Elevations by Kenx Design Associates Pty Ltd dated 21 January 2017, and Drawing No 2 of 5, C-005/16 Site and Contour Plan by Kenx Design Associates Pty Ltd dated 21 January 2017, and to provide access to the facility. All existing trees/vegetation that are within 6 metres of any works on the subject site, are to be marked with temporary barrier fencing external to the base of the tree. This must be inspected and approved by the Principal Certifying Authority.</p>

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		<p>CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED</p> <p>8. Erosion and Sediment Control Plan</p> <p>An Erosion and Sediment Control Plan and accompanying specifications for the construction phase of the works based on the Landcom manual "Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004", shall be lodged for approval with the application for a Construction Certificate. All controls must be implemented, inspected and approved prior to the commencement of any site works.</p> <p>9. Stormwater and wastewater management</p> <p>The stormwater and wastewater management system is to be designed to comply with the Trade Waste requirements of Essential Water. Details are to be submitted with the application for a construction certificate.</p> <p>10. Waste Minimisation and Management</p> <p>A Waste Management Plan must be prepared that complies with the NSW DECC Environmental Guidelines: Classification and Management of Liquid and Non-liquid Wastes and lodged for approval with the application for a Construction Certificate. A copy of the approved plan shall be lodged with Council prior to the issue of the Construction Certificate.</p> <p>11. Driveway access plan</p> <p>A plan that shows a layback driveway entrance to the site of the animal pound facility that is in accordance with Council's engineering specifications shall be lodged with Council prior to the issue of the Construction Certificate.</p> <p>CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT</p> <p>12. Soil and Water Management</p> <p>All site works shall be undertaken in accordance with the Erosion and Sediment Control Plan and measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur.</p> <p>13. Geo-technical requirements</p>

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		<p>Plans submitted with the application for a construction certificate must comply with the recommendations provided in the Soil Testing Report prepared by CivilTest Pty Ltd dated 6 December 2016.</p> <p>14. Waste Management</p> <p>All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.</p> <p>15. Construction hours/storage</p> <p>To limit the impact of the development on adjoining properties, the following must be complied with:</p> <p>(a) All construction work shall be restricted to the hours of 7:00am to 5:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. No construction work shall take place on Sundays or Public Holidays,</p> <p>(b) The storing of construction equipment/materials, soil, spoil, or rubbish external to Lot 1 DP 1162606 is prohibited other than on the adjoining road reserve, and</p> <p>(c) The parking of machinery or vehicles shall only be on Lot 1 DP 1162606 in the immediate vicinity of the works area or on the adjoining road reserve.</p> <p>16. Landscaping</p> <p>Landscaping is to be out as shown on Drawing No 1 of 5, C-005/16 Ground Plan and Elevations by Kenx Design Associates Pty Ltd dated 21 January 2017.</p> <p>17. Building Code of Australia</p> <p>All building work must be out in accordance with the requirements of the Building Code of Australia.</p> <p>CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED</p> <p>18. Compliance with conditions</p> <p>Conditions 14 (Landscaping) shall be complied with and completed prior to the issue of an Occupation Certificate for the approved development.</p> <p>19. Occupation Certificate</p>

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		<p>An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) before the building is used or occupied. If Council is the appointed PCA for this project, a minimum of twenty four (24) hours' notice must be given to Council to make an inspection of the work.</p> <p>CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT</p> <p>16. Site Management and Maintenance</p> <p>The proprietor shall at all times be responsible for on-going site management and maintenance in accordance with the following:</p> <p>(a) The use of the approved development must not:</p> <p>(i) cause transmission of vibration to any place of different occupancy,</p> <p>(ii) cause 'Offensive Noise' as defined in the Protection of the Environment Operations Act 1997, or</p> <p>(iii) Impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise.</p> <p>(b) Council must ensure that the facility is well maintained in consideration of the visual amenity of the area.</p> <p>17. Ongoing operations</p> <p>The ongoing care and management of animals kept within the facility should have regard to the standards set out in the <i>NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in animal boarding establishments</i>.</p> <p>18. Signage</p> <p>Signage is to comprise a business identification sign and directional signs. All signage is to comply with the provisions of Broken Hill Development Control Plan 2016.</p> <p><u>REASONS FOR CONDITIONS</u></p> <p>Conditions of consent have been imposed to ensure that:</p>



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<ol style="list-style-type: none"> <li>the proposed development achieves the objects of the <i>Environmental Planning and Assessment Act 1979</i> and complies with the provisions of relevant environmental planning instruments</li> <li>the relevant public authorities have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities</li> <li>the protection of the amenity and character of land adjoining and in the locality of the proposed development</li> <li>any potential adverse environmental, social or economic impacts of the proposed development are minimised or mitigated</li> <li>all traffic, car parking and access requirements arising from the development are addressed</li> <li>the development does not conflict with the public interest</li> </ol>		
<p><b>RESOLUTION</b> Minute No. 45504 Councillor D. Gallagher moved ) Councillor C. Adams seconded )</p> <p>That the recommendation of item 18 be adopted.</p> <p>CARRIED</p> <p>23 May 2017 - 10:31 AM - Francois VanDerBerg</p> <p>DA approved COMPLETE</p>		
Ordinary Meeting of the Council 29 March 2017	False	Reports
<p><b>ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 55/17 - DATED MARCH 15, 2017 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 367 HELD TUESDAY FEBRUARY 7, 2017 AND MEETING NO 368 HELD TUESDAY MARCH 7, 2017</b></p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 55/17 dated March 15, 2017, be received.</li> <li>That the minutes for the Local Traffic Committee Meeting No. 367, held February 7, 2017, be received and recommendations within minutes be adopted.</li> </ol>		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>3. That the minutes for the Local Traffic Committee Meeting No. 368, held March 7, 2017, be received and recommendations within minutes be adopted.</p> <p><b>RESOLUTION</b> Minute No. 45506 Councillor D. Gallagher moved ) Councillor M. Clark seconded )</p> <p>That the recommendation of item 20 be adopted.</p> <p style="text-align: right;">CARRIED</p>		
Ordinary Meeting of the Council 29 March 2017	False	Confidential Matters
<p><b>ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 61/17 - DATED MARCH 09, 2017 - REGIONAL EXPRESS AIRLINES - PROPOSED AMENDMENT TO PARTNERSHIP AGREEMENT - CONFIDENTIAL</b> 11/1</p> <p><b>(General Manager's Note:</b> This report considers a partnership agreement and is deemed confidential under Section 10A(2) (d) of the Local Government Act, 1993 which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 61/17 dated March 9, 2017, be received.</li> <li>That correspondence from Regional Express Airlines dated March 8, 2017 regarding a proposed agreement for the introduction of a community fare be received and noted.</li> <li>That Council advise Regional Express Airlines of its agreement to the terms of the proposal, noting that: <ol style="list-style-type: none"> <li>Rex will introduce a \$199.00 Community Fare on available seats, 24 hours prior to departure on the direct week day flights between Broken Hill and Sydney.</li> <li>Broken Hill City Council will provide a full head tax waiver on any Community Fare seats sold.</li> <li>Broken Hill City Council will provide assistance by locally promoting the introduction of the new Rex Community Fares.</li> </ol> </li> </ol> <p>23 May 2017 - 11:37 AM - Leisa Bartlett</p> <p>Letter accepting amendment to agreement terms sent to REX. Head tax is not being charged on community fare seats. Media releases and social media announcing the new community fares has been carried out. COMPLETE</p>		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 29 March 2017	False	Confidential Matters
<p><b>ITEM 28 - BROKEN HILL CITY COUNCIL REPORT NO. 62/17 - DATED MARCH 15, 2017 - T17/1 DESIGN AND RECONSTRUCTION OF FAILED SEALED PAVEMENT SECTIONS OF BLENDE STREET AND KANANDAH ROAD - TENDER SUBMISSIONS - <b>CONFIDENTIAL</b> T17/1</b></p> <p><b>(General Manager's Note:</b> This report considers a tender and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 62/17 dated March 15, 2017, be received.</li> <li>2. That GBM CONSULTING SERVICES PTY LTD be awarded the Contract for Tender T17/1</li> <li>3. That Council accept the lump sum fee of \$571,001 ex. GST for all tendered works under T17/1.</li> </ol> <p><u>Minute No. 45513</u> Councillor J. Nolan moved ) Councillor D. Gallagher seconded )</p> <p>That the confidential reports be considered in open session. That the recommendations of items 27 and 28 be adopted.</p> <p>CARRIED</p> <p>13 Apr 2017 - 2:14 PM - Leisa Bartlett</p> <p>Contract has been awarded and work will commence mid May.</p>		

## COUNCIL RESOLUTIONS – ACTION LIST

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<b>CURRENT ACTIONS</b>		
Ordinary Meeting of the Council 26 April 2017	False	Reports
<b>ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 63/17 - DATED APRIL 11, 2017 - CORRESPONDENCE REPORT - MENINDEE LAKES WATER PROPOSAL</b> 12/11		
<b>RESOLUTION</b> <u>Minute No. 45515</u> Councillor T. Kennedy moved ) Councillor D. Gallagher seconded )		
<ol style="list-style-type: none"><li>1. That Broken Hill City Council Report No. 63/17 dated April 11, 2017, be received.</li><li>2. That correspondence dated April 10, 2017 from the Member for Barwon, the Hon Kevin Humphries MP, be received.</li><li>3. That Council sends correspondence to the Member for Barwon, Mr. Jeremy Buckingham MLC, the Premier of NSW, Minister for Water and the Shadow Minister for Water stating that Council rejects the NSW Government's water proposal and that Council supports, in principal, the Member for Barwon's water proposal that Cawndilla be managed by the Murray Darling Basin Authority with the removal of the trigger point levels and NSW to retain 80% of flows that enter Lakes Menindee, Pamamaroo and Wetherell.</li><li>4. That Council invites the Member for Barwon to deliver a presentation of his proposal to Council at the next Council meeting or at a time convenient to all parties.</li></ol>		
CARRIED		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 26 April 2017	False	Reports
<b>ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 65/17 - DATED APRIL 13, 2017 - DRAFT COMMUNITY STRATEGIC PLAN - 2017 REVISION</b> 11/89		
<u>Recommendation</u>		
1. That Broken Hill City Council Report No. 65/17 dated April 13, 2017, be received. 2. That the draft Broken Hill 2033 Community Strategic Plan be adopted.		
<b>RESOLUTION</b> Minute No. 45517 Councillor C. Adams moved ) Councillor J. Nolan seconded )		
That the recommendation of item 3 be adopted.		CARRIED
19 May 2017 - 2:27 PM - Razija Nu'man Community Strategic Plan adopted and placed on Council web site. <b>COMPLETE</b>		
Ordinary Meeting of the Council 26 April 2017	False	Reports
<b>ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 66/17 - DATED APRIL 12, 2017 - DRAFT DELIVERY PROGRAM 2017/2021 AND DRAFT OPERATIONAL PLAN 2017/2018 INCLUSIVE OF THE STATEMENT OF REVENUE POLICY AND DRAFT SCHEDULE OF FEES AND CHARGES 2017/2018</b> 16/165		
<u>Recommendation</u>		
1. That Broken Hill City Council Report No. 66/17 dated April 12, 2017, be received. 2. That the Draft Delivery Program 2017-2021 be endorsed for the purpose of public exhibition for community comment for a 28 day period. 3. That the Draft Operational Plan 2017/2018 inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2017/2018 be endorsed for the purpose of public exhibition for community comment for a 28 day period.		
<b>RESOLUTION</b> Minute No. 45518 Councillor M. Clark moved ) Councillor D. Gallagher seconded )		
1. That Broken Hill City Council Report No. 66/17 dated April 12, 2017, be received.		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
		<ol style="list-style-type: none"> <li>That the Draft Delivery Program 2017-2021 be endorsed for the purpose of public exhibition for community comment for a 28 day period.</li> <li>That the Draft Operational Plan 2017/2018 inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2017/2018 be endorsed for the purpose of public exhibition for community comment for a 28 day period.</li> </ol> <p>CARRIED</p> <p>04 May 2017 - 11:08 AM - Leisa Bartlett</p> <p>Draft Delivery Program and Draft Operational Plan placed on public exhibition closing 30 May 2017. COMPLETE</p>
Ordinary Meeting of the Council 26 April 2017	False	Reports
<b>ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 67/17 - DATED APRIL 07, 2017 - DRAFT DISABILITY INCLUSION ACTION PLAN 2017-2021 16/82</b>		
<u>Recommendation</u> <ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 67/17 dated April 7, 2017, be received.</li> <li>That Council endorse the Draft Disability Inclusion Action Plan for the purpose of public consultation.</li> <li>That the Draft Disability Inclusion Action Plan be exhibited for public comment for 28 days.</li> <li>That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the Draft Disability Inclusion Action Plan.</li> <li>That Council write and thank the members of the Disability Inclusion Action Plan Working Party for their assistance in the development of the Draft Disability Inclusion Action Plan.</li> <li>The Disability Inclusion Action Plan Working Party be re-tasked to form a new Disability Inclusion Plan Monitoring Group and call for additional nominations to the Monitoring Group.</li> <li>That membership of the newly formed Monitoring Group be determined by the General Manager and include the "Our Leadership" Portfolio Councillors.</li> <li>That the Terms of Reference of the Disability Inclusion Action Plan Monitoring Group be endorsed.</li> </ol>		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p><b>RESOLUTION</b> Minute No. 45519 Councillor T. Kennedy moved ) Councillor M. Clark seconded )</p> <p>That the recommendation of item 5 be adopted.</p> <p>CARRIED</p> <p>04 May 2017 - 11:09 AM - Leisa Bartlett</p> <p>Draft Disability Inclusion Action Plan placed on public exhibition closing 30 May 2017. COMPLETE</p>		
Ordinary Meeting of the Council 26 April 2017	False	Reports
<p><b>ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 68/17 - DATED APRIL 13, 2017 - WORKFORCE MANAGEMENT PLAN - REPORT - 2017</b> 16/160</p> <p><b>RESOLUTION</b> Minute No. 45520 Councillor T. Kennedy moved ) Councillor D. Gallagher seconded )</p> <p>1. That Broken Hill City Council Report No. 68/17 dated April 13, 2017, be received.</p> <p>2. That Council endorse the Draft Workforce Management Plan – report – 2017 for consultation and public exhibition for a period of 28 days.</p> <p>3. That Council receive a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising.</p> <p>4. That Council management be congratulated for offering traineeships and apprenticeships.</p> <p>CARRIED</p> <p>04 May 2017 - 11:11 AM - Leisa Bartlett</p> <p>Draft Workforce Management Plan placed on public exhibition closing 30 May 2017. COMPLETE</p>		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 26 April 2017	False	Reports
<b>ITEM 7- BROKEN HILL CITY COUNCIL REPORT NO. 69/17 - DATED APRIL 13, 2017 - DRAFT LONG TERM FINANCIAL PLAN 2018-2027</b> 16/157		
<u>Recommendation</u>  1. That Broken Hill City Council Report No. 69/17 dated April 13, 2017, be received.  2. That Council endorse the Draft Long Term Financial Plan 2018-2027 for public exhibition.  3. That that Draft Long Term Financial Plan 2018-2027 be placed on public display for 28 days in accordance with legislation.		
<b>RESOLUTION</b> Minute No. 45521 Councillor C. Adams moved ) Councillor B. Licul seconded )		
That the recommendation of item 7 be adopted.		CARRIED
04 May 2017 - 11:11 AM - Leisa Bartlett Draft Long Term Financial Plan placed on public exhibition closing 30 May 2017. COMPLETE		
Ordinary Meeting of the Council 26 April 2017	False	Reports
<b>ITEM 9- BROKEN HILL CITY COUNCIL REPORT NO. 71/17 - DATED APRIL 07, 2017 - ADOPTION OF THE DRAFT AGENCY INFORMATION GUIDE</b> 11/118		
<u>Recommendation</u>  1. That Broken Hill City Council Report No. 71/17 dated April 7, 2017, be received.  2. That Council adopt the Draft Agency Information Guide.  3. That the previous Publication Guide be removed from Council's website		
<b>RESOLUTION</b> Minute No. 45523 Councillor J. Nolan moved )		
That the recommendation of item 9 be adopted.		



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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Councillor C. Adams seconded )		CARRIED
<p>18 May 2017 - 5:08 PM - Razija Nu'man</p> <p>Information Guide placed on web replacing previous Guide.</p> <p>COMPLETE</p>		
Ordinary Meeting of the Council 26 April 2017	False	Reports
<p><b>ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 72/17 - DATED APRIL 13, 2017 - ADOPTION OF DRAFT COMMUNITY ASSISTANCE GRANTS POLICY AND DRAFT HERITAGE ASSISTANCE GRANTS POLICY</b></p> <p>12/114</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 72/17 dated April 13, 2017, be received.</li> <li>2. That the draft Community Assistance Grants Policy be adopted as a Policy of Council.</li> <li>3. That the draft Heritage Assistance Grants Policy be adopted as a Policy of Council.</li> <li>4. That the "Our Community" Portfolio Councillor (currently Councillor Kennedy) be appointed to the Community Assistance Grants Panel in lieu of the General Manager.</li> </ol> <p><b>RESOLUTION</b></p> <p><u>Minute No. 45524</u></p> <p>Councillor C. Adams moved )</p> <p>Councillor D. Gallagher seconded )</p> <p>That the recommendation of item 10 be adopted.</p> <p>CARRIED</p> <p>05 May 2017 - 11:56 AM - Leisa Bartlett</p> <p>All processes complete to adopt the Community Assistance Grants Policy and Heritage Assistance Grants Policy. Councillor Kennedy appointed to Panel.</p> <p>COMPLETE</p>		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 26 April 2017	False	Committee Reports
<b>ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 74/17 - DATED APRIL 12, 2017 - NOMINATIONS FOR COMMUNITY MEMBERSHIP OF COUNCIL S355 COMMITTEES</b>		
<b>11/9</b>		
<u>Recommendation</u>		
1. That Broken Hill City Council Report No. 74/17 dated April 12, 2017, be received. 2. That Peter Rawlins be appointed as a community representative on the Picton Oval Community Committee. 3. That Lyndon Pace be appointed as a community representative on the ET Lamb Memorial Oval Community Committee. 4. That Andrew Smith be appointed as a community representative on the Riddiford Arboretum Community Committee.		
<b>RESOLUTION</b> Minute No. 45526 Councillor D. Gallagher moved ) Councillor M. Browne seconded )		
That the recommendation of item 12 be adopted.		
CARRIED		
05 May 2017 - 11:55 AM - Leisa Bartlett New members notified and Chairpersons of relevant Committees notified. COMPLETE		
Ordinary Meeting of the Council 26 April 2017	False	Confidential Matters
<b>ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 77/17 - DATED APRIL 10, 2017 - CODE OF CONDUCT NO. BHC160201 - CONFIDENTIAL</b> BHC160201 <b>(General Manager's Note:</b> This report considers a Code of Conduct matter and is deemed confidential under Section 10A(2) (h) of the Local Government Act, 1993 which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).		
<b>RESOLUTION</b> Minute No. 45531 Councillor T. Kennedy moved ) Councillor B. Licul seconded )		
1. That Broken Hill City Council Report No. 77/17 dated April 10, 2017, be received.		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
		<ol style="list-style-type: none"> <li>That correspondence dated March 22, 2017 from the Office of Local Government advising of their review of Code of Conduct matter BHC160201, be received.</li> <li>That Council note the advice from the Office of Local Government that no further action be taken.</li> <li>That Council reimbursement legal costs incurred in the sum of \$21,474.75 to the subject person.</li> </ol> <p style="text-align: right;">CARRIED</p> <p>19 May 2017 - 4:02 PM - Jay Nankivell</p> <p>COMPLETE</p>
Ordinary Meeting of the Council 26 April 2017	False	Confidential Matters
<p><b>ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 78/17 - DATED APRIL 06, 2017 - UNITS 1-12/14 BLENDE STREET - PROPOSED TRANSFER TO LEGACY - CONFIDENTIAL</b></p> <p><b>(General Manager's Note:</b> This report considers Legal advice and is deemed confidential under Section 10A(2) (g) of the Local Government Act, 1993 which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 78/17 dated April 6, 2017, be received.</li> <li>That Council authorize the General Manager to sign the Deed of Agreement with Legacy and forward to Adelaide Legacy</li> <li>That the seal of the Council be applied to the document</li> <li>That upon Legacy signing of the Deed that Council authorize the General Manager to undertake all necessary negotiations and steps to finalise transfer of title to Adelaide Legacy Inc. the governing body for Legacy in South Australia and Broken Hill.</li> </ol> <p><b>RESOLUTION</b></p> <p>Minute No. 45532</p> <p>Councillor B. Algate moved )</p> <p>Councillor C. Adams seconded )</p> <p style="text-align: right;">That the recommendation of item 17 be adopted.</p> <p style="text-align: right;">CARRIED</p> <p>18 May 2017 - 5:10 PM - Leisa Bartlett</p>		

## COUNCIL RESOLUTIONS – ACTION LIST

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Documents signed and sealed and forwarded to Council's solicitor.		
Ordinary Meeting of the Council 26 April 2017	False	Confidential Matters
<p><b>ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 79/17 - DATED APRIL 10, 2017 - LEASE AT AIRPORT TO AIRSERVICES AUSTRALIA - PART OF LOT 1 IN DP1162606 AND LOT 3 IN DP1162606 - CONFIDENTIAL</b> 11/197</p> <p><b>(General Manager's Note:</b> This report considers a lease and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 79/17 dated April 10, 2017, be received.</li> <li>2. That Council enters a lease arrangement with AirServices Australia for use of land at the Airport for aviation control services being Part of Lot 1 in DP1162606 and Lot 3 in DP1162606.</li> <li>3. That the initial term of the lease be 10 years with 2 x 10 year options of renewal.</li> <li>4. That the rental be \$1.00 per annum.</li> <li>5. That AirServices Australia be liable for all legal fees in the set up and renewal of the lease.</li> <li>6. That the Mayor and General Manager be authorised to execute the lease documents under the Common Seal of Council.</li> </ol> <p><b>RESOLUTION</b> Minute No. 45533 Councillor B. Licul moved ) Councillor M. Clark seconded )</p> <p>That the recommendation of item 18 be adopted.</p> <p style="text-align: right;">CARRIED</p>		
19 May 2017 - 10:59 AM - Leisa Bartlett		
Letter sent to Solicitor advising of Council resolution to draw up new lease documents.		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 26 April 2017	False	Confidential Matters
<p><b>ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 80/17 - DATED MARCH 31, 2017 - CONTAMINATED ASBESTOS WASTE - CONFIDENTIAL</b> 11/478</p> <p><b>(General Manager's Note:</b> This report considers a matter of ongoing non-compliance which may result in legal action and is deemed confidential under Section 10A(2) (a) (b) (g) of the Local Government Act, 1993 which contains matters that will involve the discussion of personnel matters concerning a particular individual; AND which contains matters that will involve the discussion of the personal hardship of any resident or rate payer; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).</p> <p><b>RESOLUTION</b> Minute No. 45534</p> <p>Councillor D. Gallagher moved ) Councillor R. Page seconded )</p> <p>That the matter be deferred until the owner notifies Council in writing of the correct volume of contaminated asbestos waste requiring disposal at Council's waste facility in order for Council to consider their request.</p> <p>CARRIED</p>		
Ordinary Meeting of the Council 26 April 2017	False	Confidential Matters
<p><b>ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 81/17 - DATED APRIL 06, 2017 - T17/3 - CONCRETE RECONSTRUCTION OF EYRE AND COMSTOCK STREETS INTERSECTIONS AND PATTON AND COMSTOCK STREET INTERSECTION - TENDER SUBMISSIONS - CONFIDENTIAL</b> T17/3</p> <p><b>(General Manager's Note:</b> This report is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 81/17 dated April 6, 2017, be received.</li> <li>2. That GBM Consulting Services be awarded the Contract for Tender T17/3</li> <li>3. That Council accept the lump sum fee of \$828,290 ex. GST for all tendered works under T17/3.</li> </ol> <p><b>RESOLUTION</b> Minute No. 45535</p> <p>Councillor T. Kennedy moved ) Councillor C. Adams seconded )</p> <p>That the recommendation of item 20 be adopted.</p> <p>CARRIED</p>		

## COUNCIL RESOLUTIONS – ACTION LIST

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 26 April 2017	False	Confidential Matters
<p><b>ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 82/17 - DATED MARCH 31, 2017 - STORMWATER DRAINAGE - PURCHASE OF LAND - CONFIDENTIAL</b> 11/308</p> <p><b>(General Manager's Note:</b> This report considers acquisition of land and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 82/17 dated March 31, 2017, be received.</li> <li>2. That Council purchase land at Lot 2 DP 337391 for Stormwater drainage purposes for the amount of \$15,000.</li> <li>3. That Council authorises the Mayor and General Manager to execute the sale of land contract under the Common Seal of Council.</li> </ol> <p><b>RESOLUTION</b> Minute No. 45536 Councillor J. Nolan moved ) Councillor M. Browne seconded )</p> <p>That the recommendation of item 21 be adopted.</p> <p>CARRIED</p>		

## **COMMITTEE REPORTS**

1. BROKEN HILL CITY COUNCIL REPORT NO. 95/17 - DATED MAY 08,  
2017 - NOMINATIONS FOR COMMUNITY MEMBERSHIP OF COUNCIL  
S355 COMMITTEES (11/9)..... 220
2. BROKEN HILL CITY COUNCIL REPORT NO. 96/17 - DATED MAY 16,  
2017 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER  
RANGES COMMUNITY COMMITTEE MEETINGS HELD MARCH 21,  
2017 AND APRIL 18, 2017 (12/51) ..... 224
3. BROKEN HILL CITY COUNCIL REPORT NO. 97/17 - DATED MAY 19,  
2017 - MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE  
MEETING HELD MAY 8, 2017 (15/87)..... 230

ORDINARY MEETING OF THE COUNCIL

May 8, 2017

**ITEM 1**

BROKEN HILL CITY COUNCIL REPORT NO. 95/17

SUBJECT: NOMINATIONS FOR COMMUNITY MEMBERSHIP OF COUNCIL  
S355 COMMITTEES 11/9

**Recommendation**

1. That Broken Hill City Council Report No. 95/17 dated May 8, 2017, be received.
2. That Loene Crowley and Mark Curtis be appointed as community representatives on the BIU Band Hall Community Committee.

**Executive Summary:**

Section 355 of the *Local Government Act 1993* provides that a function of the Council may be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils, or
- (e) by a delegate of the council.

In accordance with Section 355 of the *Local Government Act 1993* Council previously established Committees to assist Council with the operation and management of its parks, ovals and reserves, these are called Section 355 Asset Committees. Council has also previously established Section 355 Advisory Committees to provide advice to the General Manager on specific operations of Council.

Council adopted Asset and Advisory Committee Frameworks and Constitutions as the governance structure by which a Committee operates. Membership on each committee forms part of the constitution and includes the number of community representatives, stakeholder representatives (if any) and Councillor representatives required for each Committee to function effectively.

**Report:**

As per Council's adopted Asset and Advisory Committee Framework which states that:



- Committees are to be appointed every four (4) years, three (3) months after the Local Government General Election. The term of office for all Committees will be aligned to the term of office of the current Council (four years).
- All positions will be declared to be vacant two (2) months after the Local Government Election.

Council advertised for nominations for community representatives on its Section 355 Committees for the current term of Council (September 2016 to September 2020), during November 2016 and then again during January 2017. All applications received during these periods have previously been presented to Council with all nominations supported.

Council has now received further nominations from the following members of the public to join a Section 355 Committee:

Name of Committee	Number of current community members	Number of vacancies in community member positions	Number of further nominations received	Name of Nominee
BIU Band Hall Community Committee	2	6	2	Loene Crowley Mark Curtis

The report is presented to Council to consider the nominations received and to appoint community representatives to the Section 355 Committees.

#### Strategic Direction:

Key Direction: Our Leadership  
 Objective: Openness and Transparency in Decision Making  
 Function: Leadership and Governance  
 DP Action: Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation

Key Direction: Our Leadership  
 Objective: We Unite to Succeed  
 Function: Leadership and Governance  
 DP Action: Support Council's section 355 Committees in undertaking their duties with Council

#### Relevant Legislation:

Section 355 of the *Local Government Act 1993*  
 Council's adopted S355 Asset Committee Framework and Constitutions.

#### Financial Implications:

There are no financial implications.

#### Attachments

1. [↓](#) Nomination from Loene Crowley
2. [↓](#) Nomination from Mark Curtis

JAMES RONCON  
GENERAL MANAGER

BROKEN HILL

## 355 COMMITTEE NOMINATION FORM

Please complete this form as accurately as possible and return to [council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au)

### SECTION 355 COMMITTEE

Name of Committee: 355 BIU Band Hall Community Committee

### PERSONAL DETAILS

Name: Loene Crowley

Address: Broken Hill

Contact Number: Home: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

### COMMITTEE DETAILS

Please outline why you would like to be a member of this committee:

As a member of the BIU Band

Please outline details of any relevant experience to this committee:

None

What is your previous experience with any committee? Please list name/s of committee/s and period/s of service:

BIU Band Treasurer - 2016

Please detail any other relevant information:

### PRIVACY STATEMENT

Council is collecting your personal information in accordance with the Privacy and Personal Information Protection Act 1998. The purpose for collecting your personal information is to obtain and record contact details and to assess your suitability for appointment to a S355 Committee.

The intended recipients of the personal information collected includes Council officers, S355 Committee members and contractors or other agents contracted by Council. If appointed to a committee, your name and contact details may be included on Council's website and in Council's Business Papers.

The supply of the information is voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.

You may make application for access or amendment to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be directed to the Public Officer [council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au) or addressed to Broken Hill City 240 Blende Street. Broken Hill is the agency that holds the information collected.

Signature

Loene Crowley

Date: 18/4/17

Printed Name

LOENE CROWLEY

Sent 19-Nov-16

BROKEN HILL

## 355 COMMITTEE NOMINATION FORM

Please complete this form as accurately as possible and return to [council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au)

### SECTION 355 COMMITTEE

Name of Committee: BIU Band Hall

### PERSONAL DETAILS

Name: Mark Curtis

Address: Broken Hill, NSW, 2880

Contact Number: Home: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

### COMMITTEE DETAILS

Please outline why you would like to be a member of this committee: As conductor of the Broken Hill Civic Orchestra, a long-term tennant, I wish to ensure continuity for the encumbant music groups.

Please outline details of any relevant experience to this committee: President of the BHCO committee (approx 15 years)

What is your previous experience with any committee? Please list name/s of committee/s and period/s of service: President of BHCO committee (approx 15 years)  
Member of the Broken Hill Church of Christ executive committee (approx 19 years)

Please detail any other relevant information: \_\_\_\_\_

### PRIVACY STATEMENT

Council is collecting your personal information in accordance with the Privacy and Personal Information Protection Act 1998. The purpose for collecting your personal information is to obtain and record contact details and to assess your suitability for appointment to a S355 Committee.

The intended recipients of the personal information collected includes Council officers, S355 Committee members and contractors or other agents contracted by Council. If appointed to a committee, your name and contact details may be included on Council's website and in Council's Business Papers.

The supply of the information is voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.

You may make application for access or amendment to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be directed to the Public Officer [council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au) or addressed to Broken Hill City 240 Blende Street. Broken Hill is the agency that holds the information collected.

Signature



Date: 19th November, 2016

Printed Name

Mark Curtis

BROKEN HILL - A FIRST HERITAGE LISTED CITY

## ORDINARY MEETING OF THE COUNCIL

May 16, 2017

**ITEM 2**BROKEN HILL CITY COUNCIL REPORT NO. 96/17

SUBJECT: MINUTES OF THE FLORA AND FAUNA OF THE BARRIER  
RANGES COMMUNITY COMMITTEE MEETINGS HELD MARCH  
21, 2017 AND APRIL 18, 2017 12/51

**Recommendation**

1. That Broken Hill City Council Report No. 96/17 dated May 16, 2017, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held March 21, 2017 be received.
3. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held April 18, 2017 be received.

**Executive Summary:**

Council has received minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held March 21, 2017 and April 18, 2017 for endorsement by Council.

**Report:**

Council, at its meeting held April 28, 2010 considered Group Manager Governance & Community Report No. 19/10 and as part of that report's motion; resolved:

*"That Council's Section 355 Committee's be instructed to submit to Council a copy of the relevant Section 355 Committee's meeting minutes within five working days of each meeting, for endorsement." (Minute no. 42328).*

Accordingly, the Friends of the Flora and Fauna of the Barrier Ranges Community Committee has submitted minutes from its meeting held March 21, 2017 and April 18, 2017 for Council's endorsement.

**Strategic Direction:**

Key Direction:	1.	Our Community
Objective:	1.4	Our built environment supports our quality of life
Function:		Open Spaces
DP Action:	1.4.1.7	Provide parks and open spaces for passive recreational activity

**Relevant Legislation:**

The Friends of the Flora and Fauna of the Barrier Ranges Community Committee operates under Council's Section 355 Asset Committee Standard Constitution and the *Local Government Act 1993* (Section 355).

**Attachments**

1. Minutes - Friends of the Flora and Fauna of the Barrier Ranges Community S355  
[!\[\]\(86b7331e04fe40a56bcff2e9c065738b\_img.jpg\) Committee Meeting - 21 March 2017](#)
2. Minutes - Friends of the Flora and Fauna of the Barrier Ranges Community S355  
[!\[\]\(92f87f30b7499b35d0173f4346c498d6\_img.jpg\) Committee Meeting - 18 April 2017](#)

BRENDAN SMITH  
CHIEF OPERATING OFFICER

JAMES RONCON  
GENERAL MANAGER

**MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE  
BARRIER RANGES S355 COMMITTEE MEETING HELD  
21 MARCH 2017 AT 4PM – COUNCIL CHAMBER,  
248 BLENDE STREET, BROKEN HILL**

**12/51**

1. **Present:** John Rogers (Chairperson), Kellie Scott, Darrell Ford (BHCC), Councillor Marion Browne, David Spielvogel, Jill Spielvogel, Ronald Turnes, Jeff Crase, Paul Reed, Rosalind Molesworth, Lyn Campigli; Gaylene Ford, Dean Fletcher, Alison Gander
2. **Apologies:** Sue Spangler, Ray Allen, Ann Evers, Michael Ford, Jamie Scott, Nevada Ford, Geoffrey Hoare, Sandra Havran

**Non-Attendance:** Eve-Lyn Kennedy

**3. Confirmation of Minutes of Previous Meeting:**

**Previous minutes:** 21 February 2017

Moved: Jeff Crase

Seconded: Jill Spielvogel

**4. Business arising from Previous Minutes:**

4.1 Nominations for Committee Positions

**Vice Chairperson:** Kellie Scott (Renominated) – Nominated by John Rogers

The above nomination for Vice Chairperson was voted on and accepted.

Kellie Scott is returning Vice Chairperson for the 2016/2020 Council Term.

**5. Correspondence:**

5.1 Received: L17/491 – 12/51 – Leisa Bartlett (see attached).

- Membership of the Friends of the Flora and Fauna of the Barrier Ranges S355 Committee.

Action from 21/02/2017 - Darrell Ford investigated missing membership paper work for Kellie and Jamie Scott and they are now listed as members of the Committee.

**6. Update on Action List Items:**

- 6.1 Missing Membership for K and J Scott – Completed by Darrell Ford
- 6.2 Ongoing Working Bee – Ongoing
- 6.3 Identification Cards – As required
- 6.4 Paving Walk Way – Concrete Flora Site path entrance – Pending
- 6.5 Cold Set – Bitumen pouring over crushed paths - Pending
- 6.6 Paths at Veranda – Completed

Minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting  
held Tuesday 21 March 2017 Page 2 of 2

**7. Reports:**

7.1 Working Bee

Working Bee held 11 March 2017 was successful with all jobs completed for that day.

7.2 Electric Front Gate

Installation of electric front gate is progressing.

7.3 Flora Paths

Woodchips have been delivered and require spreading on Flora Paths.

**8. Roster:**

June, July and August Rosters to be updated at May meeting.

**9. General Business:**

9.1 Induction

Induction of new Committee members still on-going. All new Committee members to organise a date/time with Darrell.

9.2 Working Bee

Date: Saturday, 8 April 2017

Time: 9am

**10. Next Meeting:** Tuesday, 18 April 2017 – Council Chamber – 4pm

**11. Meeting Closed:** 4.14pm

**Action List:**

<b>5.1 Investigate missing membership paperwork – COMPLETED</b>	<b>D Ford - Ranger</b>
<b>6.1 Working Bee - <i>Progressing and ongoing</i></b>	<b>D Ford - Ranger</b>
<b>6.2 Identification Cards - <i>As required</i></b>	<b>Corp Administration</b>
<b>6.3 Concrete Flora Path and Entrance - <i>Pending</i></b>	<b>D Ford - Ranger</b>
<b>6.4 Cold Set – bitumen pouring over crushed paths - <i>pending</i></b>	<b>D Ford - Ranger</b>
<b>6.5 Paths at Veranda - <i>pending</i></b>	<b>D Ford - Ranger</b>

**MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE  
BARRIER RANGES S355 COMMITTEE MEETING HELD  
18 APRIL 2017 AT 4PM – COUNCIL CHAMBER,  
240 BLENDE STREET, BROKEN HILL**

**12/51**

1. **Present:** John Rogers (Chairperson), Kellie Scott, Darrell Ford (BHCC), Councillor Marion Browne, Gaylene Ford, David Spielvogel, Ronald Tumes, Jeff Crase, Paul Reed, Evan Scott and Emily Scott.

2. **Apologies:** Sue Spangler, Ann Evers, Michael Ford, Jill Spielvogel, Jamie Scott, Nevada Ford, Geoffrey Hoare and Dean Fletcher

**Non-Attendance:** Eve-Lyn Kennedy, Ray Allen, Sandra Havran, Alison Gander and Rosalind Molesworth

**3. Confirmation of Minutes of Previous Meeting:**

**Previous minutes:** 21 March 2017

Moved: Jeff Crase

Seconded: Kellie Scott

**4. Business arising from Previous Minutes:** Nil

**5. Correspondence:** Nil

**6. Update on Action List Items:**

- 6.1 Ongoing Working Bee – Ongoing
- 6.2 Identification Cards – As required
- 6.3 Paving Walk Way – Concrete Flora Site path entrance – Pending
- 6.4 Cold Set – Bitumen pouring over crushed paths - Pending
- 6.5 Paths at Veranda – Completed

**7. Reports:**

7.1 Working Bee

Working Bee held 6 April 2017 was successful with new woodchips spread on Flora/Fauna paths. Thank you to all who participated.

7.2 Electric Front Gate

Gate has been installed. Further business report required before operational.

7.3 Easter

Easter was a very busy period providing a good mix of local and interstate visitors.

**8. Roster:**

19 and 20 May BHCC (National Party Conference)

**9. General Business:**

9.1 Working Bee

Date: Saturday, 6 May 2017

Time: 9am start at Top Office



10. **Next Meeting:** Tuesday, 16 May 2017 – Council Chamber – 4pm

11. **Meeting Closed:** 4.21pm

**Action List:**

<b>6.1 Working Bee</b> - <i>Progressive and Ongoing</i>	<b>D Ford - Ranger</b>
<b>6.2 Identification Cards</b> - <i>As required</i>	<b>Corp Administration</b>
<b>6.3 Concrete Flora Path and Entrance</b> – <i>Pending</i>	<b>D Ford - Ranger</b>
<b>6.4 Cold Set – bitumen pouring over crushed paths</b> - <i>Pending</i>	<b>D Ford - Ranger</b>
<b>6.5 Paths at Veranda</b> - <i>Pending</i>	<b>D Ford - Ranger</b>

ORDINARY MEETING OF THE COUNCIL

May 19, 2017

**ITEM 3**

BROKEN HILL CITY COUNCIL REPORT NO. 97/17

SUBJECT: MINUTES OF THE BROKEN HILL HERITAGE COMMITTEE  
MEETING HELD MAY 8, 2017 15/87

**Recommendation**

1. That Broken Hill City Council Report No. 97/17 dated May 19, 2017, be received.
2. That the minutes of the Broken Hill Heritage Committee Meeting held May 8, 2017 be received and noted.

**Executive Summary:**

Council has received minutes from the Broken Hill Heritage Committee for its meeting held May 8, 2017 for endorsement by Council.

**Report:**

As per Council's Section 355 Advisory Committee Framework Manual and the Constitution of the Broken Hill Heritage Committee (both adopted March 2017), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Accordingly, the Broken Hill Heritage Committee has submitted minutes from its meeting held May 8, 2017 for Council's endorsement.

**Strategic Direction:**

- |                |   |
|----------------|---|
| Key Direction: | 2. Our Economy  |
| Objective:     | 2.2 We are a destination of choice and provide a real experience that encourages increased visitation   |
| Function:      | Tourism Development   |
| DP Action:     | 2.2.1.12 Investigate opportunities arising from Broken Hill's listing as a heritage city  |
| Key Direction: | 3. Our Environment  |
| Objective:     | 3.3 Proactive and responsible planning supports the community and the environment   |
| Function:      | Built Environment   |
| DP Action:     | 3.3.1.2 Implement the recommendations of the Heritage Strategy in relation to all objectives to preserve and enhance the heritage of the city |

**Relevant Legislation:**

The Broken Hill Heritage Committee operates under Council's S355 Advisory Committee Framework Manual, the Broken Hill Heritage Committee Constitution and the *Local Government Act, 1993* (Section 355).

**Financial Implications:**

Nil.

**Attachments**

1. [!\[\]\(67ff022fd78f943b679992c2874bbfd1\_img.jpg\)](#) Minutes of the Broken Hill Heritage Committee Meeting held May 8, 2017

JAMES RONCON  
GENERAL MANAGER

Broken Hill Heritage Committee Minutes

8 May 2017

5pm Council Chambers.

**AGENDA:**

**Welcome:** Mayor Darriea

**Present:** Mayor Darriea Turley (Chairperson) Councillor Marion Browne (Vice Chairperson) Councillor Christine Adams (Secretary) Councillor Maureen Clark, Rachel Merton (BH Events Manager) Gareth Thomas, Andrew Gosling, Susanne Olsen, Paula Williams.

Phone link: Hon. Acting Justice Simon Molesworth AO QC, Liz Vines (Broken Hill heritage Advisor)

**Apologies:** Tracy Fraser

**Minutes of Previous Meeting:** Moved Paula; Seconded Gareth. Adopted.

**Business arising from the Minutes:**

Executive positions remain as voted at previous meeting.

**Further Business:**

- Report on Hospital Sunday event by Christine Adams. Councillor Browne moved a vote of thanks to Railway Museum Curator for a successful event.
- Rachel and Secretary to investigate the Development of an electronic register of events to which people can contribute their events.
- Paula and Susanne raised concerns about the derelict condition of Prop Square- the former BHP government offices. Liz advised there was some confusion on which lease was involved-Perilya or CBH. The building is heritage listed on Council's LEP. A motion was put forward:
- *That the committee approach Council for further information re the building re leaseholder and whether there is any proposal to revisit the restoration of the building.* Moved: Paula; Seconded: Susanne. Adopted.

- Susanne provided information from the Royal Australian Mint re a commemorative coin for our heritage listing. All agreed it sounds promising. Firstly we need to verify if Council has any thoughts of developing this idea. Motion to Council: *To investigate with council the possibility the minting of a coin to celebrate our heritage listing.*
- Celebration of 130<sup>th</sup> birthday of Broken Hill Court House Event, Saturday 3<sup>rd</sup> June 2017 at 10am. The Chair congratulated and thanked Simon for his efforts in making this event happen.
  1. Darriea to contact magistrate Geoff Dunlevy
  2. Local Liaison Officer: Martin Kane-Courthouse open to public for inspection.
  3. Speakers on the day: Mayor, Simon and Geoff Dunlevy.
  4. Liz advised history of courthouse in her book.
  5. Invitations to be organised by council. Use mayoral civic invite list, Fed (Mark Coulton) and State (Kevin Humphreys) Members, Rachel Story for legal representatives, Aboriginal Legal Aid and schools.
  6. Council to provide sound system and morning tea; Rachel Merton (BHCC Events Manager) to contact Martin Kane re requirements.
  7. Helpers on day: Marion, Chris and possibly Maureen.

**Next meeting: 5pm 19 June Council Chambers.**

**(Council Chambers booked)**

**ACTIONS**

**New & In-Progress Actions:**

	<b>Action</b>	<b>Who</b>	<b>When</b>	<b>Status</b>
1	Check CFMEU re Commemoration 7 October 2017	Councillor Clark	ASAP	Open
2	Heritage Strategic Plan.-Read and provide comments to committee.	All members	Imminent	Open
3	Invite Grants Officer to attend meeting	Councillor, Adams	TBA	Progressing
4	Invite Museum Advisor to attend meeting	Councillor Adams	Invitation sent	Open

## **QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETINGS**

1. QUESTIONS ON NOTICE NO. 5/17 - DATED MAY 04, 2017 -  
COUNCILLORS QUESTIONS TAKEN ON NOTICE AT THE APRIL 2017  
COUNCIL MEETING (13/79 11/89 16/157 15/87 11/60) ..... 236

## ORDINARY MEETING OF THE COUNCIL

May 4, 2017

**ITEM 1**QUESTIONS ON NOTICE NO. 5/17

SUBJECT: COUNCILLORS QUESTIONS TAKEN ON NOTICE AT THE APRIL  
2017 COUNCIL MEETING 13/79 11/89 16/157 15/87 11/60

**Summary**

The following report provides responses to questions from Councillors that were taken on notice at the Council Meeting held April 26, 2017.

**Recommendation**

1. That Questions On Notice No. 5/17 dated May 4, 2017, be received.

**Background**

Below are the responses to questions from Councillors which were taken on notice at the Council Meeting held April 26, 2017.

**Question:**

Green Waste Management (Item 2) 13/79  
*Councillor Kennedy requested the percentage of the amount of green waste collected that is going to landfill.*

**Response:**

The volume of green waste collected that goes to landfill varies, and we do not have exact figures. Green Waste goes to landfill when there is high levels of contamination that make it unsafe for staff to work with. Clean and low contaminated green waste is stockpiled for processing. There were some stockpiles that were highly contaminated that NSW EPA recommended for Council to landfill as it was considered too costly to attempt to remove the contamination, this occurred during 2016.

Contamination appears to be increasing in kerbside collections. Council recently had *Just Waste Consulting* complete a waste audit of our general waste and green waste kerbside collections, this work was 50% funded by NetWaste, our regional waste group. The report is yet to be received as the work was completed late April. Waste staff will then develop an education program based around these results.

**Question:**



Adoption of Draft Community Strategic Plan (Item 3)

11/89

*Councillor Kennedy requested that the swear words be removed from page 10 of the Draft Community Strategic Plan prior to it being published on Council's website.*

**Response:**

The quote originates from the consultation processes of the 'For Real Branding' project. However, it is not usual to publish profanities in full. What is commonly used in published materials such as newspapers, are abbreviations or letters omitted. In this case, the original word has now had letters omitted prior to publication on Council's website.

**Question:**Public Exhibition of Long Term Financial Plan (Item 7)

16/157

*Councillor Kennedy requested that the population figures for Broken Hill which are referenced in the plan require reviewing prior to it being placed on public exhibition.*

**Response:**

The population figures quoted in the Council Report have been amended and this will be reflected accordingly in the June Council Report when the plan returns for adoption after the public display period. The Draft Long Term Financial Plan itself did not quote the referenced population figures.

**Question:**Heritage Signage (Item 13)

15/87

*Councillor Licul asked how Council was progressing with the installation of heritage signage at the entrances to the City announcing Broken Hill as the First National Heritage Listed City?*

**Response:**

Council will invite Quotations in May 2017 from suitably experienced artists to submit concepts for public art to activate the three highway entrances, or 'Gateways', to the City:

- the Eastern (Sydney Road) and Western (Adelaide Road) entrances to Broken Hill on the Barrier Highway; and
- the Southern entrance (Mildura Road) to Broken Hill on the Silver City Highway

Artwork will become Gateway Signage to introduce Broken Hill as Australia's First National Heritage Listed City. Artists will be invited to propose concepts that reflect Broken Hill, its people and rich heritage. Artworks must be durable and weatherproof and may use existing infrastructure already in place on the gateway locations or propose new concepts. Up to \$90,000 is being applied from the Heritage City Maximisation budget allocated in 2016/17.

**Question:**Code of Conduct complaints (Item 16)

11/60

*Councillor Algate requested to be provided with the final cost of the four Code of Conduct complaints in 2016 inclusive of legal fees.*

**Response:**

The Final cost of the four Code of Conduct investigations inclusive of legal fees was \$55,695.

**Attachments**

There are no attachments for this report

JAMES RONCON  
GENERAL MANAGER

## **CONFIDENTIAL MATTERS**

### **Council Meeting to be held** **Wednesday, May 31, 2017**

1. BROKEN HILL CITY COUNCIL REPORT NO. 98/17 - DATED MAY 18, 2017 - CODE OF CONDUCT NO. BHC160401 - **CONFIDENTIAL**

**(General Manager's Note:** This report considers a Code of Conduct matter and is deemed confidential under Section 10A(2) (h) of the Local Government Act, 1993 which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

2. BROKEN HILL CITY COUNCIL REPORT NO. 99/17 - DATED MAY 17, 2017 - NETWASTE TENDER F2422 - TENDER FOR COLLECTION AND RECYCLING OF SCRAP METAL FOR COUNCILS IN THE NETWASTE REGION - **CONFIDENTIAL**

**(General Manager's Note:** This report considers a tender and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

3. BROKEN HILL CITY COUNCIL REPORT NO. 100/17 - DATED MAY 18, 2017 - TENDER FOR REPLACEMENT BANTAM COMPACTOR AND TENDER FOR NEW HOOK LIFT TRUCK - **CONFIDENTIAL**

**(General Manager's Note:** This report considers a tender and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).