

October 23, 2019

ORDINARY MONTHLY MEETING

TO BE HELD

WEDNESDAY, OCTOBER 30, 2019

Please address all communications to:
The General Manager
240 Blende Street
PO Box 448
Broken Hill NSW 2880
Phone 08 8080 3300
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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, October 30, 2019** commencing at 6:30 pm to consider the following business:

ABN 84 873 116 132

- 1) Opening Meeting
- 2) Apologies
- 3) Prayer
- 4) Acknowledgement of Country
- 5) Minutes for Confirmation
- 6) Disclosure of Interest
- 7) Mayoral Minute(s)
- 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
- 16) Conclusion of the meeting

JAY NANKIVELL
ACTING GENERAL MANAGER

LIVE STREAMING OF COUNCIL MEETINGS

PLEASE NOTE: This Council meeting is being streamed live, recorded, and broadcast online via Facebook. To those present in the gallery today, by attending or participating in this public meeting you are consenting to your image, voice and comments being recorded and published. The Mayor and/or General Manager have the authority to pause or terminate the stream if comments or debate are considered defamatory or otherwise inappropriate for publishing. Attendees are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

MINUTES FOR CONFIRMATION

Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held Wednesday, September 25, 2019.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
SEPTEMBER 25, 2019

Meeting commenced at 6:30pm

PRESENT:

Councillor D. Turley (Mayor) Councillor M. Browne (Deputy Mayor)
Councillors C. Adams, B. Algate, M. Clark, D. Gallagher, T. Kennedy and
B. Licul.

General Manager, Chief Operations Officer, Chief Financial Officer,
Director Corporate, Manager Communications, Governance Officer and
Executive Support Officer.

Media (3), Members of the Public (48).

APOLOGIES:

Councillors J. Nolan and R. Page.

RESOLUTION

Minute No. 46069

Councillor B. Licul moved

Councillor M. Clark seconded

)

That the apologies submitted by Councillors

)

Nolan and Page be accepted and leave of
absence granted.

CARRIED UNANIMOUSLY

PRAYER

Councillor Adams delivered the prayer

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country

MINUTES FOR CONFIRMATION

Motion

Councillor C. Adams moved

Councillor M. Browne seconded

)

That the Minutes of the Ordinary Meeting of the

)

Council of the City of Broken Hill held August 28,
2019 be confirmed.

Amendment

Councillor T. Kennedy moved

Councillor B. Algate seconded

)

That the minutes of the Ordinary Council

)

Meeting held 31 July 2019 be amended to record
that Councillor Kennedy had questioned the
Mayor on procedural matters.

LOST

FOR: Crs Algate and Kennedy

AGAINST: Crs Adams, Browne, Clark, Gallagher, Licul and Turley.

The original motion was put.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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RESOLUTION

Minute No. 46070

Councillor C. Adams moved)
Councillor M. Browne seconded)

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held August 28, 2019 be confirmed.

CARRIED

FOR: Crs Adams, Browne, Clark, Gallagher, Licul and Turley
AGAINST: Crs Algate and Kennedy

RESOLUTION

Minute No. 46071

Councillor M. Browne moved)
Councillor M. Clark seconded)

That the Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held September 04, 2019 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 4/19 - DATED SEPTEMBER 10, 2019 - DECLARATION OF CLIMATE EMERGENCY

11/161

Resolved

1. That Mayoral Minute No. 4/19 dated September 10, 2019, be received.
2. That Council recognises that climate change poses a serious risk to the people of Broken Hill and it should be treated as a national emergency.
3. That Council seek to prioritise a climate emergency response as part of the current review being undertaken around the Community Strategic Plan.

RESOLUTION

Minute No. 46072

Councillor D. Turley moved)
Councillor M. Clark seconded)

CARRIED

FOR: Crs Adams, Browne, Clark, Gallagher, Licul and Turley
AGAINST: Crs Algate and Kennedy

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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ITEM 2 - MAYORAL MINUTE NO. 5/19 - DATED SEPTEMBER 18, 2019 - NSW TRAINLINK TRIAL SERVICES

11/161

Resolved

1. That Mayoral Minute No. 5/19 dated September 18, 2019, be received.
2. That Broken Hill City Council requests that NSW TrainLink reinstates the Country Pensioner Excursion ticket for Pensioners and Seniors travelling from Broken Hill to Adelaide at a cost of \$2.50 per ticket.

RESOLUTION

Minute No. 46073

Councillor D. Turley moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

NOTICES OF MOTION

ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 16/19 - DATED SEPTEMBER 12, 2019 - 1) COUNCIL'S LEGAL EXPENSES SINCE 1 JULY 2016; AND 2) CIVIC CENTRE REFURBISHMENT COSTS

19/74, 16/92

Motion

Councillor T. Kennedy moved)

Councillor B. Algate seconded)

1. That Motions of Which Notice has been Given No. 16/19 dated September 12, 2019, be received.
2. That Broken Hill City Council provides Councillors with a report at the October 2019 meeting outlining all Broken Hill City Council legal expenses incurred on all matters that Council have been involved in since 1 July 2016.
3. That Broken Hill City Council provides Councillors with the to-date total cost of the Civic Centre refurbishment, this is to include the associated employee costs and all associated legal expenses, the report outlining those costs is to be submitted at the October meeting of Council.

Amendment

Councillor B. Licul moved)

Councillor M. Clark seconded)

1. That Motions of Which Notice has been Given No. 16/19 dated September 12, 2019, be received.
2. That Broken Hill City Council provides Councillors with a report at the October 2019 meeting outlining all Broken Hill City Council legal expenses incurred on all matters that Council have been involved in since 1 July 2016.

CARRIED

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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FOR: Crs Adams, Browne, Clark, Gallagher, Licul and Turley
AGAINST: Crs Algate and Kennedy

The amendment becomes the motion.

RESOLUTION

Minute No. 46074

Councillor B. Licul moved
Councillor M. Clark seconded

-)
)
1. That Motions of Which Notice has been Given No. 16/19 dated September 12, 2019, be received.
 2. That Broken Hill City Council provides Councillors with a report at the October 2019 meeting outlining all Broken Hill City Council legal expenses incurred on all matters that Council have been involved in since 1 July 2016.

CARRIED

FOR: Crs Adams, Browne, Clark, Gallagher, Licul and Turley
AGAINST: Crs Algate and Kennedy

ITEM 4 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 17/19 - DATED SEPTEMBER 12, 2019 - PICTON OVAL CRICKET PITCH 12/54

Motion

Councillor T. Kennedy moved
Councillor B. Algate seconded

-)
)
1. That Motions of Which Notice has been Given No. 17/19 dated September 12, 2019, be received.
 2. That Broken Hill City Council liaises with the Picton Oval Management Committee, the Lamb Oval Management Committee and the Barrier Cricket Association to put down an artificial cricket pitch to be ready for the 2019/20 cricket season.

Amendment

Councillor C. Adams moved
Councillor M. Clark seconded

-)
)
1. That Motions of Which Notice has been Given No. 17/19 dated September 12, 2019, be received.

CARRIED

FOR: Crs Adams, Browne, Clark, Licul and Turley
AGAINST: Crs Algate, Kennedy and Gallagher

The amendment becomes the motion.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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Motion

- Councillor C. Adams moved)
Councillor M. Clark seconded) 1. That Motions of Which Notice has been Given
No. 17/19 dated September 12, 2019, be
received.

Amendment

- Councillor T. Kennedy moved)
Councillor B. Algate seconded) 1. That Motions of Which Notice has been Given
No. 17/19 dated September 12, 2019, be
received.
2. That Broken Hill City Council liaises with the
Lamb Oval Management Committee and the
Barrier Cricket Association to look at the
feasibility of installing a cricket pitch to be
ready for the 2019/20 cricket season.

CARRIED UNANIMOUSLY

The amendment becomes the motion.

RESOLUTION

Minute No. 46075

- Councillor T. Kennedy moved)
Councillor B. Algate seconded) 1. That Motions of Which Notice has been Given
No. 17/19 dated September 12, 2019, be
received.
2. That Broken Hill City Council liaises with the
Lamb Oval Management Committee and the
Barrier Cricket Association to look at the
feasibility of installing a cricket pitch to be
ready for the 2019/20 cricket season.

CARRIED UNANIMOUSLY

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 143/19 - DATED SEPTEMBER 06, 2019 -
ELECTION OF DEPUTY MAYOR**

11/18

Resolved

1. That Broken Hill City Council Report No. 143/19 dated September 6, 2019, be received.
2. That Council elect the Deputy Mayor at this meeting.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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3. That the Deputy Mayor be elected for a twelve month term concluding at the September 2020 Council Meeting.
4. That voting for the Deputy Mayor Election be open voting, i.e. "show of hands".
5. That the result of the election of Deputy Mayor be sent to the Office of Local Government and to the Chief Executive Officer of the LGNSW.

RESOLUTION

Minute No. 46076

Councillor B. Licul moved)

Councillor M. Clark seconded)

CARRIED UNANIMOUSLY

The Mayor appointed the General Manager as Returning Officer for the Election of Deputy Mayor.

The Returning Officer advised that two (2) nominations had been received for the position of Deputy Mayor, these being:

Councillor Adams (nominated by Councillor Browne and Councillor Gallagher) nomination received 19 September 2019 at 11:24a.m.

Councillor Kennedy (nominated by Councillor Algate and Councillor Kennedy) nomination received 25 September 2019 at 6:14p.m.

The Returning Officer called for any further nominations prior to the ballot being conducted. No further nominations were received.

The Returning Officer advised that voting would be by open voting (show of hands) for votes for Deputy Mayor for the twelve month term from September 2019 and concluding on the September 2020 Local Government Election.

Votes for Councillor Adams – 6

Votes for Councillor Kennedy – 2

The Returning Officer declared Councillor Adams as Deputy Mayor for the ensuing 12 month period until the September 2020 Local Government Election.

The Mayor congratulated Councillor Adams on her appointment as Deputy Mayor.

The Mayor thanked Councillor Browne for all of her efforts and commitment over the past 12 month period in the role of Deputy Mayor.

ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 144/19 - DATED SEPTEMBER 09, 2019 - APPOINTMENT OF DELEGATES TO COMMITTEES - SEPTEMBER 2019 TO SEPTEMBER 2020

11/9

RESOLUTION

Minute No. 46077

Councillor D. Gallagher moved)

Councillor B. Algate seconded)

1. That Broken Hill City Council Report No. 144/19 dated September 9, 2019, be received.

2. That Council's current Councillor delegates to its Section 355 Committees and various other Committees as per the attached schedule be confirmed.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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3. That Councillor membership on Section 355 Committees and various other Committees be for a twelve month period being from the Council Meeting until the September 2020 Local Government Election.

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 146/19 - DATED SEPTEMBER 17, 2019 -
COUNCILLOR PROFESSIONAL DEVELOPMENT** 11/468

RESOLUTION

Minute No. 46078

- | | | |
|-------------------------------|---|--|
| Councillor C. Adams moved |) | 1. That Broken Hill City Council Report No. |
| Councillor B. Algate seconded |) | 146/19 dated September 17, 2019, be |
| | | received and the proposal be referred to the |
| | | newly elected Council in 2020. |

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 147/19 - DATED AUGUST 07, 2019 -
PUBLIC INTEREST DISCLOSURES ANNUAL REPORT 2018/19** 12/67

Resolved

1. That Broken Hill City Council Report No. 147/19 dated August 7, 2019, be received.
2. That the Broken Hill City Council Public Interest Disclosures Annual Report 2018/19 be forwarded to the Minister for Local Government and the NSW Ombudsman by 30 October 2019.

RESOLUTION

Minute No. 46079

- | | | |
|----------------------------------|---|---------------------|
| Councillor M. Browne moved |) | |
| Councillor D. Gallagher seconded |) | CARRIED UNANIMOUSLY |

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 148/19 - DATED AUGUST 20, 2019 -
ADOPTION OF THE DRAFT GIFTS AND BENEFITS POLICY** 12/14

Resolved

1. That Broken Hill City Council Report No. 148/19 dated August 20, 2019, be received.
2. That Council adopts the draft Gifts and Benefits Policy as a policy of Council.

RESOLUTION

Minute No. 46080

- | | | |
|-------------------------------|---|---------------------|
| Councillor B. Adams moved |) | |
| Councillor B. Algate seconded |) | CARRIED UNANIMOUSLY |

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 149/19 - DATED AUGUST 20, 2019 -
ADOPTION OF THE REPORTING OF PUBLIC INTEREST DISCLOSURES POLICY** 12/14

Resolved

1. That Broken Hill City Council Report No. 149/19 dated August 20, 2019, be received.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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2. That the Draft Reporting of Public Interest Disclosures Policy be adopted as a policy of Council.

RESOLUTION

Minute No. 46081

Councillor B. Algate moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 150/19 - DATED AUGUST 20, 2019 -
ADOPTION OF THE DRAFT VOLUNTARY PLANNING AGREEMENT POLICY

11/192

Resolved

1. That Broken Hill City Council Report No. 150/19 dated August 20, 2019, be received.
2. That the draft Voluntary Planning Agreement Policy be adopted as a policy of Council.

RESOLUTION

Minute No. 46082

Councillor M. Browne moved)

Councillor C. Adams seconded)

CARRIED

FOR: Crs Adams, Algate, Browne, Clark, Gallagher, Licul and Turley
AGAINST: Cr Kennedy

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 151/19 - DATED SEPTEMBER 13, 2019 -
REVIEW OF COMMUNICATION AND ENGAGEMENT STRATEGY AND SOCIAL MEDIA
STRATEGY

12/14

Resolved

1. That Broken Hill City Council Report No. 151/19 dated September 13, 2019, be received.
2. That Council endorse the draft Communication and Engagement Strategy for the purpose of public exhibition.
3. That the Draft Communication and Engagement Strategy be exhibited for public comment for a 28-day period.
4. That Council adopts the reviewed Social Media Strategy.

RESOLUTION

Minute No. 46083

Councillor C. Adams moved)

Councillor M. Browne seconded)

CARRIED

FOR: Crs Adams, Algate, Browne, Clark, Gallagher, Licul and Turley
AGAINST: Cr Kennedy

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 152/19 - DATED SEPTEMBER 12, 2019 -
INVESTMENT REPORT FOR AUGUST 2019** 17/82

Resolved

1. That Broken Hill City Council Report No. 152/19 dated September 12, 2019, be received.

RESOLUTION

Minute No. 46084

Councillor M. Browne moved)

Councillor D. Gallagher seconded)

CARRIED UNANIMOUSLY

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 153/19 - DATED AUGUST 20, 2019 -
TEMPORARY SUSPENSION OF ALCOHOL-FREE ZONE - PERFECT LIGHT FILM FESTIVAL - 2
NOVEMBER 2019** 11/307

RESOLUTION

Minute No. 46085

Councillor C. Adams moved)

Councillor M. Browne seconded)

1. That Broken Hill City Council Report No. 153/19 dated August 20, 2019, be received.
2. That Council provide in principle support to begin the planning process for the temporary suspension of the prohibition of the consumption of alcohol in part of Sturt Park, under Section 632A, of the *Local Government Act 1993* on Saturday, 2 November 2019 from 6pm to 11pm for the Perfect Light Film Festival.
3. That the temporary suspension on the prohibition of the consumption of alcohol in part of Sturt Park be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that the suspension only applies to the VIP Marquee area; and that the consumption of alcohol will remain prohibited for all other areas of the Sturt Park; and that all existing alcohol-free zones in Broken Hill will remain in force.
4. That the General Manager be authorised to implement the suspension and advertising processes on final advice of Barrier Local Area Command.
5. That the Barrier Local Area Command be advised of Council's decision.
6. That Council investigates options to extend the alcohol free zone to incorporate a larger area of the park, in order that members of the public attending the Festival may consume alcohol in the park.

CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 154/19 - DATED AUGUST 28, 2019 -
FORMAL AGREEMENT BETWEEN BROKEN HILL CITY COUNCIL AND BROKEN HILL RIFLE
CLUB**

11/214

Resolved

1. That Broken Hill City Council Report No. 154/19 dated August 28, 2019, be received.
2. That Broken Hill City Council enters into an agreement with the Broken Hill Rifle Club (BHRC) to formalise the future use of the rifle range in South Broken Hill.
3. That the General Manager be authorised to execute the formal agreement on behalf of Broken Hill City Council.

RESOLUTION

Minute No. 46086

Councillor D. Gallagher moved)

Councillor B. Licul seconded)

CARRIED UNANIMOUSLY

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 155/19 - DATED AUGUST 28, 2019 -
MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 19 AUGUST
2019**

13/19

Resolved

1. That Broken Hill City Council Report No. 155/19 dated August 28, 2019, be received.
2. That minutes of the Audit, Risk and Improvement Committee Meeting held 19 August 2019 be received.

RESOLUTION

Minute No. 46087

Councillor D. Gallagher moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

**ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 156/19 - DATED SEPTEMBER 03, 2019 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 395 HELD WEDNESDAY
AUGUST 14, 2019 AND NO 396 HELD TUESDAY SEPTEMBER 3, 2019**

11/397

Resolved

1. That Broken Hill City Council Report No. 156/19 dated September 3, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.395 held August 14, 2019 be received.
3. That the minutes for the Local Traffic Committee Meeting No.396 held September 3, 2019 be received.

RESOLUTION

Minute No. 46088

Councillor M. Browne moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 157/19 - DATED SEPTEMBER 09, 2019 -
ACTION LIST REPORT**

11/21

Resolved

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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1. That Broken Hill City Council Report No. 157/19 dated September 9, 2019, be received.

RESOLUTION

Minute No. 46089

Councillor B. Algate moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 158/19 - DATED SEPTEMBER 06, 2019 -
MEMBERSHIP OF SECTION 355 COMMITTEES 11/9

Resolved

1. That Broken Hill City Council Report No. 158/19 dated September 6, 2019, be received.
2. That Council accepts the resignation from Mr Stephen Pascoe as a community representative on the Alma Oval Community Committee, and thanks Mr Pascoe for his service on the Committee.
3. That Council accepts the nomination from Ms Karen Gosling as a community representative on the Picton Oval Community Committee.
4. That Council advertises for all vacancies on its Section 355 Committees.

ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 159/19 - DATED AUGUST 29, 2019 - S355
ANNUAL AND FINANCIAL REPORTS 2018/2019 16/94

Resolved

1. That Broken Hill City Council Report No. 159/19 dated August 29, 2019, be received.
2. That the 2018/2019 Norm Fox Sporting Complex Annual Report be received and noted.
3. That the 2018/2019 Friends of the Flora and Fauna of the Barrier Rangers Community Committee Annual Report be received and noted.
4. That the 2018/2019 BIU Band Hall Annual Report and Financial Statements be received and noted
5. That the 2018/2019 Alma Oval Community Committee Annual and Financial Reports be received and noted.
6. That the 2018/2019 Community Strategic Round Table Annual Report be received and noted.
7. That the 2018/2019 Broken Hill Heritage Committee Annual Report be received and noted.
8. That the 2018/2019 Riddiford Arboretum Community Committee Annual Report be received and noted.
9. That the 2018/2019 Broken Hill Regional Art Gallery Advisory Committee Annual Report be received and noted.

ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 160/19 - DATED AUGUST 27, 2019 -
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE
MEETINGS HELD AUGUST 20, 2019 12/51

Resolved

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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1. That Broken Hill City Council Report No. 160/19 dated August 27, 2019, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held August 20, 2019 be received.

Minute No. 46090

Councillor C. Adams moved)	That the recommendations of items 19 to 21 be
Councillor M. Clark seconded)	adopted.

CARRIED

ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 161/19 - DATED SEPTEMBER 06, 2019 - MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE MEETING HELD 6 AUGUST 2019

12/52

Resolved

1. That Broken Hill City Council Report No. 161/19 dated September 6, 2019, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 6 August 2019 be received.

RESOLUTION

Minute No. 46091

Councillor B. Algate moved)	
Councillor D. Gallagher seconded)	CARRIED UNANIMOUSLY

ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 162/19 - DATED SEPTEMBER 06, 2019 - MINUTES OF THE BIU BAND HALL COMMUNITY COMMITTEE MEETING HELD 23 JULY 2019

16/8

Resolved

1. That Broken Hill City Council Report No. 162/19 dated September 6, 2019, be received.
2. That minutes of the BIU Band Hall Community Committee Annual General Meeting held 23 July 2019 be received.

RESOLUTION

Minute No. 46092

Councillor C. Adams moved)	
Councillor B. Licul seconded)	CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 24 - QUESTIONS ON NOTICE NO. 9/19 - DATED AUGUST 30, 2019 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE AUGUST 2019 COUNCIL MEETING

T18/9

Resolved

1. That Questions On Notice No. 9/19 dated August 30, 2019, be received.

RESOLUTION

Minute No. 46093

Councillor T. Kennedy moved)	
Councillor M. Clark seconded)	CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Meeting Procedures

11/249

Councillor Kennedy questioned why his Notice of Motion – Question on Notice Councillor Briefing was placed in confidential matters at this meeting, when only the answers to the questions contained in the Notice of Motion should have been placed in confidential matters? Councillor Kennedy requested that his Notice of Motion be considered in open session.

The Mayor advised Councillor Kennedy that he could raise the matter of dealing with his Notice of Motion in open session when Council considered the item.

Property on Barrier Highway owned by Boss Constructions Pty Ltd

11/140

Councillor Kennedy advised that he had been handed a file from Nick Bobos (owner of Boss Constructions Pty Ltd (with whom Councillors are aware is in litigation with Council) and the owner of the property on the Barrier Highway which incorporates the land on which Council's tourist information bay is erected) to ask Council the following questions. The Mayor took the following questions on notice:

In 2005/2006 Council was pushing for a truck stop/roadhouse to be erected on the outskirts of the city; Bobos Engineering purchased the subject land on the Barrier Highway. In a meeting with a Council Officer to discuss expressions of interest to construct a truck stop/roadhouse on the land, the Council Officer showed Mr Bobos a Development Application previously approved which included zoning consistent for the development of a truck stop/roadhouse. In relation to this matter, Councillor Kennedy asked:

When was the zoning changed?

Why did the zoning change so that the land could no longer be used for a truck stop/roadhouse?

Why was the \$700,000 government grant (for a truck wash) returned to the government ?

Why was the \$900,000 government grant dedicated for drought programs then proposed by Council to be used for Brown Street road construction when Council had dedicated money for Brown Street from somewhere else?; and why wasn't this \$900,000 grant used in conjunction with grant money for the truck wash to complete this project?; and why did Council not receive a report to consider this?

Was development approval of the truck stop/roadhouse and accommodation subject to Council removing the tourist information bay signage from the property?

Was this agreed to?; and why hasn't Council removed the tourist information bay signage?

In the cross statement of claim submitted to the Parramatta Court in relation to this matter, the Judge made a statement that one might think that Council would have to pay the defendant for some kind of rent for the use of the sign due to the continuing collection of monies in rent for advertising on the sign.

Is Council paying any rent for this sign? Is Council collecting money from people in rent for advertising on the sign? Does Council have a moral obligation to pay some sort of costs to Nick Bobos given the Judge's statement?

CONFIDENTIAL MATTERS

RESOLUTION

Minute No. 46094

Councillor B. Licul moved)	That the meeting be closed to the public in
Councillor M. Clark seconded)	accordance with the <i>Local Government Act</i>
		<i>1993 clause 10A(2)</i> , whilst the confidential
		matters are considered.

CARRIED

FOR: Crs Adams, Algate, Browne, Clark, Gallagher, Licul and Turley
AGAINST: Cr Kennedy

Members of the public and media left the Council Chambers at 7:58pm

**ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 163/19 - DATED SEPTEMBER 05, 2019 -
CONFIDENTIAL MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD 4 SEPTEMBER
2019 - CONFIDENTIAL** 17/185

(General Manager's Note: This report considers confidential minutes of the Extraordinary Council Meeting held 4 September 2019 which relates to matters pertaining to the Civic Centre Redevelopment and is deemed confidential under Section 10A(2) (e) (g) of the Local Government Act, 1993 which provides for information that would, if disclosed, prejudice the maintenance of law; 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).

Resolved

1. That Broken Hill City Council Report No. 163/19 dated September 5, 2019, be received.
2. That the confidential minutes of the Extraordinary Council Meeting held 4 September 2019 be confirmed.

RESOLUTION

Minute No. 46095

Councillor M. Browne moved)	
Councillor C. Adams seconded)	CARRIED UNANIMOUSLY

**ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 164/19 - DATED AUGUST 30, 2019 -
APPOINTMENT OF A HERITAGE CONSULTANT TO CARRY OUT HERITAGE STUDIES SUBJECT
TO GRANT FUNDING - CONFIDENTIAL** 16/154

(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).

Resolved

1. That Broken Hill City Council Report No. 164/19 dated August 30, 2019, be received.
2. That Broken Hill City Council does not call for tenders for the carrying out of heritage studies pursuant to the provisions of Section 55 (3) (i) of the *Local Government Act 1993* due to extenuating circumstances associated with Broken Hill's remoteness and the unavailability of competitive tenderers.
3. That Council appoint Paul Davies, Council's Heritage Advisor, for the following projects:

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
SEPTEMBER 25, 2019

- i. Commonwealth Heritage Grant for a Heritage Study on Broken Hill's National Heritage values;
- ii. NSW Heritage Grant - Broken Hill Heritage Study Review

RESOLUTION

Minute No. 46096

Councillor C. Adams moved)

Councillor M. Browne seconded)

CARRIED

FOR: Crs Adams, Browne, Clark, Gallagher, Licul and Turley

AGAINST: Crs Algate and Kennedy

ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 165/19 - DATED AUGUST 23, 2019 - BROKEN HILL CITY COUNCIL TO WATER NSW DEED OF AGREEMENT FOR WATER PIPELINE EASEMENT - CONFIDENTIAL 11/63

(General Manager's Note: This report considers a deed of 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).

Resolved

1. That Broken Hill City Council Report No. 165/19 dated August 23, 2019, be received.
2. That Council consent to Water NSW's proposed acquisition and registration of an easement over Lot 2393 in Deposited Plan 757298.
3. That Council agree to the terms and conditions of the proposed Deed of Agreement.
4. That the Mayor and General Manager be authorised to sign and execute any related documents under the Common Seal of Council.

RESOLUTION

Minute No. 46097

Councillor M. Browne moved)

Councillor B. Licul seconded)

CARRIED UNANIMOUSLY

ITEM 28 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 18/19 - DATED SEPTEMBER 12, 2019 - MATTERS PERTAINING TO THE CIVIC CENTRE REDEVELOPMENT - CONFIDENTIAL 17/185

(General Manager's Note: This report is deemed confidential under Section 10A(2) (e) (g) of the Local Government Act, 1993 which provides for information that would, if disclosed, prejudice the maintenance of law; 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).

RESOLUTION

Minute No. 46098

Councillor B. Licul moved)

Councillor M. Clark seconded)

1. That Motions of Which Notice has been Given No. 18/19 dated September 12, 2019, be deferred until the final report is received by Council.

CARRIED

FOR: Crs Adams, Browne, Clark, Gallagher, Licul and Turley

AGAINST: Crs Algate and Kennedy

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
SEPTEMBER 25, 2019

ITEM 29 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 19/19 - DATED SEPTEMBER 12, 2019 - QUESTION ON NOTICE - COUNCILLOR BRIEFING - CONFIDENTIAL 11/21

(General Manager's Note: This report is deemed confidential under Section 10A(2) (b) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer).

RESOLUTION

Minute No. 46099

Councillor M. Browne moved)

Councillor B. Licul seconded)

1. That Motions of Which Notice has been
Given No. 19/19 dated September 12, 2019,
be received

CARRIED

FOR: Crs Adams, Browne, Clark, Gallagher, Licul and Turley

AGAINST: Crs Algate and Kennedy

Members of the public and media returned to the Council Chambers at 8:07p.m.

At the Mayor's invitation, the General Manager reported on the Council Resolutions of the items considered in closed session.

There being no further business the Mayor closed the meeting at 8:09p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 30 OCTOBER, 2019.)

CHAIRPERSON

REPORTS

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ORDINARY MEETING OF THE COUNCIL

October 4, 2019

ITEM 1

BROKEN HILL CITY COUNCIL REPORT NO. 167/19

SUBJECT: CORRESPONDENCE REPORT - WORKFORCE REDUNDANCIES
AT ESSENTIAL ENERGY BROKEN HILL 12/29

Recommendation

1. That Broken Hill City Council Report No. 167/19 dated October 4, 2019, be received.
2. That correspondence dated 1 October 2019 from Essential Energy regarding redundancies across its portfolio, be received and Council notes only one employee located in Broken Hill has elected to leave by way of redundancy.

Report:

Council considered a Notice of Motion regarding Essential Energy Operations Broken Hill at its Ordinary Meeting held 31 July 2019 and resolved (Minute Number 46026):

1. *That Motions of Which Notice has been Given No. 14/19 dated July 19, 2019, be received.*
2. *That Broken Hill City Council sends correspondence to the appropriate State Minister, Local Member Roy Butler and Leader of the Opposition objecting to any loss of positions in the Essential Energy employment structure and the importance of those positions to the Broken Hill community; and that the correspondence also seeks clarification on the number of local jobs that will be affected.*
3. *That they be reminded of the commitment from the government that the sale of poles and wires would not result in any loss of employees from Essential Energy operations in Broken Hill.*

Correspondence was sent as per Council's resolution, and Council has now received reply correspondence from Mr John Cleland, Chief Executive Office of Essential Energy dated 1 October 2019 (see attached).

Attachments

1. [↓](#) Correspondence from Essential Energy dated 1 October 2019

JAY NANKIVELL
ACTING GENERAL MANAGER



Ref: 20191001NL:JC

1 October 2019

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

Via e-mail: Darriea.Turley@brokenhill.nsw.gov.au

Dear Clr Turley

Essential Energy workforce reshaping

I'm writing to update you on Essential Energy's actions in response to the announcement by the Minister for Energy and Environment of the intention to issue a Direction relating to workforce reductions.

As you know, we initially proposed, and commenced consultation around planned workforce reductions of 182 roles. The NSW Government is currently working through the due processes to issue a formal Direction to Essential Energy. We are committed to implementing the Direction, when it is finalised.

We will, however, be providing redundancies for a number of employees to meet our legal obligations arising from the notices issued and representations made prior to the announcement of the Direction. There are 59 employees that have confirmed their preference to be made redundant and leave the business after being offered the opportunity to stay in their role.

We have been in ongoing consultation with Government stakeholders, and the relevant unions fully support redundancy provision in these circumstances.

Of these 59 employees, one located in Broken Hill has elected to leave Essential Energy by way of redundancy.

Meaningful employment will be provided for all remaining employees involved in the consultation process and Essential Energy will provide the NSW Government a report identifying and assessing alternative operational efficiencies.

Please let me assure you that we do appreciate the impact any job loss can have on regional communities. Our preference is always that any necessary workforce reductions are, to the greatest extent possible, achieved through natural attrition and other exits. However, we also know that electricity affordability remains a key challenge for households and businesses in NSW.

Lower energy prices across regional, rural and remote parts of the State are in the best interests of our customers. Through the five-year regulatory period to 30 June 2019, we delivered almost 40 per cent in real reductions to network charges and have committed to delivering further reductions over the next five years. These improvements in electricity affordability positively impact the communities we serve, supporting the businesses, jobs and future employment growth in your electorate.

PO Box 5730 Port Macquarie NSW 2444 | ABN 37 428 185 226
Telephone: (02) 6589 8333 | Interpreter Services 13 14 50 | essentialenergy.com.au

1 October 2019
Essential Energy workforce reshaping

Page 2 of 4

To help maintain downward pressure on electricity prices, we continually assess the most efficient way to deliver safe, reliable electricity supply. Over the next five years, we will progress a series of programs and initiatives to deliver an even better service at a lower cost and create a business capable of responding to a rapidly changing energy sector.

Yours sincerely



**John Cleland
Chief Executive Officer**

PO Box 5730 Port Macquarie NSW 2444 | ABN 37 428 185 226
Telephone: (02) 6589 8333 | Interpreter Services 13 14 50 | essentialenergy.com.au

1 October 2019
Essential Energy workforce reshaping

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Essential Energy workforce reductions – MP QUESTIONS AND ANSWERS

Tuesday 1 October

Why was Essential Energy undergoing a workforce reduction process?

As the energy industry continues to evolve, electricity affordability remains a key challenge for many of our customers. There is no question lower energy prices across regional, rural and remote NSW are in the best interests of our customers.

Through the five-year regulatory period to 30 June 2019, Essential Energy delivered a 40 per cent real reduction in network charges and we have committed to delivering further reductions over the next five years. To maintain downward pressure on electricity prices, we are continually assessing the most efficient way to deliver a safe, reliable electricity supply.

Over the next five years, Essential Energy will progress a series of programs and initiatives to deliver a better service at lower cost and create a business capable of responding to the rapid changes being experienced in the electricity sector.

As we drive efficiencies across our business, we are also ensuring that we have the right-sized workforce across our network.

Why were the workforce reductions placed on hold?

The workforce reshaping process had been undertaken in the context of minimising the impact of distribution charges on overall energy costs, as well as ensuring the business is positioned to respond to changes within the energy sector.

On 20 August 2019, the Minister for Energy and Environment announced he intended to issue a Direction to Essential Energy to place its workforce reductions process on hold and consider alternative options, whilst still delivering operational efficiencies and continuing to lower network charges for customers.

Why is Essential Energy progressing with these redundancies when the Government announced job losses were on hold?

The employees being provided redundancy were previously engaged in the consultation process before the government announced its intention to issue a Direction. They have expressed a clear preference to leave the business and Essential Energy will be meeting both its legal obligations and representations made to those employees.

The NSW Government is currently working through the due processes to issue a formal Direction to Essential Energy. We are committed to implementing the Direction, when it is finalised.

Why now?

These employees have expressed a preference to leave the business and we are required to meet our legal obligations and representations made to those employees.

How many people are going?

59 employees have expressed their preference to accept the redundancy offer and have received a termination letter. 26 of the 59 are field employees with the remainder non-field employees.

Will more employees be made redundant?

The NSW Government continues work to finalise a formal Direction to Essential Energy about its proposed workforce reductions. We are committed to implementing the Direction, when it is finalised.

Has Essential Energy received the support of the Combined Unions?

The decision to provide redundancies for the 59 employees is supported by the NSW Electrical Trades Union, Professionals Australia and United Services Union. The Combined Unions have been supportive of the approach we have taken and played a constructive role in coming to this position.

1 October 2019
Essential Energy workforce reshaping

Page 4 of 4

Does the government know?

The NSW Government is aware of Essential Energy's decision to act in the best interests of these employees.

Where are the employees located?

The 59 employees are located across Essential Energy's footprint, specifically in the following locations:

Albury	Dunedoo	Mudgee	Tweed Heads
Armidale	Gilgandra	Murwillumbah	Wagga Wagga
Ballina	Goondiwindi	Oberon	Yass
Bathurst	Grafton	Orange	Young
Bombala	Gunnedah	Port Macquarie	
Broken Hill	Kyogle	Tamworth	
Buronga	Leeton	Taree	
Dubbo	Moruya	Temora	

What support do redundant employees receive?

Employees leaving Essential Energy through redundancy receive both curriculum vitae and job searching support and access to the business's Employee Assistance Program that provides free counselling and wellbeing support for all employees and immediate family members.

ORDINARY MEETING OF THE COUNCIL

July 10, 2019

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 168/19

SUBJECT: DISCLOSURE OF INTEREST RETURNS 11/265, 11/646

Recommendation

1. That Broken Hill City Council Report No. 168/19 dated July 10, 2019, be received.
2. That Council note the submission of the required returns by Councillors and Designated Persons of Council.
3. That access to Council's Register of Returns of Disclosures by Councillors and Designated Persons be in accordance with the provisions of the *Local Government Act 1993* and other relevant legislation.

Executive Summary:

In accordance with the requirements of Section 4 of Council's Code of Conduct, returns for Disclosure by Councillors and Designated Persons are required for completion and return by September 30, 2019.

Submission of the Disclosures by Councillors and Designated Persons Returns requires formal acknowledgement by Council.

Disclosure Returns have now been received by the General Manager from all Councillors and Designated Persons required to submit a return for the period to June 30, 2019.

Report:

Clauses 4.20 to 4.27 of Council's Code of Conduct outlines the provisions for Councillors and Designated Persons for submitting Disclosure of Interest Returns. Clause (3) provides that a Councillor or Designated person holding that position at 30 June in any year must complete and lodge with the General Manager within three months after that date a return in the form prescribed by the regulations.

Designated Persons as prescribed for the purpose of the regulations includes:

- the General Manager;
- Senior Staff of Council;
- a person (other than a member of the senior staff of the Council) who is a member of staff or a delegate of Council who holds a position identified by Council as the position of a designated person because it involves the exercise of functions under the Local Government Act 1993 or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest;
- a person (other than a member of the senior staff of the Council) who is a member of a Committee of the Council identified by the Council as a Committee whose members are designated persons because the functions of the Committee involve the exercise of the Council's functions under this or any other Act (such as

regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

As per the *Local Government (General) Regulations 2005*, Designated Persons must complete the necessary Disclosure of Interest Return which declares their interest in:

- Real property
- Gifts
- Contributions to travel
- Interests and positions in corporations
- Positions in trade unions and professional or business associations
- Dispositions of real property
- Sources of income
- Debts
- Discretionary disclosures

Accordingly, Disclosure Returns have been received by the General Manager from all Councillors and Designated Persons required to submit a return for the period to June 30, 2019.

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:

Local Government (General) Regulations 2005 (Division 2).
Model Code of Conduct for Local Council in NSW 2018
Broken Hill City Council Code of Conduct Policy

Financial Implications:

Nil

Attachments

There are no attachments for this report

JAY NANKIVELL
ACTING GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

October 8, 2019

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 169/19

SUBJECT: FEEDBACK BEING SOUGHT BY THE OFFICE OF LOCAL GOVERNMENT ON THE GIFTS AND BENEFITS ANNUAL MONETARY VALUE CAP 12/137

Recommendation

1. That Broken Hill City Council Report No. 169/19 dated October 8, 2019, be received.
2. That Council re-affirms its position on the annual monetary value cap of \$50.00 for gifts and benefits accepted by all Council officials as per its Code of Conduct Policy (based on the Model Code of Conduct for Local Councils in NSW 2018) adopted 27 March 2019 ((Minute No. 46028) and its Gifts and Benefits Policy adopted 25 September 2019 (Minute No. 46080).
3. That Council provides feedback to the Office of Local Government (prior to 8 November 2019) stating that the \$50.00 cap on the value of gifts per annum for all Council Officials (as per the Model Code of Conduct and Council's adopted Code of Conduct Policy and adopted Gifts and Benefits Policy), is an appropriate amount and should not be increased.

Executive Summary:

Council has received emailed correspondence addressed to the Mayor and the General Manager from the Minister for Local Government, The Hon. Shelley Hancock MP on 20 September 2019. The correspondence refers to the new Model Code of Conduct for Local Councils in NSW 2018 (Model Code of Conduct); and advised that during the Office of Local Government's consultation period, five submissions raised concerns regarding the \$50.00 cap on the value of gifts that may be accepted by Council officials.

The Minister also advised that since the Model Code of Conduct was prescribed, she has been approached by a number of Mayors and Councillors who have raised concerns about the \$50.00 cap on the value of gifts that may be accepted by Councillors and these Mayors and Councillors have made the suggestion that the cap on the value of gifts that may be accepted by Councillors should be increased to \$500.00.

The Minister is now seeking feedback from Councils as to the appropriateness of the \$50.00 cap with feedback to be provided to the Office of Local Government by Friday, 8 November 2019.

Report:

Council adopted its Code of Conduct Policy at the March 2019 Council Meeting (Minute No. 46028) based on the Model Code of Conduct for Local Councils in NSW 2018 which sets the minimum standards of conduct for Council officials in NSW. Council Officials include

Councillors, members of staff, administrators, Council committee members, delegates of Council and Council advisers.

The Model Code of Conduct was prescribed by regulation to assist Council officials to:

- Understand and comply with minimum ethical and behavioural standards that are expected of them as Council officials
- Provide clear guidance to local communities on the minimum ethical and behavioural standards they can expect of Council officials who serve them
- Promote transparency and accountability
- Promote community confidence in the integrity of the decisions councils make and the functions they exercise on behalf of their local communities
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- Act in a way that enhances public confidence in local government.

The Code allows extension to non-Council officials i.e., volunteers, contractors and wholly advisory committees.

A review of Council's policies/strategies and processes is required following Council's adoption of the new Model Code of Conduct to ensure that they align with the new standards of conduct for Councillors, Council staff, committees, volunteers, contractors and wholly advisory committees of Council.

Council's Gifts and Benefits Policy is one of the policies that required review due to the adoption of the Code of Conduct Policy.

As per Council's resolution (Minute No. 46080) the draft reviewed Gifts and Benefits Policy was adopted at Council's Ordinary Meeting held 25 September 2019. Prior to its adoption, the draft Policy was placed on public exhibition for a period of 28 days at which time Council received nil submissions from the public.

With regards to the value of gifts and benefits the Model Code of Conduct states:

GIFTS AND BENEFITS OF TOKEN VALUE

...6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12 month period that, when aggregated, do not exceed the value of \$50.00. They include, but are not limited to:

a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50.00

b) gifts of alcohol that do not exceed a value of \$50.00

c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like

d) prizes or awards that do not exceed \$50.00 in value.

GIFTS AND BENEFITS OF MORE THAN TOKEN VALUE

6.9 Gifts or benefits that exceed \$50.00 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not

be accepted.

- 6.10 *Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50.00, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.*
- 6.11 *Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12 month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12 month period would exceed \$50.00 in value.*
- 6.12 *For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.*

It is recommended that Council re-affirms its position on the annual monetary value cap of \$50.00 for gifts and benefits accepted by all Council officials as per its Code of Conduct Policy (based on the Model Code of Conduct for Local Councils in NSW 2019) adopted 27 March 2019 ((Minute No. 46028) and its Gifts and Benefits Policy adopted 25 September 2019 (Minute No. 46080); and advises same to the Office of Local Government prior to 8 November 2019.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993, section 440

Local Government (General) Regulation 2005

Financial Implications:

Nil.

Attachments

1. [↓](#) Emailed letter from Minister for Local Government

JAY NANKIVELL
ACTING GENERAL MANAGER

Bartlett, Leisa

From: NSW Gov No Reply <noreply@minister.nsw.gov.au>
Sent: Friday, 20 September 2019 9:11 AM
To: Broken Hill City Council
Subject: Model Code of Conduct Consultation - Gifts and Benefits



The Honourable Shelley Hancock MP
Minister for Local Government

Dear Clr Turley

By now, your council will have adopted a new code of conduct based on the *Model Code of Conduct for Local Councils in NSW* (Model Code of Conduct).

As you would be aware, the new Model Code of Conduct sets for the first time a monetary threshold on the value of gifts that may be accepted by council officials. The Office of Local Government (OLG) consulted with councils and integrity agencies such as the NSW Ombudsman and the Independent Commission Against Corruption, in setting that threshold at \$50. The threshold now applies uniformly to all council officials including both councillors and council staff.

Out of the 95 submissions received in response to the consultation draft of the Model Code of Conduct, only 5 raised concerns about the \$50 cap on the value of gifts that may be accepted by council officials.

I have since been approached by a number of mayors and councillors, who have raised concerns with me about the appropriateness of the \$50 cap on the value of gifts that may be accepted by councillors. In particular, it has been suggested that the cap on the value of gifts that may be accepted by councillors should be raised to \$500.

I am interested to hear the views of other councils on this matter. In particular, I would be interested to hear councils' views on the following:

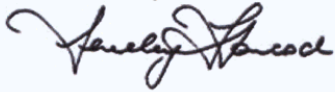
- Whether \$50 is an appropriate monetary value for the cap on the value of gifts that may be accepted by councillors.
- If the \$50 cap on the value of gifts that may be accepted by councillors is not appropriate, at what value should it be set?
- If it is suggested that the cap on the value of gifts that may be accepted should be raised, should it be raised uniformly for all council officials, or should it just be raised for councillors and the \$50 cap retained for other council officials such as council staff.
- If it is suggested that the cap on the value of gifts that may be accepted should be raised for councillors and not for other council officials such as council staff, why does your council believe that councillors should be subject to a different standard than the one that applies to other classes of council officials in relation to the acceptance of gifts.

I request that councils make a submission to the Office of Local Government (OLG) at olg@olg.nsw.gov.au by **Friday 8 November 2019**. Submissions should be marked "Gifts and Benefits Feedback" and marked to the attention of OLG's Council Governance Team.

I appreciate your council's assistance with this matter.

Should you have any questions, please do not hesitate to contact OLG's Council Governance Team on 4428 4100.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shelley Hancock', written in a cursive style.

The Hon. Shelley Hancock MP
Minister for Local Government

ORDINARY MEETING OF THE COUNCIL

November 13, 2018

BROKEN HILL CITY COUNCIL REPORT NO. 188/19

SUBJECT: PUBLIC PRESENTATION OF 2018/2019 FINANCIAL STATEMENTS

19/74**Recommendation**

1. That Broken Hill City Council Report No. 188/19 dated November 13, 2018, be received.
2. That Council adopt the financial statements and present the Annual Financial Statements inclusive of the Auditor's Reports for 2018/19 to the public.

Executive Summary:

Council has received the auditor's reports on the financial statements for the year ended 30 June 2019. At the Ordinary Council Meeting held on 28 August 2018, Council authorised for the General Manager to set the date for the Financial Statements and Auditors Reports to be presented to the public. This date has been set for 30 October 2019.

The financial statements were presented to Council's Audit, Risk & Improvement Committee on 18 October 2019 with the NSW Audit Office in attendance for questions and comments to be asked of the auditors. All Councillors were invited to attend this meeting.

Report:

Council's auditor, The Audit Office of NSW, has completed the audit of Council's financial statements for the year ended 30 June 2019. The draft financial statements were submitted to Council on 28 August 2018 for Councillors and Management to sign.

The financial statements were presented to Council's Audit, Risk & Improvement Committee on 18 October 2019 with the NSW Audit Office in attendance for questions and comments to be asked of the auditors. All Councillors were invited to attend this meeting.

Under Section 418 (1) of the *Local Government Act 1993*, Council is required to fix a date for the meeting at which it proposes to present its audited financial statements, including auditor's reports, to the public and give notice of the date of the meeting.

The date set for the public meeting is Wednesday, 30 October 2019, commencing at 6:30pm in the Council Chambers. Notification of this public meeting will be advertised in accordance with the requirements of Section 418 (1)(b) of the *Local Government Act 1993*. The public meeting will also be advertised on Council's website.

Public submissions are invited in relation to the 2018/2019 Annual Financial Statements, with the closing date of Wednesday 6 November 2019. Submissions made to Council will be reported to Council at the next available Council meeting.

The Financial Statements including the Auditors reports were submitted to the Office of Local Government (OLG) on Wednesday 23 October, 2019.

The full version of the audited Annual Financial Statements including the Auditor's Reports is attached (Attachment 1) and was available on Council's website from Wednesday 23 October 2019. Limited numbers of hard copies will be available at the meeting and others will be made available on request.

Strategic Direction:

Key Direction 4: Our Leadership
Objective 4.1: Openness and Transparency in Decision Making
Action 4.1.1 Support the organisation to operate in its legal framework

Relevant Legislation:

Local Government Act (1993)

Financial Implications:

The recommendation has no financial impact.

Attachments

1. [↓](#) Annual Financial Statements 2018-19

JAY NANKIVELL
ACTING GENERAL MANAGER

Broken Hill City Council

ANNUAL FINANCIAL STATEMENTS
for the year ended 30 June 2019

*A vibrant, prosperous and culturally rich Heritage City
shared with visitors from around the world.*



Broken Hill City Council

GENERAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2019

*A vibrant, prosperous and culturally rich Heritage City
shared with visitors from around the world.*



Broken Hill City Council

Financial Statements 2019

General Purpose Financial Statements for the year ended 30 June 2019

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Overview

Council of the City of Broken Hill is constituted under the Local Government Act 1993 (NSW) and has its principal place of business at:

240 Blende Street
Broken Hill NSW 2880

Council's guiding principles are detailed in Chapter 3 of the LGA and includes:

- principles applying to the exercise of functions generally by council,
- principles to be applied when making decisions,
- principles of community participation,
- principles of sound financial management, and
- principles for strategic planning relating to the development of an integrated planning and reporting framework.

A description of the nature of Council's operations and its principal activities are provided in Note 2(b).

Through the use of the internet, we have ensured that our reporting is timely, complete and available at minimum cost. All press releases, financial statements and other information are publicly available on our website: www.brokenhill.nsw.gov.au

Broken Hill City Council

Financial Statements 2019

General Purpose Financial Statements

for the year ended 30 June 2019

Understanding Council's Financial Statements

Introduction

Each year, individual Local Governments across NSW are required to present a set of audited financial statements to their council and community.

What you will find in the Statements

The financial statements set out the financial performance, financial position and cash flows of Council for the financial year ended 30 June 2019.

The format of the financial statements is standard across all NSW Councils and complies with both the accounting and reporting requirements of Australian Accounting Standards and requirements as set down by the Office of Local Government.

About the Councillor/Management Statement

The financial statements must be certified by senior staff as 'presenting fairly' the Council's financial results for the year and are required to be adopted by Council – ensuring both responsibility for and ownership of the financial statements.

About the Primary Financial Statements

The financial statements incorporate five "primary" financial statements:

1. The Income Statement

Summarises Council's financial performance for the year, listing all income and expenses. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

2. The Statement of Comprehensive Income

Primarily records changes in the fair value of Council's Infrastructure, property, plant and equipment.

3. The Statement of Financial Position

A 30 June snapshot of Council's financial position indicating its assets, liabilities and "net wealth".

4. The Statement of Changes in Equity

The overall change for the year (in dollars) of Council's "net wealth".

5. The Statement of Cash Flows

Indicates where Council's cash came from and where it was spent. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

About the Notes to the Financial Statements

The Notes to the Financial Statements provide greater detail and additional information on the five primary financial statements.

About the Auditor's Reports

Council's financial statements are required to be audited by the NSW Audit Office.

In NSW the auditor provides 2 audit reports:

1. an opinion on whether the financial statements present fairly the Council's financial performance and position, and
2. their observations on the conduct of the audit, including commentary on the Council's financial performance and financial position.

Who uses the Financial Statements?

The financial statements are publicly available documents and must be presented at a Council meeting between seven days and five weeks after the date of the audit report.

The public can make submissions to Council up to seven days subsequent to the public presentation of the financial statements.

Council is required to forward an audited set of financial statements to the Office of Local Government.

Broken Hill City Council

Financial Statements 2019

General Purpose Financial Statements
for the year ended 30 June 2019

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 28 August 2019.



Darriea Turley AM
Mayor
28 August 2019



Marion Browne
Councillor
28 August 2019



James Roncon
General Manager
28 August 2019



Jay Nankivell
Responsible Accounting Officer
28 August 2019

Broken Hill City Council

Financial Statements 2019

Income Statement

for the year ended 30 June 2019

Original unaudited budget 2019 \$ '000		Notes	Actual 2019 \$ '000	Actual 2018 ¹ \$ '000
Income from continuing operations				
<u>Revenue:</u>				
17,780	Rates and annual charges	3a	18,041	17,401
4,085	User charges and fees	3b	11,125	3,840
1,182	Interest and investment revenue	3c	1,548	924
550	Other revenues	3d	685	518
5,804	Grants and contributions provided for operating purposes	3e,3f	6,272	5,950
1,826	Grants and contributions provided for capital purposes	3e,3f	2,813	97
<u>Other income:</u>				
220	Net gains from the disposal of assets	5	—	29
—	Net share of interests in joint ventures and associates using the equity method	14	1,461	—
31,447	Total income from continuing operations		41,945	28,759
Expenses from continuing operations				
14,041	Employee benefits and on-costs	4a	14,235	13,748
605	Borrowing costs	4b	788	629
5,699	Materials and contracts	4c	11,575	8,550
6,902	Depreciation and amortisation	4d	6,941	7,799
4,155	Other expenses	4e	4,708	4,117
—	Net losses from the disposal of assets	5	581	—
31,402	Total expenses from continuing operations		38,828	34,843
45	Operating result from continuing operations		3,117	(6,084)
45	Net operating result for the year		3,117	(6,084)
45	Net operating result attributable to council		3,117	(6,084)
(1,781)	Net operating result for the year before grants and contributions provided for capital purposes		304	(6,181)

⁽¹⁾ The Council has not restated comparatives when initially applying AASB 9. The comparative information has been prepared under AASB 139 *Financial Instruments: Recognition and Measurement*

The above Income Statement should be read in conjunction with the accompanying notes.

Broken Hill City Council

Financial Statements 2019

Statement of Comprehensive Income
for the year ended 30 June 2019

	2019 \$ '000	2018 ¹ \$ '000
Net operating result for the year (as per Income Statement)	3,117	(6,084)
Total comprehensive income for the year	3,117	(6,084)
Total comprehensive income attributable to Council	3,117	(6,084)

⁽¹⁾ The Council has not restated comparatives when initially applying AASB 9. The comparative information has been prepared under AASB 139 *Financial Instruments: Recognition and Measurement*

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Broken Hill City Council

Financial Statements 2019

Statement of Financial Position
as at 30 June 2019

	Notes	2019 \$ '000	2018 ¹ \$ '000
ASSETS			
Current assets			
Cash and cash equivalent assets	6(a)	15,473	27,509
Investments	6(b)	9,000	1,000
Receivables	7	5,311	4,766
Inventories	8a	122	115
Other	8b	551	155
Total current assets		30,457	33,545
Non-current assets			
Receivables	7	47	75
Infrastructure, property, plant and equipment	9	218,410	213,974
Investments accounted for using the equity method	14	1,461	–
Total non-current assets		219,918	214,049
TOTAL ASSETS		250,375	247,594
LIABILITIES			
Current liabilities			
Payables	10	3,664	5,758
Income received in advance	10	129	139
Borrowings	10	570	628
Provisions	11	4,060	4,269
Total current liabilities		8,423	10,794
Non-current liabilities			
Borrowings	10	12,522	13,075
Provisions	11	8,729	6,141
Total non-current liabilities		21,251	19,216
TOTAL LIABILITIES		29,674	30,010
Net assets		220,701	217,584
EQUITY			
Accumulated surplus	12a	111,884	108,767
Revaluation reserves	12a	108,817	108,817
Council equity interest		220,701	217,584
Total equity		220,701	217,584

(1) The Council has not restated comparatives when initially applying AASB 9. The comparative information has been prepared under AASB 139 *Financial Instruments: Recognition and Measurement*

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Broken Hill City Council

Financial Statements 2019

Statement of Changes in Equity
for the year ended 30 June 2019

	2019			2018 ¹		
	Accumulated surplus \$ '000	IP&E revaluation reserve \$ '000	Total equity \$ '000	Accumulated surplus \$ '000	IP&E revaluation reserve \$ '000	Total equity \$ '000
Opening balance	108,767	108,817	217,584	114,851	108,817	223,668
Net operating result for the year	3,117	–	3,117	(6,084)	–	(6,084)
Total comprehensive income	3,117	–	3,117	(6,084)	–	(6,084)
Equity – balance at end of the reporting period	111,884	108,817	220,701	108,767	108,817	217,584

(1) The Council has not restated comparatives when initially applying AASB 9. The comparative information has been prepared under AASB 139 *Financial Instruments: Recognition and Measurement*

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Broken Hill City Council

Financial Statements 2019

Statement of Cash Flows
for the year ended 30 June 2019

Original unaudited budget 2019 \$ '000		Notes	Actual 2019 \$ '000	Actual 2018 \$ '000
Cash flows from operating activities				
	Receipts			
17,247	Rates and annual charges		17,858	17,393
3,962	User charges and fees		14,122	2,097
693	Investment and interest revenue received		1,478	888
7,401	Grants and contributions		7,695	6,047
—	Bonds, deposits and retention amounts received		—	2
533	Other		1,309	3,652
	Payments			
(13,620)	Employee benefits and on-costs		(14,490)	(13,568)
(5,528)	Materials and contracts		(13,962)	(10,689)
(605)	Borrowing costs		(602)	(530)
—	Bonds, deposits and retention amounts refunded		(28)	—
(4,030)	Other		(4,883)	(3,152)
6,053	Net cash provided (or used in) operating activities	13b	8,497	2,140
Cash flows from investing activities				
	Receipts			
—	Sale of investment securities		—	1,004
220	Sale of infrastructure, property, plant and equipment		147	196
—	Deferred debtors receipts		36	47
	Payments			
—	Purchase of investment securities		(8,000)	—
(9,214)	Purchase of infrastructure, property, plant and equipment		(12,105)	(5,071)
(8,994)	Net cash provided (or used in) investing activities		(19,922)	(3,824)
Cash flows from financing activities				
	Receipts			
—	Proceeds from borrowings and advances		—	13,400
	Payments			
(628)	Repayment of borrowings and advances		(611)	(4,007)
(628)	Net cash flow provided (used in) financing activities		(611)	9,393
(3,569)	Net increase/(decrease) in cash and cash equivalents		(12,036)	7,709
11,768	Plus: cash and cash equivalents – beginning of year	13a	27,509	19,800
8,199	Cash and cash equivalents – end of the year	13a	15,473	27,509
	Additional Information:			
—	plus: Investments on hand – end of year	6(b)	9,000	1,000
8,199	Total cash, cash equivalents and investments		24,473	28,509

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements for the year ended 30 June 2019

Note 1. Basis of preparation

These financial statements were authorised for issue by Council on 22 October 2019. Council has the power to amend and reissue these financial statements.

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993 (NSW)* and Regulations, and the Local Government Code of Accounting Practice and Financial Reporting.

Council is a not for-profit entity.

The financial statements are presented in Australian dollars and are rounded to the nearest thousand dollars.

Unless otherwise indicated, all amounts disclosed in the financial statements are actual amounts. Specific budgetary amounts have been included for comparative analysis (to actuals) in the following reports and notes:

- Income statement
- Statement of cash flows
- Material budget variations

and are clearly marked.

(a) New and amended standards adopted by Council

There have been no new (or amended) accounting standards adopted by Council in this year's financial statements which have had any material impact on reported financial position, performance or cash flows.

(b) Historical cost convention

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of certain financial assets and liabilities and certain classes of infrastructure, property, plant and equipment and investment property.

(c) Significant accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

Critical accounting estimates and assumptions

Council makes estimates and assumptions concerning the future.

The resulting accounting estimates will, by definition, seldom equal the related actual results.

The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

- (i) estimated fair values of infrastructure, property, plant and equipment
- (ii) estimated tip remediation provisions
- (iii) employee benefit provisions

Significant judgements in applying the council's accounting policies

- (i) Impairment of receivables

Council has made a significant judgement about the impairment of a number of its receivables – refer Note 7.

continued on next page ...

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements for the year ended 30 June 2019

Note 1. Basis of preparation (continued)

Monies and other assets received by Council

(a) The Consolidated Fund

In accordance with the provisions of Section 409(1) of the Local Government Act 1993 (NSW), all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

Cash and other assets of the following entities have been included as part of the Consolidated Fund:

- General purpose operations
- Waste management operations
- Civic centre operations
- Airport operations

(b) The Trust Fund

In accordance with the provisions of Section 411 of the *Local Government Act 1993 (NSW)* (as amended), a separate and distinct Trust Fund is maintained to account for all money and property received by the council in trust which must be applied only for the purposes of, or in accordance with, the trusts relating to those monies.

Trust monies and property subject to Council's control have been included in these reports.

Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities that are recoverable from, or payable to, the taxation authority are presented as operating cash flows.

New accounting standards and interpretations issued not yet effective

New accounting standards and interpretations issued but not yet effective

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2019 reporting periods (and which have not been early adopted by Council).

Council's assessment of these new standards and interpretations (where they have been deemed as having a material impact on Council's future financial performance, financial position and cash flows) are set out below:

AASB 16 Leases

AASB 16 will result (for YE 19/20 and beyond) in almost all operating leases being recognised on the balance sheet by Council (alongside existing finance leases) with the distinction between operating and finance leases removed.

Under the new standard, a financial liability (ie. a lease liability) and an asset (ie. a right to use the leased item) will be recognised for nearly all arrangements where Council commits itself to paying a rental fee for the use of a specific asset.

The only exceptions are short-term and low-value leases which are exempt from the accounting (but not disclosure) requirements of AASB 16 - Leases.

Council staff have reviewed all of Council's leasing arrangements over the last 12 months taking into consideration the new lease accounting rules in AASB 16 (applicable from 1/7/19).

AASB 16 will not (on the whole) affect Council's accounting for existing operating lease agreements that are in place as at 30/06/19.

continued on next page ...

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements for the year ended 30 June 2019

Note 1. Basis of preparation (continued)

Both these lease types and amounts will continue to be accounted for as they currently are (being expensed on a straight line basis within the income statement).

Council's activities as a lessor are not material and hence Council does not expect any significant impact on the financial statements. However, some additional disclosures will be required from next year.

AASB 15 Revenue from Contracts with Customers and associated amending standards.

AASB15 introduces a five-step process for revenue recognition, with the core principle of the new standard being for entities to recognise revenue to depict the transfer of goods or services to customers in amounts that reflect the consideration (that is, payment) to which the entity expects to be entitled in exchange for those goods or services.

Accounting policy changes will arise in the timing of revenue recognition, treatment of contracts costs and contracts which contain a financing element.

Councils should assess each revenue stream but particular impact is expected for grant income and rates which are paid before the commencement of the rating period.

The changes in revenue recognition requirements in AASB15 may cause changes to the timing and amount of revenue recorded in the financial statements as well as additional disclosures.

The implementation of AASB 15 may have some impact on the future recognition of revenues but that impact is not expected to be material for Council's financial performance, financial position or cash flows.

AASB 1058 Income of NFP Entities

AASB 1058 supersedes all the income recognition requirements relating to councils, previously in AASB 1004 Contributions.

Under AASB 1058 the future timing of income recognition will depend on whether the transaction gives rise to a liability or other performance obligation (a promise to transfer a good or service) related to an asset (such as cash or another asset) received by an entity.

AASB 1058 also applies when a council receives volunteer services or enters into other transactions in which the consideration to acquire an asset is significantly less than the fair value of the asset, and where the council's objective is principally to enable the asset to further the council's objectives.

Upon initial recognition of the asset, this standard requires council to consider whether any other financial statement elements (called 'related amounts') should be recognised in accordance with the applicable accounting standard, such as:

- (a) contributions by owners
- (b) revenue, or a contract liability arising from a contract with a customer
- (c) a lease liability
- (d) a financial instrument, or
- (e) a provision.

If the transaction is a transfer of a financial asset to enable council to acquire or construct a recognisable non-financial asset to be controlled by council (i.e. an in-substance acquisition of a non-financial asset), the council recognises a liability for the excess of the fair value of the transfer over any related amounts recognised. Council will then recognise income as it satisfies its obligations under the transfer similarly to income recognition in relation to performance obligations under AASB 15.

If the transaction does not enable council to acquire or construct a recognisable non-financial asset to be controlled by council, then any excess of the initial carrying amount of the recognised asset over the related amounts is recognised as income.

The implementation of AASB 1058 may have some impact on the future recognition of revenues but that impact is not expected to be material for Council's financial performance, financial position or cash flows.

AASB 2018-8 Amendments to Australian Accounting Standards – Right-of-Use Assets of Not-for-Profit Entities

This Standard provides a temporary option for not-for-profit entities to not apply the fair value initial measurement requirements for right-of-use assets arising under leases with significantly below market terms and conditions, principally to enable the entity to further its objectives (for example, concessionary or peppercorn leases).

continued on next page ...

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 1. Basis of preparation (continued)

The Standard requires an entity that elects to apply the option (i.e. measures a class or classes of such right-of-use assets at cost rather than fair value) to include additional disclosures in the financial statements to ensure users understand the effects on the financial position, financial performance and cash flows of the entity arising from these leases

As per a NSW Office of Local Government recommendation, Council has elected to measure right-of-use assets (under a concessionary or peppercorn lease) at cost. The standard requires additional disclosures be provided in relation to below market-value leases measured at cost.

The specific impacts of AASB 2018-8 are not expected to be material for Council' financial performance, financial position or cash flows.

Council has not applied any pronouncements before its operative date in the annual reporting period beginning 1 July 2018.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 2(a). Council functions/activities – financial information

	Income, expenses and assets have been directly attributed to the following functions or activities. Details of those functions or activities are provided in Note 2(b).									
	Income from continuing operations		Expenses from continuing operations		Operating result from continuing operations		Grants included in income from continuing operations		Total assets held (current and non-current)	
	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Functions or activities										
Our Community	2,428	1,852	8,929	15,621	(6,501)	(13,769)	1,511	1,136	196,321	194,140
Our Economy	3,019	1,384	8,401	4,540	(5,382)	(3,156)	1,983	528	9,814	9,705
Our Environment	11,360	4,498	3,688	4,373	7,672	125	485	21	5,762	5,698
Our Leadership	25,138	21,025	17,810	10,309	7,328	10,716	5,040	4,604	38,478	38,051
Total functions and activities	41,945	28,759	38,828	34,843	3,117	(6,084)	9,019	6,289	250,375	247,594

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements for the year ended 30 June 2019

Note 2(b). Council functions/activities - component descriptions

Details relating to the Council's functions/activities as reported in Note 2(a) are as follows:

Our Community

Our Community is our people and how we can work together to ensure we position ourselves to retain our sense of identity, our health, wellbeing, social inclusion and connectedness.

Our Economy

In order to reduce our reliance on the mining industry, the community identified strategies that reflect a commitment and determination to expand our thinking and adapt to remain relevant in the world as it is today. This means building on existing economic platforms, like art, culture and tourism, and building on new opportunities such as technology, renewable energies and education.

Our Environment

Our environment relates to the conservation and preservation of the natural environment and the greater reduction of the human impact on the surrounding environment to ensure a sustainable and healthy community.

Our Leadership

Community leadership is essential to ensure the goal and objectives of the Broken Hill City Council's long term plan are achieved. Our leadership is a coordinated approach to add value and ownership of the Community Strategic Plan.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 3. Income from continuing operations

	2019 \$ '000	2018 \$ '000
(a) Rates and annual charges		
Ordinary rates		
Residential	9,685	9,241
Farmland	14	21
Mining	2,153	2,255
Business	3,648	3,428
Less: pensioner rebates (mandatory)	(440)	(453)
Less: pensioner rebates (Council policy)	(16)	(17)
Less: rates levied on council properties	(77)	(74)
Rates levied to ratepayers	14,967	14,401
Pensioner rate subsidies received	212	220
Total ordinary rates	15,179	14,621
Annual charges		
(pursuant to s.496, s.496A, s.496B, s.501 & s.611)		
Domestic waste management services	2,903	2,825
Less: pensioner rebates (mandatory)	(151)	(158)
Annual charges levied	2,752	2,667
Pensioner subsidies received:		
– Domestic waste management	110	113
Total annual charges	2,862	2,780
TOTAL RATES AND ANNUAL CHARGES	18,041	17,401

Council has used 2016 year valuations provided by the NSW Valuer General in calculating its rates.

Accounting policy for rates and charges

Rates and annual charges are recognised as revenue when the Council obtains control over the assets comprising these receipts.

Pensioner rebates relate to reductions in rates and certain annual charges for eligible pensioners' place of residence in the local government council area that are not subsidised by the NSW Government.

Pensioner rate subsidies are received from the NSW Government to provide a contribution towards the pensioner rebates.

Control over assets acquired from rates and annual charges is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 3. Income from continuing operations (continued)

	2019 \$ '000	2018 \$ '000
(b) User charges and fees		
Specific user charges		
(per s.502 - specific 'actual use' charges)		
Waste management services (non-domestic)	785	691
Total specific user charges	785	691
Other user charges and fees		
(i) Fees and charges – statutory and regulatory functions (per s.608)		
Inspection services	57	50
Private works – section 67	1,059	725
Regulatory/ statutory fees	133	137
Section 10.7 certificates (EP&A Act)	73	71
Section 603 certificates	32	35
Other	1	46
Animal control	58	45
Total fees and charges – statutory/regulatory	1,413	1,109
(ii) Fees and charges – other (incl. general user charges (per s.608))		
Parking fees	71	40
Waste disposal tipping fees	412	289
Art gallery	118	57
Airport	655	588
Burial fees	222	177
Rental income	230	242
Land development	59	68
Living desert fees	188	176
Museum	31	–
Private Works - Pipeline	6,569	–
Public halls	20	19
Royalties	115	93
Swimming centre / pool	–	26
Other	28	66
Tourism and area promotion	209	199
Total fees and charges – other	8,927	2,040
TOTAL USER CHARGES AND FEES	11,125	3,840

Accounting policy for user charges and fees

User charges and fees are recognised as revenue when the service has been provided.

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 3. Income from continuing operations (continued)

	2019 \$ '000	2018 \$ '000
(c) Interest and investment revenue (including losses)		
Interest on financial assets measured at amortised cost		
– Overdue rates and annual charges (incl. special purpose rates)	155	150
– Cash and investments	1,393	770
Fair value adjustments		
– Movements in investments at fair value through profit and loss	–	4
TOTAL INTEREST AND INVESTMENT REVENUE	1,548	924
Interest revenue is attributable to:		
Unrestricted investments/financial assets:		
Overdue rates and annual charges (general fund)	155	150
General Council cash and investments	1,382	760
Restricted investments/funds – external:		
Development contributions		
– Section 7.11	11	14
Total interest and investment revenue	1,548	924

Accounting policy for interest and investment revenue

Interest income is recognised using the effective interest rate at the date that interest is earned.

Dividends are recognised as income in profit or loss unless the dividend clearly represents a recovery of part of the cost of the investment.

(d) Other revenues

Legal fees recovery – rates and charges (extra charges)	118	168
Commissions and agency fees	58	48
Diesel rebate	19	17
Insurance claims recoveries	–	33
Sales – general	139	53
Sundry income	351	199
TOTAL OTHER REVENUE	685	518

Accounting policy for other revenue

Council recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Council and specific criteria have been met for each of the Council's activities as described below. Council bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

Parking fees and fines are recognised as revenue when the service has been provided, or when the penalty has been applied, whichever occurs first.

Rental income is accounted for on a straight-line basis over the lease term.

Miscellaneous sales are recognised when physical possession has transferred to the customer which is deemed to be the point of transfer of risks and rewards.

Other revenue is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 3. Income from continuing operations (continued)

	Operating 2019 \$ '000	Operating 2018 \$ '000	Capital 2019 \$ '000	Capital 2018 \$ '000
(e) Grants				
General purpose (untied)				
Current year allocation				
Financial assistance – general component	2,171	1,965	–	–
Financial assistance – local roads component	240	251	–	–
Payment in advance - future year allocation				
Financial assistance	2,499	2,277	–	–
Total general purpose	4,910	4,493	–	–
Specific purpose				
Community centres	–	–	506	655
Economic development	–	–	430	–
Environmental programs	–	–	273	–
Heritage and cultural	82	27	–	200
Library	175	247	149	–
Library – special projects	–	–	–	(2,310)
Noxious weeds	9	87	–	–
Recreation and culture	2	–	–	89
Transport (roads to recovery)	53	28	–	–
Transport (other roads and bridges funding)	864	478	1,067	1,249
Art gallery	111	533	–	–
Parks and reserves and horticulture	–	–	388	180
Total specific purpose	1,296	1,400	2,813	63
Total grants	6,206	5,893	2,813	63
Grant revenue is attributable to:				
– Commonwealth funding	4,976	4,985	1,122	1,449
– State funding	1,230	899	1,691	924
– Other funding	–	9	–	(2,310)
	6,206	5,893	2,813	63

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 3. Income from continuing operations (continued)

	Operating 2019 \$ '000	Operating 2018 \$ '000	Capital 2019 \$ '000	Capital 2018 \$ '000
Notes				
(f) Contributions				
Other contributions:				
Cash contributions				
Heritage/cultural	2	1	–	–
Recreation and culture	37	32	–	–
Tourism	27	6	–	–
Other	–	18	–	34
Total other contributions – cash	66	57	–	34
Total other contributions	66	57	–	34
Total contributions	66	57	–	34
TOTAL GRANTS AND CONTRIBUTIONS	6,272	5,950	2,813	97

Accounting policy for grants and contributions

Control over grants and contributions is normally obtained upon their receipt (or acquittal) and is valued at the fair value of the granted or contributed asset at the date of transfer.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner, or used over a particular period, and those conditions were un-discharged at reporting date, the unused grant or contribution is disclosed below.

Council has obligations to provide facilities from contribution revenues levied on developers under the provisions of sections 7.4, 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979*.

While Council generally incorporates these amounts as part of a Development Consents Order, such developer contributions are only recognised as income upon receipt by Council, due to the possibility that individual development consents may not be acted upon by the applicant and, accordingly, would not be payable to Council.

Developer contributions may only be expended for the purposes for which the contributions were required, but the Council may apply contributions according to the priorities established in work schedules

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided at reporting date.

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 3. Income from continuing operations (continued)

	2019	2018
	\$ '000	\$ '000

(g) Unspent grants and contributions

Certain grants and contributions are obtained by Council on condition that they be spent in a specified manner:

Operating grants

Unexpended at the close of the previous reporting period	4,608	7,095
Add: operating grants recognised in the current period but not yet spent	13	4,252
Less: operating grants recognised in a previous reporting period now spent	(4,325)	(3,967)
Unexpended and held as restricted assets (operating grants)	296	7,380

Capital grants

Unexpended at the close of the previous reporting period	2,580	–
Add: capital grants recognised in the current period but not yet spent	118	–
Less: capital grants recognised in a previous reporting period now spent	(2,218)	–
Unexpended and held as restricted assets (capital grants)	480	–

Contributions

Unexpended at the close of the previous reporting period	653	447
Add: contributions recognised in the current period but not yet spent	11	14
Less: contributions recognised in a previous reporting period now spent	(192)	–
Unexpended and held as restricted assets (contributions)	472	461

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 4. Expenses from continuing operations

	2019 \$ '000	2018 \$ '000
(a) Employee benefits and on-costs		
Salaries and wages	9,395	9,121
Employee termination costs (where material – other than vested leave paid)	256	18
Travel expenses	269	219
Employee leave entitlements (ELE)	2,532	2,581
Superannuation	1,223	1,211
Workers' compensation insurance	381	410
Fringe benefit tax (FBT)	42	19
Training costs (other than salaries and wages)	295	207
Other	32	102
Total employee costs	14,425	13,888
Less: capitalised costs	(190)	(140)
TOTAL EMPLOYEE COSTS EXPENSED	14,235	13,748

Accounting policy for employee benefits and on-costs

Employee benefit expenses are recorded when the service has been provided by the employee.

Retirement benefit obligations

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

Superannuation plans

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

Council participates in a defined benefit plan under the Local Government Superannuation Scheme, however, sufficient information to account for the plan as a defined benefit is not available and therefore Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable – refer to Note 16 for more information.

	Notes	2019 \$ '000	2018 \$ '000
(b) Borrowing costs			
(i) Interest bearing liability costs			
Interest on loans		602	629
Total interest bearing liability costs expensed		602	629
(ii) Other borrowing costs			
Discount adjustments relating to movements in provisions (other than ELE)			
– Remediation liabilities	11	186	–
Total other borrowing costs		186	–
TOTAL BORROWING COSTS EXPENSED		788	629

Accounting policy for borrowing costs

Borrowing costs incurred for the construction of any qualifying asset are capitalised during the period of time that is required to complete and prepare the asset for its intended use or sale. Other borrowing costs are expensed.

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements for the year ended 30 June 2019

Note 4. Expenses from continuing operations (continued)

	2019 \$ '000	2018 \$ '000
(c) Materials and contracts		
Raw materials and consumables	2,511	2,324
Contractor and consultancy costs	3,768	3,303
Auditors remuneration ²	57	66
Legal expenses:		
– Legal expenses: debt recovery	8	174
– Legal expenses: other	5,192	2,647
Operating leases:		
– Operating lease rentals: minimum lease payments ¹	39	36
Total materials and contracts	11,575	8,550
TOTAL MATERIALS AND CONTRACTS	11,575	8,550

Accounting policy for operating leases

Leases in which a significant portion of the risks and rewards of ownership are not transferred to Council as lessee are classified as operating leases. Payments made under operating leases (net of any incentives received from the lessor) are charged to the income statement on a straight-line basis over the period of the lease.

1. Operating lease payments are attributable to:

Information technology	39	36
	39	36

2. Auditor remuneration

During the year, the following fees were incurred for services provided by the auditor of Council, related practices and non-related audit firms

Auditors of the Council - NSW Auditor-General:

(i) Audit and other assurance services

Audit and review of financial statements	57	66
Remuneration for audit and other assurance services	57	66
Total Auditor-General remuneration	57	66
Total Auditor remuneration	57	66

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 4. Expenses from continuing operations (continued)

	2019 \$ '000	2018 \$ '000
(d) Depreciation, amortisation and impairment of intangible assets and IPP&E		
Depreciation and amortisation		
Plant and equipment	496	451
Office equipment	13	13
Furniture and fittings	161	74
Infrastructure:		
– Buildings – non-specialised	1,874	2,247
– Buildings – specialised	83	127
– Other structures	501	574
– Roads	2,955	3,391
– Footpaths	160	331
– Stormwater drainage	126	186
– Swimming pools	249	189
– Other open space/recreational assets	294	185
Other assets:		
– Other	–	2
Reinstatement, rehabilitation and restoration assets:		
– Tip assets	29	29
Total gross depreciation and amortisation costs	6,941	7,799
Total depreciation and amortisation costs	6,941	7,799
TOTAL DEPRECIATION, AMORTISATION AND IMPAIRMENT / REVALUATION DECREMENT FOR INTANGIBLES AND IPP&E	6,941	7,799

Accounting policy for depreciation, amortisation and impairment expenses of intangibles and IPP&E**Depreciation and amortisation**

Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives. Useful lives are included in Note 9 for IPPE asset.

Impairment of non-financial assets

Council assets held at fair value that are not held primarily for their ability to generate net cash flow, and that are deemed to be specialised, are no longer required to be tested for impairment under AASB 136. This is because these assets are assessed on an annual basis to ensure that the carrying amount is not materially different from fair value and therefore an impairment loss would be captured during this assessment.

Other assets that do not meet the criteria above are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at each reporting date.

Impairment losses for revalued assets are firstly offset against the amount in the revaluation surplus for the class of asset, with only the excess to be recognised in the Income Statement.

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 4. Expenses from continuing operations (continued)

	2019 \$ '000	2018 \$ '000
(e) Other expenses		
Advertising	68	82
Bad and doubtful debts	76	51
Bank charges	61	70
Contributions/levies to other levels of government	497	509
Councillor expenses – mayoral fee	39	48
Councillor expenses – councillors' fees	175	165
Donations, contributions and assistance to other organisations (Section 356)	331	241
Electricity and heating	605	540
Insurance	477	412
Investment fees	5	7
Internet access	224	97
Licenses and permits	12	–
Motor vehicles	63	–
Postage	67	59
Printing and stationery	99	100
Promotion	77	40
Street lighting	565	472
Subscriptions and publications	168	155
Telephone and communications	92	110
Water charges and consumption	703	767
Other	304	192
Total other expenses	4,708	4,117
TOTAL OTHER EXPENSES	4,708	4,117

Accounting policy for other expenses

Other expenses are recorded on an accruals basis as the Council receives the goods or services.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 5. Gains or losses from the disposal, replacement and de-recognition of assets

	Notes	2019 \$ '000	2018 \$ '000
Property (excl. investment property)			
Proceeds from disposal – property		10	–
Less: carrying amount of property assets sold/written off		(25)	–
Net gain/(loss) on disposal		(15)	–
Plant and equipment	9		
Proceeds from disposal – plant and equipment		–	196
Less: carrying amount of plant and equipment assets sold/written off		–	(167)
Net gain/(loss) on disposal		–	29
Infrastructure	9		
Proceeds from disposal – infrastructure		137	–
Less: carrying amount of infrastructure assets sold/written off		(703)	–
Net gain/(loss) on disposal		(566)	–
NET GAIN/(LOSS) ON DISPOSAL OF ASSETS		(581)	29

Accounting policy for disposal of assets

Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the Income Statement.

The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is de-recognised.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 6(a). Cash and cash equivalent assets

	2019 \$ '000	2018 \$ '000
Cash and cash equivalents		
Cash on hand and at bank	1,237	5,260
Cash-equivalent assets		
– Managed funds	6,962	7,607
– Short-term deposits	7,274	14,642
Total cash and cash equivalents	15,473	27,509

Accounting policy for cash and cash equivalents

For Statement of Cash Flow presentation purposes, cash and cash equivalents include: cash on hand; deposits held at call with financial institutions; other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value; and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the Statement of Financial Position.

Note 6(b). Investments

	2019 Current \$ '000	2019 Non-current \$ '000	2018 Current \$ '000	2018 Non-current \$ '000
Investments				
'Financial assets at amortised cost' / 'held to maturity' (2018)	9,000	–	1,000	–
Total Investments	9,000	–	1,000	–
TOTAL CASH ASSETS, CASH EQUIVALENTS AND INVESTMENTS	24,473	–	28,509	–
Financial assets at amortised cost / held to maturity (2018)				
Long term deposits	9,000	–	1,000	–
Total	9,000	–	1,000	–

Accounting policy for investments**Accounting policy under AASB 9 – applicable from 1 July 2018**

Financial instruments are recognised initially on the date that the Council becomes party to the contractual provisions of the instrument.

On initial recognition, all financial instruments are measured at fair value plus transaction costs (except for instruments measured at fair value through profit or loss where transaction costs are expensed as incurred).

Financial assets

All recognised financial assets are subsequently measured in their entirety at either amortised cost or fair value, depending on the classification of the financial assets.

Classification

On initial recognition, Council classifies its financial assets into the following categories – those measured at:

- amortised cost
- fair value through profit and loss (FVTPL)
- fair value through other comprehensive income – equity instrument (FVOCI-equity)

Financial assets are not reclassified subsequent to their initial recognition.

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Broken Hill City Council

Financial Statements 2019

**Notes to the Financial Statements
for the year ended 30 June 2019**

Note 6(b). Investments (continued)

Amortised cost

Assets measured at amortised cost are financial assets where:

- the business model is to hold assets to collect contractual cash flows, and
- the contractual terms give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

Council's financial assets measured at amortised cost comprise trade and other receivables and cash and cash equivalents in the Statement of Financial Position.

Subsequent to initial recognition, these assets are carried at amortised cost using the effective interest rate method less provision for impairment.

Interest income, impairment and gains or loss on de-recognition are recognised in profit or loss.

Financial assets through profit or loss

All financial assets not classified as measured at amortised cost or fair value through other comprehensive income as described above are measured at fair value through profit or loss.

Net gains or losses, including any interest or dividend income, are recognised in profit or loss.

Council's financial assets measured at fair value through profit or loss comprise investments in FRNs and NCDs in the Statement of Financial Position.

Accounting policy under AASB 139 – applicable for 2018 comparatives only

Classification

Council classifies its financial assets in the following categories: financial assets at fair value through profit or loss; loans and receivables; held-to-maturity investments; and available-for-sale financial assets. The classification depends on the purpose for which the investments were acquired. Management determines the classification of its investments at initial recognition and, in the case of assets classified as held-to-maturity, re-evaluates this designation at each reporting date.

Held to maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that Council's management has the positive intention and ability to hold to maturity. Assets in this category are measured at amortised cost.

Recognition and de-recognition

Regular purchases and sales of financial assets are recognised on trade-date: the date on which Council commits to purchase or sell the asset. Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss. Financial assets carried at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the income statement. Investments are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and Council has transferred substantially all the risks and rewards of ownership.

When securities classified as available-for-sale are sold, the accumulated fair value adjustments recognised in equity are included in the Income Statement as gains and losses from investment securities.

Impairment of financial assets

Council assesses at the end of each reporting period whether there is objective evidence that a financial asset or group of financial assets is impaired. A financial asset or a group of financial assets is impaired and impairment losses are incurred only if there is objective evidence of impairment as a result of one or more events that occurred after the initial recognition of the asset (a 'loss event') and that loss event (or events) has an impact on the estimated future cash flows of the financial asset or group of financial assets that can be reliably estimated.

Impairment of available for sale investments

In the case of equity investments classified as available-for-sale, a significant or prolonged decline in the fair value of the security below its cost is considered an indicator that the assets are impaired.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 6(c). Restricted cash, cash equivalents and investments – details

	2019 Current \$ '000	2019 Non-current \$ '000	2018 Current \$ '000	2018 Non-current \$ '000
Total cash, cash equivalents and investments	24,473	–	28,509	–
attributable to:				
External restrictions	4,806	–	13,395	–
Internal restrictions	12,754	–	13,786	–
Unrestricted	6,913	–	1,328	–
	24,473	–	28,509	–

	2019 \$ '000	2018 \$ '000
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Details of restrictions

External restrictions – included in liabilities

Bonds reserve	–	45
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External restrictions – included in liabilities	–	45
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External restrictions – other

Developer contributions – general	472	461
Specific purpose unexpended grants	776	7,380
Domestic waste management	2,935	4,986
Royalties	623	523

External restrictions – other	4,806	13,350
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Total external restrictions	4,806	13,395
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Internal restrictions

Infrastructure replacement	–	21
Employees leave entitlement	851	893
Security bonds, deposits and retentions	46	74
Plant purchase reserve	971	971
Other (innovation reserve)	1,000	1,000
Other (infrastructure replacement)	9,120	10,000
Other (regional aquatic centre reserve)	103	103
Other	663	724

Total internal restrictions	12,754	13,786
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TOTAL RESTRICTIONS	17,560	27,181
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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 7. Receivables

	2019 Current \$ '000	2019 Non-current \$ '000	2018 Current \$ '000	2018 Non-current \$ '000
Purpose				
Rates and annual charges	2,218	–	2,031	–
Grant Debtors	1,479	–	–	–
Interest and extra charges	556	–	524	–
User charges and fees	288	–	2,168	–
Accrued revenues				
– Interest on investments	68	–	30	–
– Other income accruals	436	–	70	–
GST receivable	589	–	208	–
Deferred debtors	61	47	69	75
Total	5,695	47	5,100	75
Less: provision of impairment				
Rates and annual charges	(194)	–	(190)	–
User charges and fees	(190)	–	(144)	–
Total provision for impairment – receivables	(384)	–	(334)	–
TOTAL NET RECEIVABLES	5,311	47	4,766	75
 Unrestricted receivables	 5,311	 47	 4,766	 75
TOTAL NET RECEIVABLES	5,311	47	4,766	75

	2019 \$ '000	2018 \$ '000
Movement in provision for impairment of receivables		
Balance at the beginning of the year (calculated in accordance with AASB 139)	334	290
+ new provisions recognised during the year	50	44
Balance at the end of the period	384	334

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 7. Receivables (continued)

Accounting policy for receivables

Recognition and measurement

Receivables are included in current assets, except for those with maturities greater than 12 months after the reporting date which are classified as non-current assets.

Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days.

Cash flows relating to short-term receivables are not discounted if the effect of discounting is immaterial.

Impairment

Accounting policy under AASB 9 applicable from 1 July 2018

Impairment of financial assets measured at amortised cost is recognised on an expected credit loss (ECL) basis.

When determining whether the credit risk of a financial asset has increased significantly since initial recognition, and when estimating ECL, the Council considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis based on Council's historical experience and informed credit assessment, and including forward-looking information.

When considering the ECL for rates debtors, Council takes into account that unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold. For non-rates debtors, Council uses the presumption that an asset which is more than 30 days past due has seen a significant increase in credit risk.

The Council uses the presentation that a financial asset is in default when:

- the other party is unlikely to pay its credit obligations to the Council in full, without recourse by the Council to actions such as realising security (if any is held) or
- the financial assets (for non-rates debtors) are more than 90 days past due.

Credit losses are measured as the present value of the difference between the cash flows due to the entity in accordance with the contract, and the cash flows expected to be received. This is applied using a probability weighted approach.

On initial recognition of the asset, an estimate of the expected credit losses for the next 12 months is recognised. Where the asset has experienced significant increase in credit risk then the lifetime losses are estimated and recognised.

There has been no change in the estimation techniques or significant assumptions made during the current reporting period.

The Council writes off a trade receivable when there is information indicating that the debtor is in severe financial difficulty and there is no realistic prospect of recovery, e.g. when the debtor has been placed under liquidation or has entered into bankruptcy proceedings, or when the receivables are over 3 years past due, whichever occurs first.

Where the Council renegotiates the terms of receivables due from certain customers, the new expected cash flows are discounted at the original effective interest rate and any resulting difference to the carrying value is recognised in profit or loss.

Accounting policy under AASB 139 – applicable for 2018 comparatives only

For loans and receivables, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows (excluding future credit losses that have not been incurred) discounted at the financial asset's original effective interest rate. The carrying amount of the asset is reduced and the amount of the loss is recognised in profit or loss.

Collectability of receivables is reviewed on an ongoing basis. Debts that are known to be uncollectable are written off by reducing the carrying amount directly. An allowance account (provision for impairment of receivables) is used when there is objective evidence that the Council will not be able to collect all amounts due according to the original terms of the receivables. Significant financial difficulties of the debtor, probability that the debtor will enter bankruptcy or financial reorganisation, and default or delinquency in payments (more than 30 days overdue) are considered indicators that the receivable is impaired. When a receivable for which an impairment allowance had been recognised becomes uncollectable in a subsequent period, it is written off against the allowance account. Subsequent recoveries of amounts previously written off are credited against other expenses in the Income Statement.

Rates and annual charges outstanding are secured against the property.

Broken Hill City Council

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Notes to the Financial Statements
for the year ended 30 June 2019

Note 8. Inventories and other assets

	2019 Current \$ '000	2019 Non-current \$ '000	2018 Current \$ '000	2018 Non-current \$ '000
(a) Inventories				
(i) Inventories at cost				
Trading stock	122	—	115	—
Total inventories at cost	122	—	115	—
TOTAL INVENTORIES	122	—	115	—

(b) Other assets

Prepayments	551	—	155	—
TOTAL OTHER ASSETS	551	—	155	—

	2019 Current \$ '000	2019 Non-current \$ '000	2018 Current \$ '000	2018 Non-current \$ '000
Total externally restricted assets	—	—	—	—
Total internally restricted assets	—	—	—	—
Total unrestricted assets	673	—	270	—
TOTAL INVENTORIES AND OTHER ASSETS	673	—	270	—

Accounting policy for inventories and other assets

Raw materials and stores, work in progress and finished goods

Raw materials and stores, work in progress and finished goods are stated at the lower of cost and net realisable value. Costs are assigned to individual items of inventory on the basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Inventory held for distribution

Inventory held for distribution is held at cost, adjusted where applicable for any loss of service potential.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 9. Infrastructure, property, plant and equipment

	as at 30/6/2018		Asset movements during the reporting period								as at 30/6/2019	
	Gross carrying amount \$ '000	Accumulated depreciation \$ '000	Net carrying amount \$ '000	Additions renewals ¹ \$ '000	Additions new assets \$ '000	Carrying value of disposals \$ '000	Depreciation expense \$ '000	WIP transfers \$ '000	Adjustments and transfers \$ '000	Gross carrying amount \$ '000	Accumulated depreciation \$ '000	Net carrying amount \$ '000
Capital work in progress	8,287	-	8,287	1,412	1,878	(325)	-	(7,262)	-	3,990	-	3,990
Plant and equipment	10,673	(6,967)	3,706	686	281	-	(496)	62	-	11,701	(7,462)	4,239
Office equipment	1,286	(1,275)	11	317	3	-	(13)	3	-	1,609	(1,288)	321
Furniture and fittings	1,387	(1,185)	202	351	726	-	(161)	-	-	2,464	(1,346)	1,118
Land:												
- Operational land	3,437	-	3,437	-	-	(25)	-	3	(45)	3,370	-	3,370
- Community land	3,499	-	3,499	-	-	-	-	-	(977)	2,522	-	2,522
- Crown Land	-	-	-	-	-	-	-	-	1,022	1,022	-	1,022
Infrastructure:												
- Buildings - non-specialised	97,995	(60,458)	37,537	122	55	(349)	(1,874)	7,047	-	103,641	(61,105)	42,536
- Buildings - specialised	7,901	(5,311)	2,590	29	-	-	(83)	29	-	7,953	(5,388)	2,565
- Other structures	14,005	(10,265)	3,740	181	-	(15)	(501)	12	-	14,133	(10,716)	3,417
- Roads	194,065	(89,756)	104,309	2,327	207	-	(2,955)	7	-	196,604	(92,709)	103,895
- Footpaths	12,817	(6,135)	6,682	-	-	-	(160)	-	-	12,817	(6,295)	6,522
- Stormwater drainage	13,510	(5,291)	8,219	-	-	-	(126)	8	-	13,518	(5,417)	8,101
- Swimming pools	17,834	(3,795)	14,039	93	2	-	(249)	-	-	17,930	(4,045)	13,885
- Other open space/recreational assets	4,594	(1,883)	2,711	1,008	29	(14)	(294)	91	-	5,709	(2,178)	3,531
Other assets:												
- Library books	352	(352)	-	-	-	-	-	-	-	352	(352)	-
- Art	9,756	(49)	9,707	-	-	-	-	-	-	9,756	(49)	9,707
- Other	278	(227)	51	-	-	-	-	-	-	278	(227)	51
Reinstatement, rehabilitation and restoration assets (refer Note 11):												
- Tip assets	9,571	(4,324)	5,247	2,400	-	-	(29)	-	-	12,423	(4,805)	7,618
Total infrastructure, property, plant and equipment	411,247	(197,273)	213,974	8,926	3,181	(728)	(6,941)	-	-	421,792	(203,382)	218,410

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 9. Infrastructure, property, plant and equipment (continued)

	as at 30/6/2017		Asset movements during the reporting period							as at 30/6/2018	
	Gross carrying amount \$ '000	Accumulated depreciation \$ '000	Net carrying amount \$ '000	Additions renewals ⁽¹⁾ \$ '000	Additions new assets \$ '000	Carrying value of disposals \$ '000	Depreciation expense \$ '000	Adjustments and transfers \$ '000	Gross carrying amount \$ '000	Accumulated depreciation \$ '000	Net carrying amount \$ '000
Capital work in progress	6,871	-	6,871	1,416	-	-	-	-	8,287	-	8,287
Plant and equipment	11,189	(7,187)	4,002	-	322	(167)	(451)	-	10,673	(6,967)	3,706
Office equipment	1,286	(1,262)	24	-	-	-	(13)	-	1,286	(1,275)	11
Furniture and fittings	1,387	(1,111)	276	-	-	-	(74)	-	1,387	(1,185)	202
Land:											
- Operational land	3,436	-	3,436	-	-	-	-	-	3,437	-	3,437
- Community land	3,499	-	3,499	-	-	-	-	-	3,499	-	3,499
Infrastructure:											
- Buildings - non-specialised	97,958	(58,211)	39,747	-	37	-	(2,247)	-	97,995	(60,458)	37,537
- Buildings - specialised	7,901	(5,184)	2,717	-	-	-	(127)	-	7,901	(5,311)	2,590
- Other structures	14,005	(9,690)	4,315	-	-	-	(574)	-	14,005	(10,265)	3,740
- Roads	192,228	(86,365)	105,863	1,304	534	-	(3,391)	-	194,065	(99,756)	104,309
- Footpaths	12,817	(5,804)	7,013	-	-	-	(331)	-	12,817	(6,135)	6,682
- Stormwater drainage	13,510	(5,104)	8,406	-	-	-	(186)	-	13,510	(5,291)	8,219
- Swimming pools	17,759	(3,606)	14,153	38	36	-	(189)	-	17,834	(3,795)	14,039
- Other open space/recreational assets	2,759	(1,689)	1,060	52	1,783	-	(185)	-	4,594	(1,883)	2,711
Other assets:											
- Library books	352	(352)	-	-	-	-	-	-	352	(352)	-
- Art	9,756	(49)	9,707	-	-	-	(2)	-	9,756	(227)	9,529
- Other	278	(225)	53	-	-	-	-	-	278	(49)	229
Reinstatement, rehabilitation and restoration assets (refer Note 11):											
- Tip assets	10,022	(4,295)	5,727	-	-	-	(29)	(451)	9,571	(4,324)	5,247
Total Infrastructure, property, plant and equipment	407,013	(190,144)	216,869	2,810	2,712	(167)	(7,799)	(451)	411,247	(197,273)	213,974

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 9. Infrastructure, property, plant and equipment (continued)

Accounting policy for infrastructure, property, plant and equipment

Infrastructure, property, plant and equipment are held at fair value. Independent comprehensive valuations are performed at least every five years, however the carrying amount of assets is assessed by Council at each reporting date to confirm that it is not materially different from current fair value.

Increases in the carrying amounts arising on revaluation are credited to the revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the Income Statement during the financial period in which they are incurred.

When infrastructure, property, plant and equipment are acquired by Council for nil or nominal consideration, the assets are initially recognised at their fair value at acquisition date.

Land is not depreciated. The property, plant and equipment acquired under finance leases is depreciated over the asset's useful life or over the shorter of the asset's useful life and the lease term if there is no reasonable certainty that the Council will obtain ownership at the end of the lease term. Depreciation on other assets is calculated using the straight-line method to allocate their cost, net of their residual values, over their estimated useful lives as follows:

Plant and equipment	Years	Other equipment	Years
Office equipment	5 to 10	Playground equipment	5 to 15
Office furniture	10 to 20	Benches, seats etc.	10 to 20
Computer equipment	4		
Vehicles	5 to 8	Buildings	
Heavy plant/road making equipment	5 to 8	Buildings: masonry	50 to 100
Other plant and equipment	5 to 15	Buildings: other	20 to 40
Transportation assets		Other infrastructure assets	
Sealed roads: surface	20 to 35	Bulk earthworks	20
Sealed roads: structure	50	Swimming pools	50
Unsealed roads	25	Unsealed roads	20
Bridge: concrete	100	Other open space/recreational assets	20
Bridge: other	50	Other infrastructure	20
Road pavements	80		
Kerb, gutter and footpaths	80		
Stormwater assets			
Drains	80 to 100		
Culverts	50 to 80		
Flood control structures	80 to 100		

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date.

Land under roads

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

Council has elected not to recognise land under roads acquired before 1 July 2008 in accordance with AASB 1051 Land Under Roads.

Land under roads acquired after 1 July 2008 is recognised in accordance with AASB 116 Property, Plant and Equipment.

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 9. Infrastructure, property, plant and equipment (continued)

Crown reserves

Crown reserves under Council's care and control are recognised as assets of the Council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated.

Improvements on Crown reserves are also recorded as assets, while maintenance costs incurred by Council and revenues relating to the reserves are recognised within Council's Income Statement.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 10. Payables and borrowings

	2019 Current \$ '000	2019 Non-current \$ '000	2018 Current \$ '000	2018 Non-current \$ '000
Payables				
Goods and services – operating expenditure	2,768	–	2,645	–
Accrued expenses:				
– Borrowings	103	–	103	–
– Salaries and wages	205	–	214	–
– Other expenditure accruals	542	–	249	–
Security bonds, deposits and retentions	46	–	74	–
Bonds	–	–	45	–
Unexpended grant payable	–	–	2,310	–
User Charges and Fees	–	–	118	–
Total payables	3,664	–	5,758	–
Income received in advance				
Payments received in advance	129	–	139	–
Total income received in advance	129	–	139	–
Borrowings				
Loans – secured ⁽¹⁾	570	12,522	628	13,075
Total borrowings	570	12,522	628	13,075
TOTAL PAYABLES AND BORROWINGS	4,363	12,522	6,525	13,075

(1) Loans are secured over the general rating income of Council.

Disclosures on liability interest rate risk exposures, fair value disclosures and security can be found in Note 17.

	2019 Current \$ '000	2019 Non-current \$ '000	2018 Current \$ '000	2018 Non-current \$ '000
(a) Payables and borrowings relating to restricted assets				
Externally restricted assets				
Bonds	–	–	45	–
Payables and borrowings relating to externally restricted assets	–	–	45	–
Total payables and borrowings relating to restricted assets	–	–	45	–
Total payables and borrowings relating to unrestricted assets	4,363	12,522	6,480	13,075
TOTAL PAYABLES AND BORROWINGS	4,363	12,522	6,525	13,075

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 10. Payables and borrowings (continued)

(b) Changes in liabilities arising from financing activities

	as at 30/6/2018					as at 30/6/2019
	Opening Balance \$ '000	Cash flows \$ '000	Non-cash acquisitions \$ '000	Non-cash fair value changes \$ '000	Other non-cash movements \$ '000	Closing balance \$ '000
Loans – secured	13,703	(611)	–	–	–	13,092
TOTAL	13,703	(611)	–	–	–	13,092

	as at 30/6/2017					as at 30/6/2018
	Opening Balance \$ '000	Cash flows \$ '000	Non-cash acquisitions \$ '000	Non-cash fair value changes \$ '000	Other non-cash movements \$ '000	Closing balance \$ '000
Loans – secured	4,310	9,393	–	–	–	13,703
TOTAL	4,310	9,393	–	–	–	13,703

	2019 \$ '000	2018 \$ '000
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(c) Financing arrangements

(i) Unrestricted access was available at balance date to the following lines of credit:

Credit cards/purchase cards	90	86
Loans – secured	12,861	13,760
Total financing arrangements	12,951	13,846

Drawn facilities as at balance date:

– Credit cards/purchase cards	35	32
– Loans – secured	12,861	13,703
Total drawn financing arrangements	12,896	13,735

Undrawn facilities as at balance date:

– Credit cards/purchase cards	55	54
– Lease facilities	–	57
Total undrawn financing arrangements	55	111

Accounting policy for payables and borrowings

Council measures all financial liabilities initially at fair value less transaction costs, subsequently financial liabilities are measured at amortised cost using the effective interest rate method.

The financial liabilities of the Council comprise trade payables, bank and other loans and finance lease liabilities.

Payables

These amounts represent liabilities for goods and services provided to the council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 10. Payables and borrowings (continued)

Borrowings

Borrowings are initially recognised at fair value, net of transaction costs incurred. Borrowings are subsequently measured at amortised cost. Any difference between the proceeds (net of transaction costs) and the redemption amount is recognised in the Income Statement over the period of the borrowings using the effective-interest method. Fees paid on the establishment of loan facilities are recognised as transaction costs of the loan to the extent that it is probable that some or all of the facility will be drawn down. In this case, the fee is deferred until the drawdown occurs. To the extent that there is no evidence that it is probable that some or all of the facility will be drawn down, the fee is capitalised as a prepayment for liquidity services and amortised over the period of the facility to which it relates.

Borrowings are removed from the Statement of Financial Position when the obligation specified in the contract is discharged, cancelled or expired. The difference between the carrying amount of a financial liability that has been extinguished or transferred to another party and the consideration paid, including any non-cash assets transferred or liabilities assumed, is recognised in other income or finance cost.

Borrowings are classified as current liabilities unless Council has an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

Note 11. Provisions

	2019 Current \$ '000	2019 Non-current \$ '000	2018 Current \$ '000	2018 Non-current \$ '000
Provisions				
Employee benefits				
Annual leave	1,411	–	1,363	–
Sick leave	133	–	151	–
Long service leave	2,516	197	2,755	196
Sub-total – aggregate employee benefits	4,060	197	4,269	196
Asset remediation/restoration:				
Asset remediation/restoration (future works)	–	8,532	–	5,945
Sub-total – asset remediation/restoration	–	8,532	–	5,945
TOTAL PROVISIONS	4,060	8,729	4,269	6,141

(a) Provisions relating to restricted assets

Total provisions relating to restricted assets	–	–	–	–
Total provisions relating to unrestricted assets	4,060	8,729	4,269	6,141
TOTAL PROVISIONS	4,060	8,729	4,269	6,141

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 11. Provisions (continued)

	2019 \$ '000	2018 \$ '000
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(b) Current provisions not anticipated to be settled within the next twelve months

The following provisions, even though classified as current, are not expected to be settled in the next 12 months.

Provisions – employees benefits	2,448	514
	<u>2,448</u>	<u>514</u>

(c) Description of and movements in provisions

	Other provisions		
	Project refurbis- hment litigation (c) \$ '000	Asset remediation \$ '000	Total \$ '000
2019			
At beginning of year	–	5,945	5,945
Additional provisions	–	2,401	2,401
Unwinding of discount	–	186	186
Total other provisions at end of period	–	<u>8,532</u>	<u>8,532</u>
2018			
At beginning of year	807	6,396	7,203
– Revised life	–	(451)	(451)
Amounts reversed	(807)	–	(807)
Total other provisions at end of period	–	<u>5,945</u>	<u>5,945</u>

Nature and purpose of non-employee benefit provisions

Asset remediation

Council has a legal/public obligation to make, restore, rehabilitate and reinstate the council tip and quarry.

Accounting policy for provisions

Provisions are recognised when Council has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expense.

Employee benefits

Short-term obligations

Liabilities for wages and salaries (including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service) are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid

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Broken Hill City Council

Financial Statements 2019

**Notes to the Financial Statements
for the year ended 30 June 2019**

Note 11. Provisions (continued)

when the liabilities are settled. The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

Other long-term employee benefit obligations

The liability for long-service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

On-costs

The employee benefit provisions include the aggregate on-cost liabilities that will arise when payment of current employee benefits is made in future periods.

These amounts include superannuation, payroll tax and workers compensation expenses which will be payable upon the future payment of certain leave liabilities which employees are entitled to at the reporting period.

The obligations are presented as current liabilities in the Statement of Financial Position if the Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur.

Provisions for close-down and restoration, and environmental clean-up costs – tips and quarries

Restoration

Close-down and restoration costs include the dismantling and demolition of infrastructure, and the removal of residual materials and remediation of disturbed areas. Estimated close-down and restoration costs are provided for in the accounting period when the obligation arising from the related disturbance occurs, whether this occurs during the development or during the operation phase, based on the net present value of estimated future costs.

Provisions for close-down and restoration costs do not include any additional obligations which are expected to arise from future disturbance. The costs are estimated on the basis of a closure plan. The cost estimates are calculated annually during the life of the operation to reflect known developments, e.g. updated cost estimates and revisions to the estimated lives of operations, and are subject to formal review at regular intervals.

Rehabilitation

Where rehabilitation is conducted systematically over the life of the operation, rather than at the time of closure, provision is made for the estimated outstanding continuous rehabilitation work at each reporting date, and the cost is charged to the Income Statement.

Provision is made for the estimated present value of the costs of environmental clean-up obligations outstanding at the reporting date. These costs are charged to the Income Statement. Movements in the environmental clean-up provisions are presented as an operating cost, except for the unwinding of the discount which is shown as a borrowing cost.

Remediation procedures generally commence soon after the time the damage, remediation process, and estimated remediation costs become known, but may continue for many years depending on the nature of the disturbance and the remediation techniques.

As noted above, the ultimate cost of environmental remediation is uncertain and cost estimates can vary in response to many factors, including changes to the relevant legal requirements, the emergence of new restoration techniques, or experience at other locations. The expected timing of expenditure can also change, for example in response to changes in quarry reserves or production rates. As a result, there could be significant adjustments to the provision for close down and restoration and environmental clean-up, which would affect future financial results.

Other movements in the provisions for close-down and restoration costs, including those resulting from new disturbance, updated cost estimates, changes to the estimated lives of operations, and revisions to discount rates, are capitalised within property, plant and equipment. These costs are then depreciated over the lives of the assets to which they relate.

Close-down and restoration costs are a normal consequence of tip and quarry operations, and the majority of close-down and restoration expenditure is incurred at the end of the life of the operations. Although the ultimate cost to be incurred is uncertain,

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 11. Provisions (continued)

Council estimates the respective costs based on feasibility and engineering studies using current restoration standards and techniques.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 12. Accumulated surplus, revaluation reserves, changes in accounting policies,
changes in accounting estimates and errors

(a) Nature and purpose of reserves

Infrastructure, property, plant and equipment revaluation reserve

The infrastructure, property, plant and equipment revaluation reserve is used to record increments / decrements of non-current asset values due to their revaluation.

(b) Voluntary changes in accounting policies

Nature of changes in accounting policies

Council made no changes in any accounting policies during the reporting period.

(c) Changes in accounting estimates

Nature and effect of changes in accounting estimates on current year

Council made no changes in accounting estimates during the year.

Note 13. Statement of cash flows - additional information

	Notes	2019 \$ '000	2018 \$ '000
(a) Reconciliation of cash assets			
Total cash and cash equivalent assets	6(a)	15,473	27,509
Balance as per the Statement of Cash Flows		15,473	27,509
(b) Reconciliation of net operating result to cash provided from operating activities			
Net operating result from Income Statement		3,117	(6,084)
Adjust for non-cash items:			
Depreciation and amortisation		6,941	7,799
Net losses/(gains) on disposal of assets		581	(29)
Losses/(gains) recognised on fair value re-measurements through the P&L:			
– Investments classified as 'at fair value' or 'held for trading'		–	(4)
Unwinding of discount rates on reinstatement provisions		186	–
Share of net (profits)/losses of associates/joint ventures using the equity method		(1,461)	–
+/- Movement in operating assets and liabilities and other cash items:			
Decrease/(increase) in receivables		(603)	(1,862)
Increase/(decrease) in provision for impairment of receivables		50	44
Decrease/(increase) in inventories		(7)	(31)
Decrease/(increase) in other current assets		(396)	74
Increase/(decrease) in payables		123	960
Increase/(decrease) in accrued interest payable		–	99
Increase/(decrease) in other accrued expenses payable		284	(282)
Increase/(decrease) in other liabilities		(2,511)	2,531
Increase/(decrease) in provision for employee benefits		(208)	183
Increase/(decrease) in other provisions		2,401	(1,258)
Net cash provided from/(used in) operating activities from the Statement of Cash Flows		8,497	2,140

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 14. Interests in other entities

	Council's share of net income		Council's share of net assets	
	2019	2018	2019	2018
	\$ '000	\$ '000	\$ '000	\$ '000
Joint arrangements	1,461	—	1,461	—
Total	1,461	—	1,461	—

Joint arrangements

(i) Joint arrangements

The following information is provided for joint arrangements that are individually material to the Council. Included are the total amounts as per the joint venture financial statements, adjusted for fair-value adjustments at acquisition date and differences in accounting policies, rather than the Council's share.

Council is a member of the Far South West Joint Organisation (FSWJO) which includes Balranald Shire Council, Central Darling Shire Council, and Wentworth Shire Council. Details of Council's membership and participation are as follows:

Legal status of Joint Organisation

The Far West Joint Organisation is a body corporate proclaimed under the Local Government Act 1993 (the Act) with the legal capacity and powers of an individual.

While the principal functions of the joint organisation are provided for in the Act and through this Charter, powers are also conferred on the joint organisation as a statutory corporation under section 50 of the Interpretation Act 1987. Other functions may be conferred on a joint organisation by legislation and may be delegated to a joint organisation by one or more member councils.

The FSWJO has the same year end date as the Council.

What the Joint Organisation does

The principal functions of Far West Joint Organisation will be to:

- Establish strategic regional priorities for the joint organisation area and develop strategies and plans for delivering these priorities
- Provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities
- Identify and take up opportunities for intergovernmental cooperation on matters relating to the joint organisation area.

Joint Organisation participants

The percentage ownership interest held is equivalent to the percentage voting rights for all associates as follows: FSWJO comprises the Councils of the Shires of Central Darling, Wentworth, Balranald and the City of Broken Hill. The Board of the FSWJO comprises 4 voting members being the Mayors of the four member Councils, and non voting members being the General Managers of four member councils, as well as 2 appointed members from the State Government and Cabinet (non-voting). Mark A Forbes is appointed as the Executive Officer of the Board (non-voting).

Council's powers of control or influence over the Joint Organisation

Broken Hill City Council, as a member of the FSWJO, has a one quarter voting right in respect to the decisions of the Board.

Council's financial obligations to the Joint Organisation

In accordance with the Charter of the FSWJO the annual financial contribution required to be made by each Associate Member is to be based on a methodology adopted by the Board. The contribution made by Broken Hill City Council in 2018/2019 was nil.

Council's liability obligations in relation to the Joint Organisation

Members of the FSWJO are indemnified from liability for functions and duties carried out or omitted honestly, in good faith and with due care and diligence.

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Financial Statements 2019

Notes to the Financial Statements for the year ended 30 June 2019

Note 14. Interests in other entities (continued)

Liability for operational losses or winding up of the FSWJO

The FSWJO has engaged an Executive Officer on a standard Local Government employment contract. A provision has been provided for ELE and funding from the initial start-up of the FSWJO.

There are no liability issues identified for Council in the short to medium term.

(d) Summarised financial information for joint organisations

	Far Southwest Joint Organisation	
	2019	2018
	\$ '000	\$ '000
Statement of financial position		
Current assets		
Cash and cash equivalents	6,369	—
Other current assets	1	—
Non-current assets	41	—
Current liabilities		
Other current liabilities	567	—
Net assets	<u>5,844</u>	<u>—</u>
Reconciliation of the carrying amount		
Profit/(loss) for the period	5,844	—
Closing net assets	<u>5,844</u>	<u>—</u>
Council's share of net assets (%)	25.0%	0.0%
Council's share of net assets (\$)	1,461	—
Share of income – Council (%)	25.0%	0.0%
Profit/(loss) – Council (\$)	1,461	—
Total comprehensive income – Council (\$)	1,461	—
Summarised Statement of cash flows		
Cash flows from operating activities	6,418	—
Cash flows from investing activities	(49)	—
Net increase (decrease) in cash and cash equivalents	<u>6,369</u>	<u>—</u>

Accounting policy for joint arrangements

The council has determined that it has only joint operations

Joint operations:

In relation to its joint operations, where the Council has the rights to the individual assets and obligations arising from the arrangement, the Council has recognised:

- its assets, including its share of any assets held jointly
- its liabilities, including its share of any liabilities incurred jointly
- its share of the revenue from the sale of the output by the joint operation
- its expenses, including its share of any expenses incurred jointly.

These figures are incorporated into the relevant line item in the primary statements.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 15. Commitments

	2019	2018
	\$ '000	\$ '000

Capital commitments (exclusive of GST)

Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:

Property, plant and equipment

Infrastructure	4,808	3,176
Plant and equipment	130	578
Total commitments	4,938	3,754

These expenditures are payable as follows:

Within the next year	4,938	3,754
Total payable	4,938	3,754

Sources for funding of capital commitments:

Internally restricted reserves	4,938	3,754
Total sources of funding	4,938	3,754

Broken Hill City Council

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Notes to the Financial Statements
for the year ended 30 June 2019

Note 16. Contingencies and other assets/liabilities not recognised

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge and disclosure is considered relevant to the users of Council's financial report.

LIABILITIES NOT RECOGNISED**1. Guarantees****(i) Defined benefit superannuation contribution plans**

Council is party to an Industry Defined Benefit Plan under the Local Government Superannuation Scheme, named The Local Government Superannuation Scheme – Pool B (the Scheme) which is a defined benefit plan that has been deemed to be a 'multi-employer fund' for purposes of AASB119 Employee Benefits for the following reasons:

- Assets are not segregated within the sub-group according to the employees of each sponsoring employer.
- The contribution rates have been the same for all sponsoring employers. That is, contribution rates have not varied for each sponsoring employer according to the experience relating to the employees of that sponsoring employer.
- Benefits for employees of all sponsoring employers are determined according to the same formulae and without regard to the sponsoring employer.
- The same actuarial assumptions are currently used in respect of the employees of each sponsoring employer.

Given the factors above, each sponsoring employer is exposed to the actuarial risks associated with current and former employees of other sponsoring employers, and hence shares in the associated gains and losses (to the extent that they are not borne by members).

Description of the funding arrangements.

Pooled employers are required to pay standard employer contributions and additional lump sum contributions to the fund.

The standard employer contributions were determined using the new entrant rate method under which a contribution rate sufficient to fund the total benefits over the working life-time of a typical new entrant is calculated. The current standard employer contribution rates are:

Division B	1.9 times employee contributions
Division C	2.5% salaries
Division D	1.64 times employee contributions

The additional lump sum contribution for each Pooled Employer is a share of the total additional contributions of \$40 million per annum from 1 July 2017 for 4 years to 30 June 2021, apportioned according to each employer's share of the accrued liabilities as at 30 June 2019. These additional lump sum contributions are used to fund the deficit of assets to accrued liabilities as at 30 June 2019.

The adequacy of contributions is assessed at each triennial actuarial investigation and monitored annually between triennials.

Description of the extent to which Council can be liable to the plan for other Council's obligations under the terms and conditions of the multi-employer plan

As stated above, each sponsoring employer (Council) is exposed to the actuarial risks associated with current and former employees of other sponsoring employers and hence shares in the associated gains and losses.

However, there is no relief under the Fund's trust deed for employers to walk away from their defined benefit obligations. Under limited circumstances, an employer may withdraw from the plan when there are no active members, on full payment of outstanding additional contributions. There is no provision for allocation of any surplus which may be present at the date of withdrawal of the Council.

There are no specific provisions under the Fund's trust deed dealing with deficits or surplus on wind-up.

The amount of Council employer contributions to the defined benefit section of the Local Government Superannuation Scheme and recognised as an expense for the year ending 30 June 2019 was \$ 206,694.56. The last valuation of the Scheme was performed by the Actuary, Mr Richard Boyfield, FIAA on 31/12/2018, and covers the period ended 30 June 2018.

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Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 16. Contingencies and other assets/liabilities not recognised (continued)

Council's expected contribution to the plan for the next annual reporting period is \$187,626.48

The estimated employer reserves financial position for the Pooled Employers at 30 June 2019 is:

Employer reserves only *	\$millions	Asset Coverage
Assets	1,798.74	
Past Service Liabilities	1,784.2	100.8
Vested Benefits	1,792.0	100.4%

* excluding member accounts and reserves in both assets and liabilities.

Council's share of that deficiency cannot be accurately calculated as the Scheme is a mutual arrangement where assets and liabilities are pooled together for all member councils. For this reason, no liability for the deficiency has been recognised in Council's accounts. Council has a possible obligation that may arise should the Scheme require immediate payment to correct the deficiency.

The key economic long term assumptions used to calculate the present value of accrued benefits are:

Investment return	5.75% per annum
Salary inflation *	3.5% per annum
Increase in CPI	2.5% per annum

* Plus promotional increases

The contribution requirements may vary from the current rates if the overall sub-group experience is not in line with the actuarial assumptions in determining the funding program; however, any adjustment to the funding program would be the same for all sponsoring employers in the Pooled Employers group.

(ii) StateCover Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW local government industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

(iii) Other guarantees

Council has provided no other guarantees other than those listed above.

2. Other liabilities**(i) Third party claims**

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services.

Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

(ii) Potential land acquisitions due to planning restrictions imposed by Council

Council has classified a number of privately owned land parcels as local open space or bushland.

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Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 16. Contingencies and other assets/liabilities not recognised (continued)

As a result, where notified in writing by the various owners, Council will be required to purchase these land parcels.

At reporting date, reliable estimates as to the value of any potential liability (and subsequent land asset) from such potential acquisitions has not been possible.

ASSETS NOT RECOGNISED

(i) Land under roads

As permitted under AASB 1051, Council has elected not to bring to account land under roads that it owned or controlled up to and including 30/6/08.

(ii) Infringement notices/fines

Fines and penalty income, the result of Council issuing infringement notices is followed up and collected by the Infringement Processing Bureau.

Council's revenue recognition policy for such income is to account for it as revenue on receipt.

Accordingly, at year end, there is a potential asset due to Council representing issued but unpaid infringement notices.

Due to the limited information available on the status, value and duration of outstanding notices, Council is unable to determine the value of outstanding income.

(iii) Refurbishment Project litigation

Litigation is ongoing for a compensation claim against the party (parties) involved with a refurbishment project. The Council are of the opinion that the compensation claim will be successful. The amount is not yet quantifiable.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 17. Financial risk management

Risk management

Council's activities expose it to a variety of financial risks including (1) price risk, (2) credit risk, (3) liquidity risk and (4) interest rate risk.

The Council's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Council.

Council does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by Council's finance section under policies approved by the Council.

A comparison by category of the carrying amounts and fair values of Council's financial assets and financial liabilities recognised in the financial statements is presented below.

	Carrying value 2019 \$ '000	Carrying value 2018 \$ '000	Fair value 2019 \$ '000	Fair value 2018 \$ '000
Financial assets				
Measured at amortised cost				
Cash and cash equivalents	15,473	27,509	15,473	27,509
Receivables	5,358	4,841	5,388	4,841
Investments				
– 'Financial assets at amortised cost' / 'held to maturity' (2018)	9,000	1,000	9,000	1,000
Total financial assets	29,831	33,350	29,861	33,350
Financial liabilities				
Payables	3,664	5,758	3,664	5,758
Loans/advances	13,092	13,703	13,092	13,703
Total financial liabilities	16,756	19,461	16,756	19,461

Fair value is determined as follows:

- **Cash and cash equivalents, receivables, payables** – are estimated to be the carrying value that approximates market value.
- **Borrowings and held-to-maturity investments** – are based upon estimated future cash flows discounted by the current mkt interest rates applicable to assets and liabilities with similar risk profiles, unless quoted market prices are available.
- Financial assets classified (i) 'at fair value through profit and loss' or (ii) 'available-for-sale' – are based upon quoted market prices (in active markets for identical investments) at the reporting date or independent valuation.

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital.

Council's finance area manages the cash and Investments portfolio with the assistance of independent advisors.

Council has an investment policy which complies with the Local Government Act 1993 and Minister's investment order 625. This policy is regularly reviewed by Council and its staff and an investment report is tabled before Council on a monthly basis setting out the portfolio breakup and its performance as required by Local Government regulations.

The risks associated with the instruments held are:

- **Price risk** – the risk that the capital value of Investments may fluctuate due to changes in market prices, whether there changes are caused by factors specific to individual financial instruments or their issuers or are caused by factors affecting similar instruments traded in a market.
- **Interest rate risk** – the risk that movements in interest rates could affect returns and income.

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Notes to the Financial Statements

for the year ended 30 June 2019

Note 17. Financial risk management (continued)

- **Liquidity risk** – the risk that Council will not be able to pay its debts as and when they fall due.
- **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

Council also seeks advice from independent advisers before placing any funds in cash equivalents and investments.

(a) Market risk – price risk and interest rate risk

The impact on result for the year and equity of a reasonably possible movement in the price of investments held and interest rates is shown below. The reasonably possible movements were determined based on historical movements and economic conditions in place at the reporting date.

	Increase of values/rates		Decrease of values/rates	
	Profit \$ '000	Equity \$ '000	Profit \$ '000	Equity \$ '000
2019				
Possible impact of a 1% movement in interest rates	53	53	(53)	(53)
2018				
Possible impact of a 1% movement in interest rates	25	25	(25)	(25)

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Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 17. Financial risk management (continued)

(b) Credit risk

Council's major receivables comprise (i) rates and annual charges and (ii) user charges and fees.

Council manages the credit risk associated with these receivables by monitoring outstanding debt and employing stringent debt recovery procedures. Council also encourages ratepayers to pay their rates by the due date through incentives.

The credit risk for liquid funds and other short-term financial assets is considered negligible, since the counterparties are reputable banks with high quality external credit ratings.

There are no significant concentrations of credit risk, whether through exposure to individual customers, specific industry sectors and/or regions.

The level of outstanding receivables is reported to Council monthly and benchmarks are set and monitored for acceptable collection performance.

Council makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors.

There are no material receivables that have been subjected to a re-negotiation of repayment terms.

Credit risk profile

Receivables – rates and annual charges

Credit risk on rates and annual charges is minimised by the ability of Council to secure a charge over the land relating to the debts – that is, the land can be sold to recover the debt. Council is also able to charge interest on overdue rates and annual charges at higher than market rates which further encourages the payment of debt.

	Not yet overdue \$ '000	< 1 year overdue \$ '000	1 - 2 years overdue \$ '000	2 - 5 years overdue \$ '000	> 5 years overdue \$ '000	Total \$ '000
2019						
Gross carrying amount	–	269	255	408	1,286	2,218
2018						
Gross carrying amount	1	84	206	514	1,226	2,031

Receivables - non-rates and annual charges

Council applies the simplified approach for non-rates and annual charges debtors to provide for expected credit losses prescribed by AASB 9, which permits the use of the lifetime expected loss provision. To measure the expected credit losses, non-rates and annual charges debtors have been grouped based on shared credit risk characteristics and the days past due.

The loss allowance provision as at 30 June 2019 is determined as follows. The expected credit losses incorporate forward-looking information.

	Not yet overdue \$ '000	0 - 30 days overdue \$ '000	31 - 60 days overdue \$ '000	61 - 90 days overdue \$ '000	> 91 days overdue \$ '000	Total \$ '000
2019						
Gross carrying amount	2,652	601	37	10	224	3,524
Expected loss rate (%)	0.00%	0.00%	0.00%	0.00%	85.00%	5.40%
ECL provision	–	–	–	–	190	190
2018						
Gross carrying amount	2,960	114	18	(92)	144	3,144
Expected loss rate (%)	0.00%	0.00%	0.00%	0.00%	100.00%	4.58%
ECL provision	–	–	–	–	144	144

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Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 17. Financial risk management (continued)

(c) Liquidity risk

Payables and borrowings are both subject to liquidity risk – the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels and maintaining an adequate cash buffer.

Payment terms can (in extenuating circumstances) also be extended and overdraft facilities utilised as required.

Borrowings are also subject to interest rate risk – the risk that movements in interest rates could adversely affect funding costs and debt servicing requirements. Council manages this risk through diversification of borrowing types, maturities and interest rate structures. The finance team regularly reviews interest rate movements to determine if it would be advantageous to refinance or renegotiate part or all of the loan portfolio.

The timing of cash flows presented in the table below to settle financial liabilities reflects the earliest contractual settlement dates. The timing of expected outflows is not expected to be materially different from contracted cashflows.

The amounts disclosed in the table are the undiscounted contracted cash flows and therefore the balances in the table may not equal the balances in the statement of financial position due to the effect of discounting.

	Weighted average interest rate %	Subject to no maturity \$ '000	≤ 1 Year \$ '000	payable in: 1 - 5 Years \$ '000	> 5 Years \$ '000	Total cash outflows \$ '000	Actual carrying values \$ '000
2019							
Trade/other payables	0.00%	46	3,618	–	–	3,664	3,664
Loans and advances	4.49%	–	1,189	4,147	13,960	19,296	13,092
Total financial liabilities		46	4,807	4,147	13,960	22,960	16,756
2018							
Trade/other payables	0.00%	74	5,684	–	–	5,758	5,758
Loans and advances	4.20%	–	1,234	4,298	14,973	20,505	13,703
Total financial liabilities		74	6,918	4,298	14,973	26,263	19,461

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 18. Material budget variations

Council's original financial budget for 18/19 was adopted by the Council on 27/06/2018 and is unaudited.

While the Income Statement included in this General Purpose Financial Statements must disclose the original budget adopted by Council, the Local Government Act 1993 requires Council to review its financial budget on a quarterly basis, so that it is able to manage the various variations between actuals versus budget that invariably occur throughout the year.

This note sets out the details of **material variations** between Council's original budget and its actual results for the year as per the Income Statement – even though such variations may have been adjusted for during each quarterly budget review.

Material variations represent those variances between the original budget figure and the actual result that amount to **10%** or more.

Variation Key: **F** = Favourable budget variation, **U** = Unfavourable budget variation.

\$ '000	2019 Budget	2019 Actual	2019 ----- Variance -----	
REVENUES				
Rates and annual charges	17,780	18,041	261	1% F
Additional revenue from waste charges applied to the Wentworth to Broken hill pipeline project..				
User charges and fees	4,085	11,125	7,040	172% F
Additional revenue received from private work performed for the Wentworth to Broken Hill pipeline project.				
Interest and investment revenue	1,182	1,548	366	31% F
This variance is due to the recovery of funds from the Lehman Brothers class action that was not included in the budget.				
Other revenues	550	685	135	25% F
Revenue from reimbursement of expenses incurred in assisting the Wentworth to Broken Hill pipeline project and redemption of deposits and bonds relating to activities no longer carried out by Council that were not included in the original budget.				
Operating grants and contributions	5,804	6,272	468	8% F
Capital grants and contributions	1,826	2,813	987	54% F
Additional grants applied for during the year that were not originally anticipated at budget preparation time. \$900,000 for drought funding road works is an example of this.				
Net gains from disposal of assets	220	–	(220)	100% U
Several asset replacements budgeted for 2018/19 were deferred to future years reducing anticipated gains on disposal.				
Joint ventures and associates – net profits	–	1,461	1,461	∞ F
Joint organisation funding amount was unknown at the time of budget preparation.				

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 18. Material budget variations

\$ '000	2019 Budget	2019 Actual	2019 ----- Variance -----	
EXPENSES				
Employee benefits and on-costs	14,041	14,235	(194)	(1)% U
Borrowing costs	605	788	(183)	(30)% U
Movement in the environmental clean up provision for tip remediation which was not included in the original budget.				
Materials and contracts	5,699	11,575	(5,876)	(103)% U
Additional expenditure incurred in private works contracts not anticipated in the original budget which correlated with additional income attributed to user fees and charges. Additional unexpected expenditure on building maintenance. Additional unexpected expenditure on legal fees attributable to the Civic Centre litigation and associated matters.				
Depreciation and amortisation	6,902	6,941	(39)	(1)% U
Other expenses	4,155	4,708	(553)	(13)% U
Variance is due to higher than anticipated expenditure on utilities.				
Net losses from disposal of assets	—	581	(581)	∞ U
STATEMENT OF CASH FLOWS				
Net cash provided from (used in) operating activities	6,053	8,497	2,444	40% F
This variance is due to the additional revenue from waste charges partly offset by additional expenditure on materials and contracts and other expenses noted above.				
Net cash provided from (used in) investing activities	(8,994)	(19,922)	(10,928)	122% U
An additional \$3m of capital expenditure was incurred due to capital work adjustments throughout the year and carry over works as well as \$8m of cash recalssified to investments due to the terms of maturity.				
Net cash provided from (used in) financing activities	(628)	(611)	17	(3)% F

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 19. Fair Value Measurement

The Council measures the following asset and liability classes at fair value on a recurring basis:

– Infrastructure, property, plant and equipment

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

(1) Assets and liabilities that have been measured and recognised at fair values

2019	Notes	Fair value measurement hierarchy				Total
		Date of latest valuation	Level 1 Quoted prices in active mkts	Level 2 Significant observable inputs	Level 3 Significant unobservable inputs	
Infrastructure, property, plant and equipment	9					
Operational land		30/06/17	–	875	2,495	3,370
Community land		30/06/17	–	–	2,522	2,522
Crown land		30/06/17	–	–	1,022	1,022
Buildings – non-specialised		30/06/17	–	–	42,536	42,536
Buildings – specialised		30/06/17	–	–	2,565	2,565
Other structures		30/06/17	–	–	3,417	3,417
Roads		30/06/17	–	–	103,895	103,895
Footpaths		30/06/17	–	–	6,522	6,522
Stormwater drainage		30/06/17	–	–	8,101	8,101
Swimming pools		30/06/17	–	–	13,885	13,885
Open spaces and other recreation		30/06/17	–	–	3,531	3,531
Art		30/06/17	–	2,852	6,855	9,707
Other		30/06/17	–	–	51	51
Tip remediation		30/06/17	–	–	7,618	7,618
Total infrastructure, property, plant and equipment			–	3,727	205,015	208,742

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Notes to the Financial Statements
for the year ended 30 June 2019

Note 19. Fair Value Measurement (continued)

2018	Notes	Fair value measurement hierarchy			Total	
		Date of latest valuation	Level 1 Quoted prices in active mkt	Level 2 Significant observable inputs		Level 3 Significant unobservable inputs
Infrastructure, property, plant and equipment	9					
Operational land			–	875	2,562	3,437
Community land			–	–	3,499	3,499
Buildings – non-specialised			–	–	37,537	37,537
Buildings – specialised			–	–	2,590	2,590
Other structures			–	–	3,740	3,740
Roads			–	–	104,309	104,309
Footpaths			–	–	6,682	6,682
Stormwater drainage			–	–	8,219	8,219
Swimming pools			–	–	14,039	14,039
Open spaces and other recreation			–	–	2,711	2,711
Art			–	2,852	6,855	9,707
Other			–	–	51	51
Tip remediation			–	–	5,247	5,247
Total infrastructure, property, plant and equipment			–	3,727	198,041	201,768

Note that capital WIP is not included above since it is carried at cost.

(2) Valuation techniques used to derive level 2 and level 3 fair values

Where Council is unable to derive fair valuations using quoted market prices of identical assets (ie. level 1 inputs) Council instead utilises a spread of both observable inputs (level 2 inputs) and unobservable inputs (level 3 inputs).

The fair valuation techniques Council has employed while utilising level 2 and level 3 inputs are as follows:

Financial assets

Council has invested in financial assets including term deposits.

Council values these assets at fair value based on valuations provided at the end of each month and year end that are prepared by external industry experts in the finance field.

Although there are markets for these financial assets, they have been deemed by Council to be inactive and as such these assets have been classified as level 3. Valuation techniques remained the same for the reporting period.

Infrastructure, property, plant and equipment (IPP&E)

Community land

Assets within the "Community Land" class are:

- Council owned land and
- Care Control Management land [Crown] of which Council derives current and future economic benefits arising from the use of the land asset.

Council's community land is valued on the Unimproved Capital Value (UCV), provided by the Valuer General.

Currently all Council assets in this asset class are based on UCV, however, should Council have an asset in future for which an UCV is not provided, the replacement cost will be used. Replacement cost will be based on average unit rates for similar properties, land use, dimensions, land size and shape, which are not considered observable based on market evidence, therefore, placing the whole asset class in Level 3. Valuation techniques remained the same for this reporting period.

Operational land

Council's operational land includes all of Council's land classified as operational land under Local Government Act 1993. Australian Valuation Solutions (AVS) revalued all Operational Land as at 30 June 2017.

Council's operational land is valued using a modelled market based valuation process.

The majority of land is subject to directly observable comparable local market evidence, hence these assets are considered level 2. However there is land that is not subject to directly observable local market evidence as well as, if Council obtains an

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 19. Fair Value Measurement (continued)

asset in the future for which this valuation process is not available, the replacement cost will be used. Replacement cost will be based on average unit rates for similar properties, land use, dimensions, land size and shape, which are not considered observable based on market evidence, therefore, placing these assets in Level 3. Valuation techniques remained the same for this reporting period.

Stormwater drainage

The Stormwater Drainage asset class consists of Council's pits and Culverts. AVS completed the valuation of these assets using replacement cost approach and the last valuation was completed in June 2017.

Replacement costs (unit rates) and useful lives for Stormwater Drainage assets were determined through professional judgement on behalf of Australis, which incorporated standard unit rates applied to the dimensions of the asset and considered environmental factors based on asset location. Other significant inputs considered in the valuation of these assets are asset condition, remaining useful life, and residual value.

This asset class is categorised as Level 3 as some of the above-mentioned inputs used in the valuation of these assets require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Other structure

Council's other structure assets comprise of fences, flagpoles, monuments and the like.

Council engaged Australian Valuation Solutions (AVS) to value all buildings, structures and shelters in 2017.

The valuation methodology adopted was based on current replacement cost of the asset.

Replacement costs (unit rate) and useful lives of Council's other structure assets were determined using technical knowledge from council staff (engineers and asset management) and external valuers. Other significant inputs considered in the valuation of these assets are condition rating, remaining useful life, pattern of consumption, dimensions, components and residual value.

This asset class is categorised as Level 3 as some of the above-mentioned inputs used in the valuation of these assets require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Buildings – non specialised and specialised

Council engaged AVS to value all buildings and shelters in 2017. The valuation methodology adopted was based on current replacement cost of the asset.

The valuation aspects are generally, but not limited to the location, size, condition, style and utility of the asset. Replacement cost, asset condition, remaining useful life and building components are some of the inputs used in fair value determination. Since most of these inputs require judgement and are unobservable, the asset class has been classified as Level 3. Valuation techniques remained the same for this reporting period.

Roads

Council's roads are componentised into the pavement, surface and formation and further separated into segments for inspection and valuation. The revaluation of road assets is undertaken annually.

The valuation, which is completed by AVS, was completed in June 2017.

The current replacement cost approach was adopted to value Council roads. The replacement costs (based on unit rates), useful lives and conditions were determined by technical information provided by Council's asset planners and professional judgement on behalf of Australis.

Some of the other significant inputs considered in the valuation of these assets are remaining useful life, dimensions, components, residual value and type of road.

This asset class is categorised as Level 3 as some of the above-mentioned inputs used in the valuation of these assets require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Footpaths

Council's footpath register consists of all pedestrian walkways and cycleways within the Council area.

AVS completed the valuation of the Footpath assets annually and the last valuation was in June 2017.

Replacement costs (unit rates) and useful lives of Council's footpaths were determined using technical knowledge Australis's professional judgement. Some of the other significant inputs considered in the valuation of these assets are remaining useful life, dimensions, components and residual value.

This asset class is categorised as Level 3 as some of the above-mentioned inputs used in the valuation of these assets require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Open space / recreational assets

Council's recreational facilities includes assets within our sports fields and park locations. This includes but is not limited to, playing courts, playgrounds, and cricket nets. Australian Valuation Solutions (AVS) was engaged in 2017 for the valuation of

continued on next page ...

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements for the year ended 30 June 2019

Note 19. Fair Value Measurement (continued)

these assets. Replacement costs (unit rates) and useful lives of Council's recreational facilities were determined using technical knowledge from Council staff (engineers and asset management) and AVS's professional judgement. Some of the other significant inputs considered in the valuation of these assets are remaining useful life, pattern of consumption, dimensions, components and residual value.

This asset class is categorised as Level 3 as some of the above-mentioned inputs used in the valuation of these assets require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Swimming pool

The swimming pool includes all assets located within the facility.

AVS valued the building components of the swimming pool in June 2017 as part of the building revaluation and other substantial components of the pool are valued using replacement cost method. Replacement costs were determined using square metre rates and other significant inputs considered in the valuation of these assets are asset condition, remaining useful life, components, dimensions and residual value.

This asset class is categorised as Level 3 as some of the above-mentioned inputs used in the valuation of these assets require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Plant and equipment, office equipment, and furniture and fittings

This asset category includes:

Plant & Equipment – Motor vehicles, trucks, mowers, buses, earthmoving equipment

Office Equipment – Computer equipment

Furniture & Fittings – Chairs, desks, cabinets, display systems

These assets are valued at cost in Council's books and reported at Fair value in the notes due to the nature of the items. The cost of these assets are based on current invoices and contracts, which are based on observable inputs, however the remaining useful life and residual value is based on internal factors which are unobservable in the market therefore placing these assets in Level 3. Valuation techniques remained the same for this reporting period.

Library books and other assets

This asset category comprises of assets such as library books, journals, magazines, Cd's and Dvd's.

The library books are reported at Fair value in the notes however, due to the nature of these items they are valued at cost. There are no major variances between the fair value and carrying amount of these assets. The cost of these assets are based on current invoices and contracts, which are based on observable inputs, however the remaining useful life and residual value is based on internal factors which are unobservable in the market making it a Level 3 asset. Valuation techniques remain the same for this reporting period.

Artwork

Council engaged Australian Valuation Solutions (AVS) to value all artwork in 2016.

This information was updated into Council's asset register.

The valuation was completed using the replacement cost approach and market value in accordance with AASB 116.

The replacement value for artworks was determined by the price at which the items could be purchased from a reputable dealer, gallery or retail outlet.

Where the fair value of an asset could not be determined by sale on the open market, a depreciable replacement cost has been adopted. Other significant inputs considered in the valuation are the condition of the asset, pattern of consumption and remaining useful life. This asset class is categorised as Level 2 & 3 as some of the above mentioned inputs used in the valuation of these assets require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Tip remediation

Council operates a landfilling operation as well as a range of waste services, including recycled and reclaimed products. It has been recognised that there will be significant costs associated with the closure and post closure management of the landfill site. Closure of the landfill will involve a wide range of activities including preparation of a Landfill Closure and Management Plan, final capping of the landfill waste and site re-vegetation, decommissioning and removing infrastructure and equipment that will not be required post-closure, and fencing sensitive infrastructure.

The key unobservable inputs are the discount rate, cost escalation rate, actual timing of costs and future environmental management requirements. Geolyse Pty Ltd. were engaged in the 2018 financial year to perform a valuation of the estimated cost for the Tip Remediation based on current data and TIP consumption as at 30 June 2018.

continued on next page ...

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 19. Fair Value Measurement (continued)

(3) Fair value measurements using significant unobservable inputs (level 3)

a. The following tables present the changes in level 3 fair value asset classes.

	Crown Land \$ '000	Operational Land \$ '000	Community Land \$ '000	Buildings non- specialised \$ '000	Building specialised \$ '000
2018					
Opening balance	—	3,437	3,499	39,747	2,716
Purchases (GBV)	—	—	—	37	—
Disposals (WDV)	—	—	—	(2,247)	—
Depreciation and impairment	—	—	—	—	(126)
Closing balance	—	3,437	3,499	37,537	2,590
2019					
Opening balance	—	3,437	3,499	37,537	2,590
Transfers from/(to) another asset class	1,022	(45)	(977)	—	—
Purchases (GBV)	—	3	—	7,222	58
Disposals (WDV)	—	(25)	—	(349)	—
Depreciation and impairment	—	—	—	(1,874)	(83)
Closing balance	1,022	3,370	2,522	42,536	2,565

	Other structures \$ '000	Roads \$ '000	Footpaths \$ '000	Stormwater drainage \$ '000	Swimming pools \$ '000
2018					
Opening balance	4,315	105,863	7,012	8,405	14,153
Purchases (GBV)	—	1,838	—	—	74
Depreciation and impairment	(575)	(3,392)	(330)	(186)	(188)
Closing balance	3,740	104,309	6,682	8,219	14,039
2019					
Opening balance	3,740	104,309	6,682	8,219	14,039
Purchases (GBV)	193	2,541	—	8	95
Disposals (WDV)	(15)	—	—	—	—
Depreciation and impairment	(501)	(2,955)	(160)	(126)	(249)
Closing balance	3,417	103,895	6,522	8,101	13,885

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Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 19. Fair Value Measurement (continued)

	Open space/other recreational assets \$ '000	Art \$ '000	Other \$ '000
2018			
Opening balance	1,062	9,707	53
Purchases (GBV)	1,835	—	—
Depreciation and impairment	(186)	—	(2)
Closing balance	2,711	9,707	51
2019			
Opening balance	2,711	9,707	51
Purchases (GBV)	1,128	—	—
Disposals (WDV)	(14)	—	—
Depreciation and impairment	(294)	—	—
Closing balance	3,531	9,707	51

	Tip remediation \$ '000	Crown Land \$ '000	Total \$ '000
2018			
Opening balance	5,727	—	205,696
Purchases (GBV)	—	—	3,784
Disposals (WDV)	—	—	(2,247)
Depreciation and impairment	(480)	—	(5,465)
Closing balance	5,247	—	201,768
2019			
Opening balance	5,247	—	201,768
Transfers from/(to) another asset class	—	1,022,000	1,022,000
Purchases (GBV)	2,400	—	13,648
Disposals (WDV)	—	—	(403)
Depreciation and impairment	(29)	—	(6,271)
Closing balance	7,618	1,022,000	1,230,742

(4) Highest and best use

All of Council's non-financial assets are considered as being utilised for their highest and best use.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 20. Related Party Transactions

Key management personnel

Key management personnel (KMP) of the council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

	2019 \$ '000	2018 \$ '000
Compensation:		
Short-term benefits	892	1,233
Post-employment benefits	70	-
Other long-term benefits	19	-
Termination benefits	-	18
Total	981	1,251

Note 21. Events occurring after the reporting date

Council is unaware of any material or significant 'non-adjusting events' that should be disclosed.

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 22. Statement of developer contributions

Under the *Environmental Planning and Assessment Act 1979*, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas.

It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

Summary of contributions and levies

	as at 30/6/2018	Contributions received during the year					as at 30/6/2019	
	Opening Balance \$ '000	Cash \$ '000	Non-cash \$ '000	Interest earned in year \$ '000	Expenditure during year \$ '000	Internal borrowing (to)/from \$ '000	Held as restricted asset \$ '000	Cumulative internal borrowings due/(payable) \$ '000
S7.12 levies – under a plan	461	-	-	11	-	-	472	-
Total S7.11 and S7.12 revenue under plans	461	-	-	11	-	-	472	-
Total contributions	461	-	-	11	-	-	472	-
S7.12 Levies – under a plan								
CONTRIBUTION PLAN NUMBER								
Council Animal Pound	115	-	-	3	-	-	118	-
Urban Roads	81	-	-	2	-	-	83	-
Urban Footpaths	40	-	-	1	-	-	41	-
Urban Street Tree Planting	21	-	-	-	-	-	21	-
Urban Stormwater Additions	40	-	-	1	-	-	41	-
Urban Parks and Gardens	41	-	-	1	-	-	42	-
Broken Hill Aquatic Centre	123	-	-	3	-	-	126	-
Total	461	-	-	11	-	-	472	-

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 23(a). Statement of performance measures – consolidated results

\$ '000	Amounts 2019	Indicator 2019	Prior periods 2018	Prior periods 2017	Benchmark
1. Operating performance ratio					
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	(576)	(1.53)%	(21.71)%	1.86%	>0.00%
Total continuing operating revenue excluding capital grants and contributions ¹	37,671				
2. Own source operating revenue ratio					
Total continuing operating revenue excluding all grants and contributions ¹	31,077	76.76%	77.79%	62.64%	>60.00%
Total continuing operating revenue ¹	40,484				
3. Unrestricted current ratio					
Current assets less all external restrictions	25,651	4.29x	1.97x	1.80x	>1.50x
Current liabilities less specific purpose liabilities	5,975				
4. Debt service cover ratio					
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	7,153	5.11x	1.54x	3.78x	>2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement) ³	1,399				
5. Rates, annual charges, interest and extra charges outstanding percentage					
Rates, annual and extra charges outstanding	2,580	12.67%	12.01%	11.68%	<10.00%
Rates, annual and extra charges collectible	20,357				
6. Cash expense cover ratio					
Current year's cash and cash equivalents plus all term deposits	24,473	8.49	10.71	9.86	>3.00
Monthly payments from cash flow of operating and financing activities	2,881	mths	mths	mths	mths

(1) Excludes fair value adjustments, reversal of revaluation decrements, net gain on sale of assets, and net loss of interests in joint ventures and associates.

(2) Excludes impairment/revaluation decrements, net loss on sale of assets, and net loss on share of interests in joint ventures and associates

(3) 2018 Ratio restated due to not including \$3.2m loan payout.

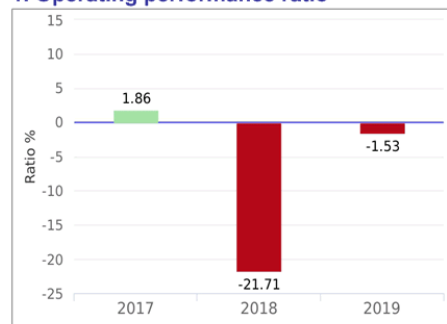
Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements
for the year ended 30 June 2019

Note 23(b). Statement of performance measures – consolidated results (graphs)

1. Operating performance ratio



Benchmark: — > 0.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting #27

Purpose of operating performance ratio

This ratio measures Council's achievement of containing operating expenditure within operating revenue.

Commentary on 2018/19 result

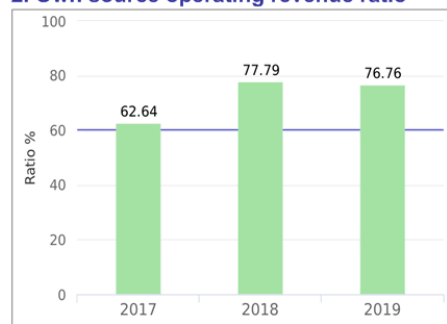
2018/19 ratio (1.53)%

Council's operating performance improved on the original budget. This was attributable to additional income achieved through private works performed for the Wentworth to Broken Hill pipeline. This was partially offset by the ongoing legal fees incurred with the Civic Centre litigation which are expected to be recoverable. Council is expected to achieve an operating surplus in 2023 and will incur improving sustainable operating deficits until this year.

Ratio achieves benchmark

Ratio is outside benchmark

2. Own source operating revenue ratio



Benchmark: — > 60.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting #27

Purpose of own source operating revenue ratio

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.

Commentary on 2018/19 result

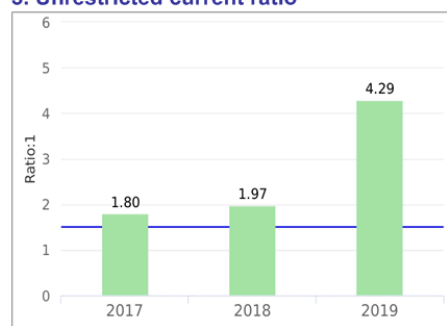
2018/19 ratio 76.76%

The own source operating revenue ratio is above the industry benchmark and indicates a stable revenue stream for Council. A focus to increase user fees & charges in future years will be required to maintain this benchmark.

Ratio achieves benchmark

Ratio is outside benchmark

3. Unrestricted current ratio



Benchmark: — > 1.50x

Source of benchmark: Code of Accounting Practice and Financial Reporting #27

Purpose of unrestricted current ratio

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Commentary on 2018/19 result

2018/19 ratio 4.29x

The unrestricted current ratio is above the industry benchmark and indicates Council's ability to repay its current obligations. A balanced approach to cash flows will be required in coming years to ensure the ratio is maintained whilst increasing the quantity of capital expenditure.

Ratio achieves benchmark

Ratio is outside benchmark

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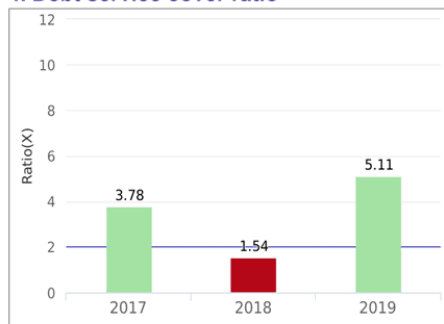
Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements for the year ended 30 June 2019

Note 23(b). Statement of performance measures – consolidated results (graphs)

4. Debt service cover ratio



Benchmark: — > 2.00x

Source of benchmark: Code of Accounting Practice and Financial Reporting #27

Purpose of debt service cover ratio

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments

Commentary on 2018/19 result

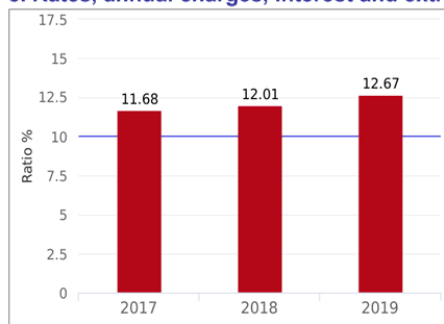
2018/19 ratio 5.11x

The ratio is above the industry benchmark and indicates Council's ability to repay its current obligations. It also recognises Council's ability to repay any future debt obligations that may be incurred for capital expenditure requirements.

Ratio achieves benchmark

Ratio is outside benchmark

5. Rates, annual charges, interest and extra charges outstanding percentage



Benchmark: — < 10.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting #27

Purpose of rates, annual charges, interest and extra charges outstanding

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

Commentary on 2018/19 result

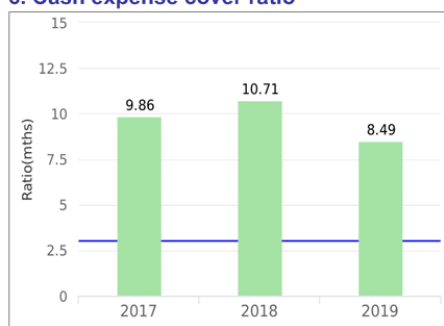
2018/19 ratio 12.67%

Outstanding rates and annual charges have remained static this financial year without any improvement. This ratio is relatively high compared to the industry benchmark for a city of our size. Council will aim to achieve a below industry benchmark ratio through a focus on recovery actions and undertaking a sale of land for unpaid rates.

Ratio achieves benchmark

Ratio is outside benchmark

6. Cash expense cover ratio



Benchmark: — > 3.00mths

Source of benchmark: Code of Accounting Practice and Financial Reporting #27

Purpose of cash expense cover ratio

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

Commentary on 2018/19 result

2018/19 ratio 8.49 mths

This ratio is above the industry benchmark and shows Council has a strong ability to pay for its immediate expenses, however it has decreased this year due to an increased expenditure in capital works. This trend will continue over the next few years until a surplus position is obtained in 2023 and whilst capital expenditure continues to increase.

Ratio achieves benchmark

Ratio is outside benchmark

Broken Hill City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 24. Council information and contact details

Principal place of business:

240 Blende st
Broken Hill
NSW 2880

Mailing Address:

PO Box 448
Broken Hill
NSW 2880

Telephone: 08 8080 3300

Facsimile: 08 8080 3424

Opening hours:

8:30am - 5:00pm
Monday to Friday

Internet: www.brokenhill.nsw.gv.au

Email: council@brokenhill.nsw.gv.au

Officers

General Manager

James Roncon

Responsible Accounting Officer

Jay Nankivell

Public Officer

Razija Nu'Man

Auditors

NSW Audit Office

Elected members

Mayor

Darriea Turley AM

Councillors

Marion Browne

Jim Nolan

Branko Licul

Dave Gallagher

Ron Page

Bob Algate

Tom Kennedy

Maureen Clark

Chritine Adams

Other information

ABN: 84 873 116 132



INDEPENDENT AUDITOR'S REPORT

Report on the general purpose financial statements

Broken Hill City Council

To the Councillors of Broken Hill City Council

Opinion

I have audited the accompanying financial statements of Broken Hill City Council (the Council), which comprise the Income Statement and Statement of Comprehensive Income for the year ended 30 June 2019, the Statement of Financial Position as at 30 June 2019, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by Councillors and Management.

In my opinion:

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial statements:
 - have been presented, in all material respects, in accordance with the requirements of this Division
 - are consistent with the Council's accounting records
 - present fairly, in all material respects, the financial position of the Council as at 30 June 2019, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial statements have come to light during the audit.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Other Information

The Council's annual report for the year ended 30 June 2019 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the special purpose financial statements and Special Schedules (the Schedules).

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the special purpose financial statements and Special Schedule - Permissible income for general rates.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Financial Statements

The Councillors are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting except where the Council will be dissolved or amalgamated by an Act of Parliament, or otherwise cease operations.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

My opinion does not provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, and Note 18 Material budget variations
- on the Special Schedules. A separate opinion has been provided on Special Schedule - Permissible income for general rates
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



David Nolan
Director, Financial Audit Services
Delegate of the Auditor-General for New South Wales

22 October 2019
SYDNEY



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

Contact: David Nolan
Phone no: 02 9275 7377
Our ref: D1925099/1701

22 October 2019

Dear Mayor

Report on the Conduct of the Audit
for the year ended 30 June 2019
Broken Hill City Council

I have audited the general purpose financial statements (GPFS) of the Broken Hill City Council (the Council) for the year ended 30 June 2019 as required by section 415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's GPFS.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2019 is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the GPFS issued under section 417(2) of the Act.

INCOME STATEMENT

Operating result

	2019 \$m	2018 \$m	Variance %
Rates and annual charges revenue	18.0	17.4	↑ 3.4
Grants and contributions revenue	9.1	6.0	↑ 51.7
Operating result for the year	3.1	(6.1)	↑ 151
Net operating result before capital grants and contributions	0.3	(6.2)	↑ 105

Council's operating result (\$3.1 million including the effect of depreciation and amortisation expense of \$6.9 million) was \$9.2 million higher than the 2017–18 result. This was mainly due to the receipt of one-off revenue of \$6.6 million relating to the Wentworth to Broken Hill pipeline project, the recognition of Council's share of the net assets of the Far South West Joint Organisation (FNWJO) of \$1.5 million, and an increase in capital grants.

The net operating result before capital grants and contributions (\$0.3 million) was \$6.5 million higher than the 2017–18 result due to the additional operating revenue noted above.

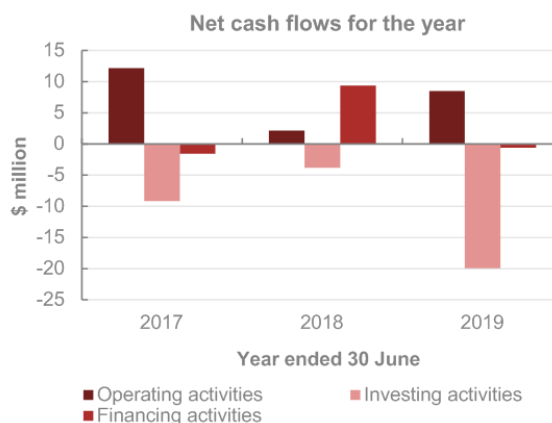
Rates and annual charges revenue (\$18 million) increased by \$0.6 million (3.4 per cent) in 2018–2019.

Grants and contributions revenue (\$9.1 million) increased by \$3.1 million (51.7 per cent) in 2018–2019 due to:

- Increased financial assistance grants of \$417,000
- An increase in capital grants of \$2.8 million as 2017–18 included the reversal of the BHP Foundation funding.

STATEMENT OF CASH FLOWS

- The Statement of Cash Flows illustrates the flow of cash and cash equivalents moving in and out of Council during the year and reveals that cash decreased by \$12 to \$15.5 million at the close of the year.
- The decrease is mostly due to investing funds in longer term investments and an increase in capital expenditure.



FINANCIAL POSITION

Cash and investments

Cash and investments	2019	2018	Commentary
	\$m	\$m	
External restrictions	4.8	13.4	• External restrictions include unspent specific purpose grants, developer contributions, and domestic waste management charges, and royalties.
Internal restrictions	12.8	13.8	
Unrestricted	6.9	1.3	
Cash and investments	24.5	28.5	<ul style="list-style-type: none"> • Balances are internally restricted due to Council policy or decisions for forward plans including works program. • Unrestricted balances provide liquidity for day-to-day operations.

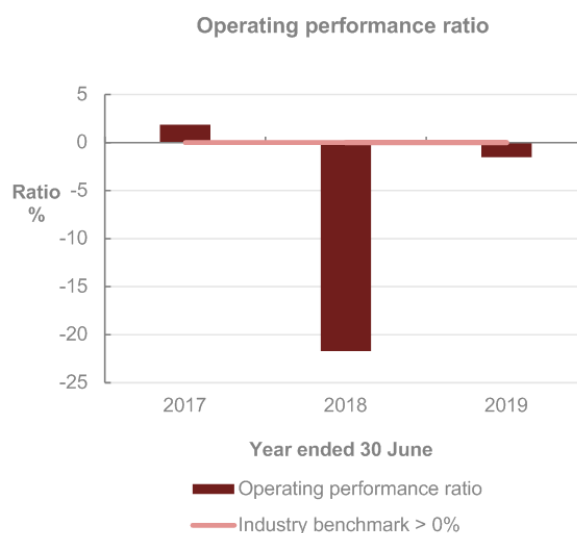
Debt

After repaying principal and interest of \$1.4 million, total debt as at 30 June 2019 was \$13.1 million (2018: \$13.7 million).

PERFORMANCE**Operating performance ratio**

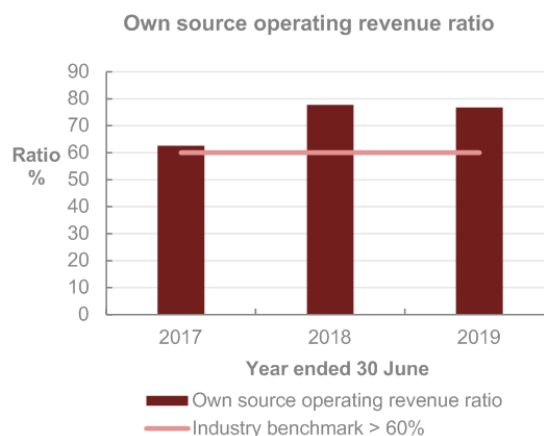
- Council's operating performance indicator of -1.5 per cent in 2018–19 (-21.7 per cent in 2017–18) failed to meet the industry benchmark due to an operating deficit before capital items after excluding the effects of recognising Council's share of the FSWJO.
- The improvement in the ratio for 2018–19 is due to the one-off revenue relating to Wentworth to Broken Hill pipeline project.

The 'operating performance ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by the former Office of Local Government (OLG) is greater than zero per cent.

**Own source operating revenue ratio**

- Council's own source operating revenue ratio of 76.7 per cent in 2018–19 (77.8 per cent in 2017–18) met the industry benchmark.
- This indicator fluctuates with movements in grants and contributions.

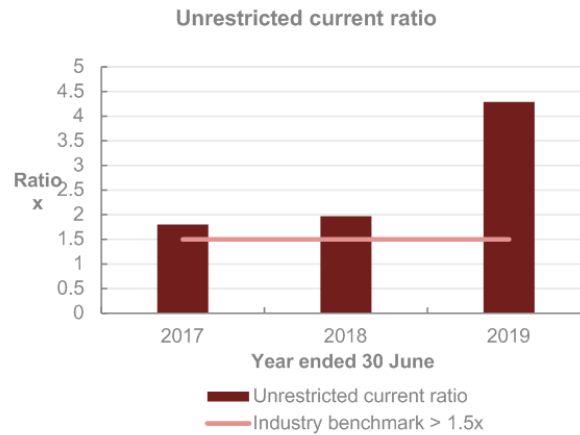
The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by the former OLG is greater than 60 per cent.



Unrestricted current ratio

- This ratio indicated that Council had 4.3 times of unrestricted assets available to service every one dollar of its unrestricted current liabilities.
- Council's unrestricted current ratio increased to 4.3 as at 30 June 2019 (2 for 2018) and exceeded the industry benchmark.

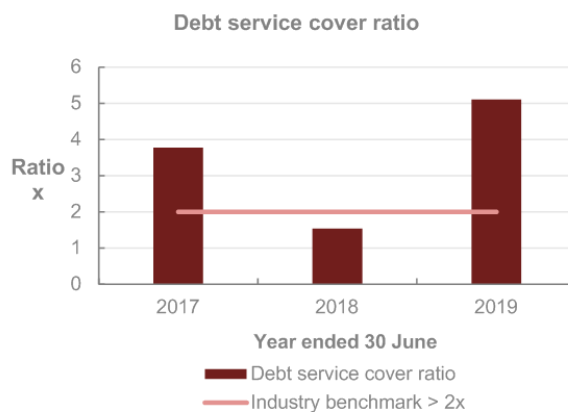
The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by the former OLG is greater than 1.5 times.



Debt service cover ratio

- The debt service cover ratio for 2018-19 was 5.1 (1.5 in 2017-18) which is above the industry benchmark.

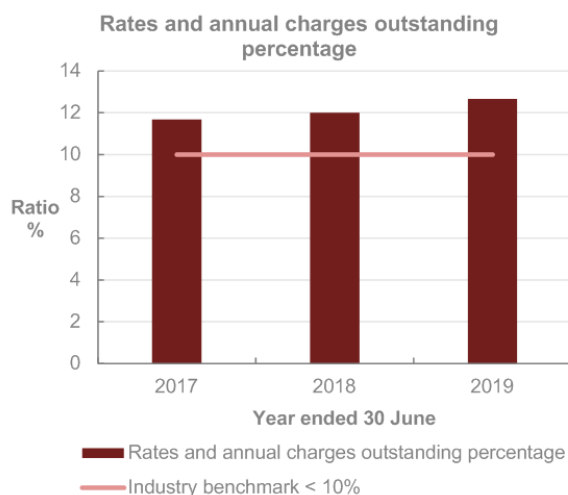
The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments. The benchmark set by the former OLG is greater than two times.



Rates and annual charges outstanding percentage

- Council's indicator of 12.7 per cent as at 30 June 2019 (12 per cent as at 30 June 2018) failed to meet the benchmark.
- Management attribute the continued deterioration of this ratio to hardship caused by an ageing population and a low income demographic.

The 'rates and annual charges outstanding percentage' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by the former OLG is less than 10 per cent for regional and rural councils.

**Cash expense cover ratio**

- Council's cash expense cover ratio of 8.5 months for 2018–19 (10.7 months for 2017–18) exceeded the benchmark.

This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by the former OLG is greater than three months.

**Infrastructure, property, plant and equipment renewals**

- Council's asset renewal additions for the year were \$8.9 million compared \$2.8 million for the prior year
- Renewals primarily consisted of infrastructure assets (\$5.2 million), and tip assets (\$2.4 million) due to the re-assessment of future remediation costs included in the asset value.
- The level of asset renewals during the year represented 129 percent of the total depreciation expense (\$6.9 million) for the year.

OTHER MATTERS**New accounting standards implemented**

Application period	Overview
AASB 9 'Financial Instruments' and revised AASB 7 'Financial Instruments: Disclosures'	
For the year ended 30 June 2019	<p>AASB 9 replaces AASB 139 'Financial Instruments: Recognition and Measurement' and changes the way financial instruments are treated for financial reporting.</p> <p>Key changes include:</p> <ul style="list-style-type: none">• a simplified model for classifying and measuring financial assets• a new method for calculating impairment• a new type of hedge accounting that more closely aligns with risk management. <p>The revised AASB 7 includes new disclosures as a result of AASB 9.</p> <p>The impact of adopting AASB 9 is disclosed in Notes 6 and 7.</p>

Legislative compliance

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial statements. The Council's:

- accounting records were maintained in a manner and form to allow the GPFS to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

The Council's:

- accounting records were maintained in a manner and form that facilitated the preparation and the effective audit of the general purpose financial statements
- staff provided all accounting records and information relevant to the audit.



David Nolan
Director, Financial Audit Services

Delegate of the Auditor-General for New South Wales

cc: James Roncon, General Manager
Jim Mitchell, Chair of Audit, Risk and Improvement Committee
Jim Betts, Secretary of the Department of Planning, Industry and Environment

Broken Hill City Council

SPECIAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2019

*A vibrant, prosperous and culturally rich Heritage City
shared with visitors from around the world.*



Broken Hill City Council

Special Purpose Financial Statements 2019

Special Purpose Financial Statements for the year ended 30 June 2019

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Background

- i. These Special Purpose Financial Statements have been prepared for the use by both Council and the Office of Local Government in fulfilling their requirements under National Competition Policy.
- ii. The principle of competitive neutrality is based on the concept of a 'level playing field' between persons/entities competing in a market place, particularly between private and public sector competitors.

Essentially, the principle is that government businesses, whether Commonwealth, state or local, should operate without net competitive advantages over other businesses as a result of their public ownership.

- iii. For Council, the principle of competitive neutrality and public reporting applies only to declared business activities.

These include **(a)** those activities classified by the Australian Bureau of Statistics as business activities being water supply, sewerage services, abattoirs, gas production and reticulation, and **(b)** those activities with a turnover of more than \$2 million that Council has formally declared as a business activity (defined as Category 1 activities).

- iv. In preparing these financial statements for Council's self-classified Category 1 businesses and ABS-defined activities, councils must **(a)** adopt a corporatisation model and **(b)** apply full cost attribution including tax-equivalent regime payments and debt guarantee fees (where the business benefits from Council's borrowing position by comparison with commercial rates).

Broken Hill City Council

Special Purpose Financial Statements 2019

Special Purpose Financial Statements
for the year ended 30 June 2019

**Statement by Councillors and Management made pursuant to the Local Government Code of
Accounting Practice and Financial Reporting**

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement 'Application of National Competition Policy to Local Government',
- the Division of Local Government Guidelines 'Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality',
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 28 August 2019.



Darriea Turley AM
Mayor
28 August 2019



Marion Browne
Councillor
28 August 2019



James Roncon
General Manager
28 August 2019



Jay Nankivell
Responsible Accounting Officer
28 August 2019

Broken Hill City Council

Special Purpose Financial Statements 2019

Income Statement – Airport
for the year ended 30 June 2019

	2019 Category 2 \$ '000	2018 Category 2 \$ '000
Income from continuing operations		
User charges	661	589
Grants and contributions provided for non-capital purposes	–	45
Total income from continuing operations	661	634
Expenses from continuing operations		
Employee benefits and on-costs	322	323
Borrowing costs	–	35
Materials and contracts	159	217
Depreciation, amortisation and impairment	340	533
Other expenses	89	89
Total expenses from continuing operations	910	1,197
Surplus (deficit) from continuing operations before capital amounts	(249)	(563)
Surplus (deficit) from continuing operations after capital amounts	(249)	(563)
Surplus (deficit) from all operations before tax	(249)	(563)
SURPLUS (DEFICIT) AFTER TAX	(249)	(563)
Plus accumulated surplus	(140)	(138)
Add:		
– Subsidy paid/contribution to operations	(430)	561
Closing accumulated surplus	(819)	(140)
Return on capital %	(1.9)%	(3.7)%
Subsidy from Council	426	899

Broken Hill City Council

Special Purpose Financial Statements 2019

Income Statement – Civic Centre (Entertainment centre)
for the year ended 30 June 2019

	2019 Category 2 \$ '000	2018 Category 2 \$ '000
Income from continuing operations		
User charges	139	12
Total income from continuing operations	139	12
Expenses from continuing operations		
Employee benefits and on-costs	171	33
Materials and contracts	111	60
Depreciation, amortisation and impairment	604	459
Other expenses	22	121
Total expenses from continuing operations	908	673
Surplus (deficit) from continuing operations before capital amounts	(769)	(661)
Grants and contributions provided for capital purposes	506	655
Surplus (deficit) from continuing operations after capital amounts	(263)	(6)
Surplus (deficit) from all operations before tax	(263)	(6)
SURPLUS (DEFICIT) AFTER TAX	(263)	(6)
Plus accumulated surplus	11,261	10,999
Closing accumulated surplus	10,998	10,993
Return on capital %	(4.0)%	(3.5)%
Subsidy from Council	1,022	1,165

Broken Hill City Council

Special Purpose Financial Statements 2019

Income Statement – Commercial waste
for the year ended 30 June 2019

	2019 Category 2 \$ '000	2018 Category 2 \$ '000
Income from continuing operations		
User charges	1,270	799
Total income from continuing operations	1,270	799
Expenses from continuing operations		
Employee benefits and on-costs	279	95
Materials and contracts	58	318
Depreciation, amortisation and impairment	97	81
Other expenses	108	3
Total expenses from continuing operations	542	497
Surplus (deficit) from continuing operations before capital amounts	728	302
Surplus (deficit) from continuing operations after capital amounts	728	302
Surplus (deficit) from all operations before tax	728	302
Less: corporate taxation equivalent (27.5%) [based on result before capital]	(200)	(83)
SURPLUS (DEFICIT) AFTER TAX	528	219
Plus accumulated surplus	(281)	431
Plus adjustments for amounts unpaid:		
– Corporate taxation equivalent	200	83
Closing accumulated surplus	447	733
Return on capital %	29.1%	14.3%

Broken Hill City Council

Special Purpose Financial Statements 2019

Statement of Financial Position – Airport
as at 30 June 2019

	2019 Category 2 \$ '000	2018 Category 2 \$ '000
ASSETS		
Current assets		
Receivables	4	21
Total current assets	<u>4</u>	<u>21</u>
Non-current assets		
Infrastructure, property, plant and equipment	13,429	14,091
Total non-current assets	<u>13,429</u>	<u>14,091</u>
TOTAL ASSETS	<u>13,433</u>	<u>14,112</u>
NET ASSETS	<u>13,433</u>	<u>14,112</u>
EQUITY		
Accumulated surplus	(819)	(140)
Revaluation reserves	14,252	14,252
TOTAL EQUITY	<u>13,433</u>	<u>14,112</u>

Broken Hill City Council

Special Purpose Financial Statements 2019

Statement of Financial Position – Civic Centre (Entertainment centre)
as at 30 June 2019

	2019 Category 2 \$ '000	2018 Category 2 \$ '000
ASSETS		
Current assets		
Receivables	4	–
Total current assets	4	–
Non-current assets		
Infrastructure, property, plant and equipment	19,149	19,151
Total non-current assets	19,149	19,151
TOTAL ASSETS	19,153	19,151
LIABILITIES		
Current liabilities		
Payables	–	3
Total current liabilities	–	3
TOTAL LIABILITIES	–	3
NET ASSETS	19,153	19,148
EQUITY		
Accumulated surplus	10,998	10,993
Revaluation reserves	8,155	8,155
TOTAL EQUITY	19,153	19,148

Broken Hill City Council

Special Purpose Financial Statements 2019

Statement of Financial Position – Commercial waste
as at 30 June 2019

	2019 Category 2 \$ '000	2018 Category 2 \$ '000
ASSETS		
Current assets		
Receivables	77	106
Total current assets	77	106
Non-current assets		
Infrastructure, property, plant and equipment	2,503	2,113
Total non-current assets	2,503	2,113
TOTAL ASSETS	2,580	2,219
LIABILITIES		
Current liabilities		
Provisions	2,133	1,486
Total current liabilities	2,133	1,486
TOTAL LIABILITIES	2,133	1,486
NET ASSETS	447	733
EQUITY		
Accumulated surplus	447	733
TOTAL EQUITY	447	733

Broken Hill City Council

Special Purpose Financial Statements 2019

Notes to the Special Purpose Financial Statements for the year ended 30 June 2019

Note 1. Significant Accounting Policies

A statement summarising the supplemental accounting policies adopted in the preparation of the Special Purpose Financial Statements (SPFS) for National Competition Policy (NCP) reporting purposes follows.

These financial statements are SPFS prepared for use by Council and the Office of Local Government. For the purposes of these statements, the Council is a non-reporting not-for-profit entity.

The figures presented in these Special Purpose Financial Statements have been prepared in accordance with the recognition and measurement criteria of relevant Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board (AASB) and Australian Accounting Interpretations.

The disclosures in these Special Purpose Financial Statements have been prepared in accordance with the Local Government Act 1993 (NSW), the *Local Government (General) Regulation 2005*, and the Local Government Code of Accounting Practice and Financial Reporting.

The statements are prepared on an accruals basis. They are based on historic costs and do not take into account changing money values or, except where specifically stated, current values of non-current assets. Certain taxes and other costs, appropriately described, have been imputed for the purposes of the National Competition Policy.

The Statement of Financial Position includes notional assets/liabilities receivable from/payable to Council's general fund. These balances reflect a notional intra-entity funding arrangement with the declared business activities.

National Competition Policy

Council has adopted the principle of 'competitive neutrality' in its business activities as part of the National Competition Policy which is being applied throughout Australia at all levels of government.

The framework for its application is set out in the June 1996 NSW government policy statement titled 'Application of National Competition Policy to Local Government'.

The *Pricing and Costing for Council Businesses, A Guide to Competitive Neutrality* issued by the Office of Local Government in July 1997 has also been adopted.

The pricing and costing guidelines outline the process for identifying and allocating costs to activities and provide a standard for disclosure requirements.

These disclosures are reflected in Council's pricing and/or financial reporting systems and include taxation equivalents, Council subsidies, return on investments (rate of return), and dividends paid.

Declared business activities

In accordance with Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality, Council has declared that the following are to be considered as business activities:

Category 1

(where gross operating turnover is over \$2 million)

Nil

Category 2

(where gross operating turnover is less than \$2 million)

a. Civic Centre (Entertainment Centre)

Venue for the conduct of shows, festivals, civic activities & significant events

b. Broken Hill Airport

Facility for aircraft arrivals & departures, aircraft accommodation, workshop & associated activities.

c. Commercial Garbage Service

Garbage collection & disposal service provided to the business & commercial sector.

continued on next page ...

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Broken Hill City Council

Special Purpose Financial Statements 2019

Notes to the Special Purpose Financial Statements for the year ended 30 June 2019

Note 1. Significant Accounting Policies (continued)

Monetary amounts

Amounts shown in the financial statements are in Australian dollars and rounded to the nearest one thousand dollars.

(i) Taxation equivalent charges

Council is liable to pay various taxes and financial duties. Where this is the case, they are disclosed as a cost of operations just like all other costs.

However, where Council does not pay some taxes which are generally paid by private sector businesses, such as income tax, these equivalent tax payments have been applied to all Council-nominated business activities and are reflected in Special Purpose Financial Statements.

For the purposes of disclosing comparative information relevant to the private sector equivalent, the following taxation equivalents have been applied to all Council-nominated business activities (this does not include Council's non-business activities):

Notional rate applied (%)

Corporate income tax rate – 27.5%

Land tax – the first \$692,000 of combined land values attracts 0%. For the combined land values in excess of \$692,001 up to \$4,231,000 the rate is 1.6% + \$100. For the remaining combined land value that exceeds \$4,231,000 a premium marginal rate of 2.0% applies.

Payroll tax – 5.45% on the value of taxable salaries and wages in excess of \$850,000.

Income tax

An income tax equivalent has been applied on the profits of the business activities.

Whilst income tax is not a specific cost for the purpose of pricing a good or service, it needs to be taken into account in terms of assessing the rate of return required on capital invested.

Accordingly, the return on capital invested is set at a pre-tax level - gain/(loss) from ordinary activities before capital amounts, as would be applied by a private sector competitor. That is, it should include a provision equivalent to the corporate income tax rate, currently 27.5%.

Income tax is only applied where a gain/ (loss) from ordinary activities before capital amounts has been achieved.

Since the taxation equivalent is notional – that is, it is payable to Council as the 'owner' of business operations - it represents an internal payment and has no effect on the operations of the Council. Accordingly, there is no need for disclosure of internal charges in the SPFS.

The rate applied of 27.5% is/ the equivalent company tax rate prevalent at reporting date. No adjustments have been made for variations that have occurred during the year.

Local government rates and charges

A calculation of the equivalent rates and charges payable on all category 1 businesses has been applied to all land assets owned or exclusively used by the business activity.

Loan and debt guarantee fees

The debt guarantee fee is designed to ensure that council business activities face 'true' commercial borrowing costs in line with private sector competitors.

In order to calculate a debt guarantee fee, Council has determined what the differential borrowing rate would have been between the commercial rate and Council's borrowing rate for its business activities.

continued on next page ...

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Broken Hill City Council

Special Purpose Financial Statements 2019

**Notes to the Special Purpose Financial Statements
for the year ended 30 June 2019**

Note 1. Significant Accounting Policies (continued)

(ii) Subsidies

Government policy requires that subsidies provided to customers, and the funding of those subsidies, must be explicitly disclosed.

Subsidies occur when Council provides services on a less-than-cost-recovery basis. This option is exercised on a range of services in order for Council to meet its community service obligations.

Accordingly, 'subsidies disclosed' (in relation to National Competition Policy) represents the difference between revenue generated from 'rate of return' pricing and revenue generated from prices set by Council in any given financial year.

The overall effect of subsidies is contained within the Income Statement of each reported business activity.

(iii) Return on investments (rate of return)

The NCP policy statement requires that councils with Category 1 businesses 'would be expected to generate a return on capital funds employed that is comparable to rates of return for private businesses operating in a similar field'.

Such funds are subsequently available for meeting commitments or financing future investment strategies.

The actual rate of return achieved by each business activity is disclosed at the foot of each respective Income Statement.

The rate of return is calculated as follows:

Operating result before capital income + interest expense

Written down value of I,PP&E as at 30 June

As a minimum, business activities should generate a return equal to the Commonwealth 10 year bond rate which is 1.32% at 30/6/19.

(iv) Dividends

Council is not required to pay dividends to either itself (as owner of a range of businesses) or to any external entities.



INDEPENDENT AUDITOR'S REPORT

Report on the special purpose financial statements

Broken Hill City Council

To the Councillors of Broken Hill City Council

Opinion

I have audited the accompanying special purpose financial statements (the financial statements) of Broken Hill City Council's (the Council) declared business activities, which comprise the Income Statement of each declared business activity for the year ended 30 June 2019, the Statement of Financial Position of each declared business activity as at 30 June 2019, Note 1 Significant accounting policies for the business activities declared by Council, and the Statement by Councillors and Management.

The declared business activities of the Council are:

- Civic Centre (Entertainment centre)
- Airport
- Commercial Waste.

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Council's declared business activities as at 30 June 2019, and its financial performance for the year then ended, in accordance with the Australian Accounting Standards described in Note 1 and the Local Government Code of Accounting Practice and Financial Reporting – update number 27 (LG Code).

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as the auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Emphasis of Matter - Basis of Accounting

Without modifying my opinion, I draw attention to Note 1 to the financial statements which describes the basis of accounting. The financial statements have been prepared for the purpose of fulfilling the Council's financial reporting responsibilities under the LG Code. As a result, the financial statements may not be suitable for another purpose.

Other Information

The Council's annual report for the year ended 30 June 2019 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements and Special Schedules (the Schedules).

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and Special Schedule 'Permissible income for general rates'.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Financial Statements

The Councillors are responsible for the preparation and fair presentation of the financial statements and for determining that the accounting policies, described in Note 1 to the financial statements, are appropriate to meet the requirements in the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless it is not appropriate to do so.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:


- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

My opinion does not provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



David Nolan
Director, Financial Audit Services
Delegate of the Auditor-General for New South Wales

22 October 2019
SYDNEY

Broken Hill City Council

SPECIAL SCHEDULES
for the year ended 30 June 2019

*A vibrant, prosperous and culturally rich Heritage City
shared with visitors from around the world.*



Broken Hill City Council

Special Schedules 2019

Special Schedules
for the year ended 30 June 2019

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Broken Hill City Council

Special Schedules 2019

Permissible income for general rates
for the year ended 30 June 2019

		Calculation 2019/20 \$ '000	Calculation 2018/19 \$ '000
Notional general income calculation ¹			
Last year notional general income yield	a	15,376	15,157
Plus or minus adjustments ²	b	7	(21)
Notional general income	c = a + b	15,383	15,136
Permissible income calculation			
Or rate peg percentage	e	2.70%	2.30%
Or plus rate peg amount	i = e x (c + g)	415	348
Sub-total	k = (c + g + h + i + j)	15,798	15,484
Plus (or minus) last year's carry forward total	l	31	151
Less valuation objections claimed in the previous year	m	—	(213)
Sub-total	n = (l + m)	31	(62)
Total permissible income	o = k + n	15,829	15,422
Less notional general income yield	p	15,799	15,376
Catch-up or (excess) result	q = o - p	30	46
Less unused catch-up ⁵	s	—	(14)
Carry forward to next year ⁶	t = q + r + s	30	32

Notes

- (1) The notional general income will not reconcile with rate income in the financial statements in the corresponding year. The statements are reported on an accrual accounting basis which include amounts that relate to prior years' rates income.
- (2) Adjustments account for changes in the number of assessments and any increase or decrease in land value occurring during the year. The adjustments are called 'supplementary valuations' as defined in the Valuation of Land Act 1916.
- (5) Unused catch-up amounts will be deducted if they are not caught up within 2 years. Usually councils will have a nominal carry forward figure. These amounts can be adjusted for in setting the rates in a future year.
- (6) Carry forward amounts which are in excess (an amount that exceeds the permissible income) require ministerial approval by order published in the NSW Government Gazette in accordance with section 512 of the Local Government Act 1993. The OLG will extract these amounts from Council's Permissible income for general rates Statement in the financial data return (FDR) to administer this process.



Special Schedules 2019

INDEPENDENT AUDITOR'S REPORT
Special Schedule - Permissible income for general rates
Broken Hill City Council

To the Councillors of Broken Hill City Council

Opinion

I have audited the accompanying Special Schedule – Permissible income for general rates (the Schedule) of Broken Hill City Council (the Council) for the year ending 30 June 2020.

In my opinion, the Schedule is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting – update number 27 (LG Code), and is in accordance with the books and records of the Council.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Schedule' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Emphasis of Matter - Basis of Accounting

Without modifying my opinion, I draw attention to the special purpose framework used to prepare the Schedule. The Schedule has been prepared for the purpose of fulfilling the Council's reporting obligations under the LG Code. As a result, the Schedule may not be suitable for another purpose.

Other Information

The Council's annual report for the year ended 30 June 2019 includes other information in addition to the Schedule and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements, special purpose financial statements and Special Schedule 'Report on infrastructure assets as at 30 June 2019'.

My opinion on the Schedule does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and the special purpose financial statements.

In connection with my audit of the Schedule, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the Schedule or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Schedule

The Councillors are responsible for the preparation of the Schedule in accordance with the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation of the Schedule that is free from material misstatement, whether due to fraud or error.

In preparing the Schedule, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless it is not appropriate to do so.

Auditor's Responsibilities for the Audit of the Schedule

My objectives are to:

- obtain reasonable assurance whether the Schedule as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the Schedule.

A description of my responsibilities for the audit of the Schedule is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar8.pdf. The description forms part of my auditor's report.

Special Schedules 2019

My opinion does not provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited Schedule on any website where it may be presented
- about any other information which may have been hyperlinked to/from the Schedule.

A handwritten signature in dark ink, appearing to read 'David Nolan', with a long horizontal flourish extending to the right.

David Nolan
Director, Financial Audit Services

Delegate of the Auditor-General for New South Wales

22 October 2019
SYDNEY

Broken Hill City Council

Special Schedules 2019

Report on Infrastructure Assets
as at 30 June 2019

Asset Class	Asset Category	Estimated cost						Assets in condition as a percentage of				
		to bring to the to bring assets agreed level of to satisfactory standard	service set by Council	2018/19 Required maintenance ^a	2018/19 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	1	2	3	4	5
(a) Report on Infrastructure Assets - Values												
Buildings	Buildings	1,711	1,711	1,370	1,560	34,304	72,505	42.0%	14.0%	35.0%	8.0%	1.0%
	Sub-total	1,711	1,711	1,370	1,560	45,101	72,505	42.0%	14.0%	35.0%	8.0%	1.0%
Other structures	Other structures	445	445	400	-	3,417	14,133	10.0%	10.0%	62.0%	18.0%	0.0%
	Sub-total	445	445	400	-	3,417	14,133	10.0%	10.0%	62.0%	18.0%	0.0%
Roads	Sealed roads	671	671	1,570	1,728	73,464	146,787	2.0%	19.0%	76.0%	2.0%	1.0%
	Unsealed roads	-	-	30	-	1,585	2,515	33.0%	50.0%	17.0%	0.0%	0.0%
	Footpaths	-	-	100	191	6,521	12,817	1.0%	99.0%	0.0%	0.0%	0.0%
	Other road assets	346	346	500	502	28,847	47,302	0.0%	0.0%	0.0%	0.0%	100.0%
	Sub-total	1,017	1,017	2,200	2,421	110,417	209,421	1.9%	20.0%	53.5%	1.4%	23.2%
Stormwater drainage	Stormwater drainage	118	118	80	201	8,101	13,518	5.0%	43.0%	47.0%	5.0%	0.0%
	Sub-total	118	118	80	201	8,101	13,518	5.0%	43.0%	47.0%	5.0%	0.0%
Open space / recreational assets	Swimming pools	157	157	1,110	19	6,837	17,930	5.0%	43.0%	47.0%	5.0%	0.0%
	Other	2,804	2,804	880	2,436	10,579	32,919	12.0%	19.0%	36.0%	27.0%	6.0%
	Sub-total	2,961	2,961	1,990	2,455	17,416	50,849	9.5%	27.5%	39.9%	19.2%	3.9%
Other infrastructure assets	Other	36	36	150	37	-	11,879	8.0%	29.0%	62.0%	1.0%	0.0%
	Sub-total	36	36	150	37	-	11,879	8.0%	29.0%	62.0%	1.0%	0.0%
TOTAL - ALL ASSETS		6,288	6,288	6,190	6,674	184,452	372,305	11.3%	20.6%	48.4%	5.9%	13.8%

(a) Required maintenance is the amount identified in Council's asset management plans.

Infrastructure asset condition assessment 'key'

- | | | |
|---|---------------------|---------------------------------------|
| 1 | Excellent/very good | No work required (normal maintenance) |
| 2 | Good | Only minor maintenance work required |
| 3 | Satisfactory | Maintenance work required |
| 4 | Poor | Renewal required |
| 5 | Very poor | Urgent renewal/upgrading required |

continued on next page ...

Broken Hill City Council

Special Schedules 2019

Report on Infrastructure Assets (continued)
as at 30 June 2019

\$ '000	Amounts 2019	Indicator 2019	Prior periods 2018 2017		Benchmark
Infrastructure asset performance indicators (consolidated) *					
Buildings and infrastructure renewals ratio ¹					
Asset renewals ²	10,954	175.49%	19.28%	112.80%	>=100.00%
Depreciation, amortisation and impairment	6,242				
Infrastructure backlog ratio ¹					
Estimated cost to bring assets to a satisfactory standard	6,288	3.41%	24.15%	25.51%	<2.00%
Net carrying amount of infrastructure assets	184,452				
Asset maintenance ratio					
Actual asset maintenance	6,674	107.82%	172.65%	121.62%	>100.00%
Required asset maintenance	6,190				
Cost to bring assets to agreed service level					
Estimated cost to bring assets to an agreed service level set by Council	6,288	1.69%	11.97%	13.06%	
Gross replacement cost	372,305				

(*) All asset performance indicators are calculated using classes identified in the previous table.

(1) Excludes Work In Progress (WIP)

(2) Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

ORDINARY MEETING OF THE COUNCIL

October 2, 2019

ITEM 5BROKEN HILL CITY COUNCIL REPORT NO. 170/19SUBJECT: DRAFT COMPANION ANIMAL MANAGEMENT PLAN 2019 11/141**Recommendation**

1. That Broken Hill City Council Report No. 170/19 dated October 2, 2019, be received.
2. That the draft Companion Animal Management Plan 2019 be publicly exhibited for a period of not less than 28 days.
3. That upon completion of above public exhibition, a further report be presented to Council for consideration and adoption of the Companion Animal Management Plan as a Council policy.

Executive Summary:

This report seeks approval from Council to publicly exhibit a draft Companion Animal Management Plan 2019 (CAMP) for a period of not less than 28 days. Upon completion of the public exhibition, a further report will be presented to Council to consider any submissions and adoption of the CAMP as a Council policy.

Report:

The purpose of this CAMP is to balance community amenity, animal welfare and environmental preservation while promoting the benefits of responsible pet ownership alongside effective companion animal management.

The CAMP aims to achieve the following objectives:

- To recognise that companion animals form part of the Broken Hill community, contributing to quality of life.
- To ensure the needs of companion animals, their owner and other citizens are accommodated harmoniously.
- To achieve high levels of responsible pet ownership through consultation and integrated management with the community, contributing to quality of life.

Broken Hill City Council has identified the need to develop a Companion Animal Management Plan to improve outcomes in the area of companion animal management.

The Companion Animal Management Plan 2019 is to provide guidance for Council to fulfil its responsibilities under the *Companion Animals Act, 1998* (the Act) by determining objectives and actions, along with a clear program of implementation.

These are grouped into the key areas of:

- Identification and Registration
- Animal Welfare
- Public Safety
- Nuisance Animals and excessive barking
- Impounding Animals

- Dog off leash facility
- Broken Hill Companion Animal Shelter

It involves encouraging the responsible management of companion animals in line with community expectations and protecting the community from menacing and dangerous dogs and to promote animal welfare.

By implementing the plan, Council aims to:

- Achieve a high level of responsible pet ownership through consultation and integrated management with the community.
- Provide an efficient service for customers updating or registering details on the NSW Companion Animal Register.
- Facilitate the prompt return to owner of seized animals and therefore reduce the number of animals that need to be impounded.
- Improve community awareness of the need and their responsibilities for effective animal control in public places.
- Ensure an efficient and effective response to reported dog attacks.
- Provide controlled leash-free recreational areas for dogs in the Broken Hill Local Government Area that is as safe as possible for dogs and people.
- Encourage re-homing of suitable unclaimed companion animals by residents and approved animal rescue organisations.
- Ensure procedures for enforcement of the Act are educationally based and project fairness.
- Have clear, consistent and achievable goals.

The Companion Animal Management Plan 2019 is a Council policy, hence must be on public exhibition for 28 days to allow for community participation and submissions. Upon completion of the public exhibition, a further report will be presented to Council to consider any submissions and/or amendments to the draft CAMP prior to adoption. It is recommended that Council place the draft CAMP on public exhibition during the month of November 2019.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and Transparency in Decision Making
Strategy:	4.1.1	Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation.

Relevant Legislation:

Companion Animals Act 1998

Companion Animals Regulation 2018

Financial Implications:

As per Council's Delivery Program and Operational Plan.

Attachments

1. [DRAFT COMPANION ANIMAL MANAGEMENT PLAN 2019](#)

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAY NANKIVELL
ACTING GENERAL MANAGER





QUALITY CONTROL		
EDRMS REFERENCE	11/141 – Companion Animal Management Plan	
KEY DIRECTION	1. Our Community	
OBJECTIVE	1.1 People in our Community are in safe hands	
FUNCTION	Corporate Support	
STRATEGY	1.1.1 Implement infrastructure and services for the effective management and control of companion animals	
RESPONSIBLE OFFICER	Manager Planning Development and Compliance	
REVIEW DATE	October 2019	
DATE	ACTION	MINUTE No
NOTES	<p>Copies of all plans and policies mentioned in this document are available by visiting Council's website www.brokenhill.nsw.gov.au</p> <p>This Plan has been developed in accordance with the Companion Animals Act 1998 and the Companion Animals Regulation 2008.</p>	
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> Companion Animals Act 1998 Companion Animals Regulation 2018 	
ASSOCIATED COUNCIL POLICIES	Nil	
ASSOCIATED DOCUMENTS	Broken Hill 2033 Community Strategic Plan	

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1. INTRODUCTION

The Companion Animal Management Plan provides the framework for the provision of an effective animal management service and procedural functions under the Companion Animals Act 1998 (the Act) and the Companion Animals Regulation 2018. The Act and the Regulations is the legislation that gives effect to the way local authorities manage dogs and cats. The principle object of the Act is to provide for the effective and responsible care and management of companion animals.

2. OBJECTIVE

- 1.1 To recognise that companion animals form part of the Broken Hill community, contributing to quality of life.
- 1.2 To ensure the needs of companion animals, their owner and other citizens are accommodated harmoniously.
- 1.3 To achieve high levels of responsible pet ownership through consultation and integrated management with the community, contributing to quality of life.

3. SCOPE

Broken Hill City Council's Companion Animals Management Plan aims to achieve high levels of responsible pet ownership through consultation and integrated management with the community that leads to a higher quality of life, for both our human and animal inhabitants.

Council recognises the importance of having a Companion Animal Management Plan as a key strategy in the effective management of companion animals in the community.

4. STATEMENT

Broken Hill City Council has identified the need to develop a Companion Animal Management Plan to improve outcomes in the area of companion animal management.

The aim of implementing a Companion Animal Management Plan is to provide guidance for Council to fulfil its responsibilities under the *Companion Animals Act, 1998* (the Act) by determining objectives and actions, along with a clear program of implementation.

These are grouped into the key areas of:

- Identification and Registration
- Animal Welfare
- Public Safety
- Nuisance Animals and excessive barking
- Impounding Animals
- Dog off leash facility

It involves encouraging the responsible management of companion animals in line with community expectations and protecting the community from menacing and dangerous dogs and to promote animal welfare.

By implementing the plan, Council aims to:

- Achieve a high level of responsible pet ownership through consultation and integrated management with the community

- Provide an efficient service for customers updating or registering details on the NSW Companion Animal Register.
- Facilitate the prompt return to owner of seized animals and therefore reduce the number of animals that need to be impounded.
- Improve community awareness of the need and their responsibilities for effective animal control in public places.
- Ensure an efficient and effective response to reported dog attacks.
- Provide controlled leash-free recreational areas for dogs in the Broken Hill Local Government Area that is as safe as possible for dogs and people.
- Encourage re-homing of suitable unclaimed companion animals by residents and approved animal rescue organisations.
- Ensure procedures for enforcement of the Act are educationally based and project fairness.
- Have clear, consistent and achievable goals.

4.1 Promoting Responsible Pet Ownership:

Many of the issues identified in companion animal management can be related to irresponsible pet ownership.

Council encourages all pet owners to be responsible for their pets' actions. Owning a pet comes with responsibilities for the animal, and respect for the community.

Council aims to assist by educating and promoting responsible pet ownership, as set out by the Companion Animals Management Plan.

Being a responsible pet owner includes:

- Provide basic needs for health and welfare for the animal
- Minimise nuisance behaviour and potential negative impacts on the environment and community
- Keeping animals out of prohibited areas
- For dogs, ensuring they are under effective control of a leash whilst in public
- At home, confine their animal in their yard to prevent impacts on public safety and the environment
- Keep their animals out of prohibited areas
- Make sure their animal is identified with a microchip, collar and tag to assist in returning the animal if it becomes lost
- Register their animal on the State register
- De-sex their animal to minimise nuisance behaviour, minimise numbers of unwanted animals and have a cleaner, healthier, happier animal
- Clean up after their animal

5. Companion Animal Management:

5.1 Registration and Identification:

Objectives:

- To encourage the permanent microchip identification and registration of companion animals
- To facilitate the prompt return of lost or stray companion animals to their owners.

- To provide an efficient service for customers updating or registering details on the NSW Companion Animal Register.

Background:

There are still a large number of companion animals that are not microchipped, or lifetime registered within the Broken Hill community.

The management of companion animals is highly dependent on the animals being properly identified. Identification also leads to the ability to return the animals, and for the owners to be made accountable under the NSW Companion Animals Act.

Actions:

Appropriate identification and registration are integral to the management of companion animals. Microchipping and registration allow lost or straying animals to be identified and returned to their owners as quickly as possible, generally avoiding the need for animals to be impounded.

Council encourages pet owners to:

- Make sure their animal is microchipped, has a collar and a tag.
- Microchip their dogs before 6 months of age and cats before 12 weeks of age and register by six months of age pursuant to the *Companion Animal Act*.
- Notify Council of certain changes and events, such as changes to registration or identification information or if the animal goes missing or dies.

Strategies to increase the number of microchipped and registered companion animals include:

- Community education programmes to promote the benefits of microchipping and greater understanding of the 2-step identification process.
- Encouraging companion animal owners to notify Council of changes of contact details.
- Free Microchipping performed by Council's rangers.

5.2 Impounding Animals:

Objectives:

- To reduce the number of animals impounded and increase the return to owner rate.
- To facilitate the prompt return to owners of seized animals.
- To provide appropriate pound facilities and service for the surrender of animals.

At the time of impounding an animal, the authorised officer shall take a photo of the animal and if not microchipped follow microchipping procedures.

Details of any animal impounded shall be recorded in the Daily Shelter Register (hard copy) retained in the Shelter Office. Animal details are then to be entered on a Record Card, which will be inserted in the card holder on the cage holding the animal. At any time should an animal be relocated from one cage to another, the card shall be removed from the holder and placed in the holder of the cage to which the animal has been relocated.

All Daily Shelter Register entries will be copied into the electronic monthly Register of Animals Impounded daily or in any case at the end of any month and saved in Councils Electronic Document Records Management System (EDRMS).

The animals' photo shall be placed onto Councils website and Facebook page giving advice that the animal has been impounded.

If an animal has not been claimed at the expiry of the relevant statutory period (seven days for non-identified animals and 14 days for identified animals), the animal may be rehomed or the

animals details may be provided to an animal rescue group and released to such group if the animal is desired. Once released microchip details will be updated in the Companion Animal Registry.

Copies of forms used are in Appendix 1.

5.3 Infant animals

Often very young infant animals are dumped or surrendered into Council's possession. Infant animals that cannot independently eat solid foods will be humanely euthanised.

5.4 Surrendered animals

Animals are regularly surrendered to Council by their owners for a variety of reasons. Owners who surrender a dog or cat are required to complete the Companion Animal Shelter Evaluation form and sign a surrender form which states that they are the bona fide owner and that the surrendered animal becomes the property of Council. Council will attempt to rehome the animal if it is considered suitable, if the animal is not suitable to be rehomed, the animal will be humanely euthanised.

5.5 Euthanasia of Animals

The euthanasia of animals will be undertaken in accordance with animal welfare best practice requirements. The euthanasia of impounded animals may be undertaken by an authorised person or at the direction, of an attending Veterinarian (vet), or may be conveyed to a vet or the RSPCA for euthanasia.

5.6 Feral Cats

From time to time Rangers are required to trap feral cats. Feral cats may also be delivered to the shelter by the public. Feral cats are obvious by their behaviour. Cats that are considered feral and are caught by Council or delivered by the public will be humanely euthanised by a vet.

5.7 Re-Homing

Council will endeavour to re-home companion animals that have been impounded.

Council will enter into agreement with approved re-homing organisations for companion animals that are suitable to be re-homed.

When a companion animal is released for rehoming it will be microchipped by Council. Should the animal be re-homed directly to a member of the public the registration fees will need to be paid by the person rehoming the animal. Approved rehoming organisations are exempt from registration fees for re-homed companion animals. All impounding fees will be waived for re-homed companion animals.

5.8 Sick or Injured Animals

Where an injured animal that can be identified is seized by Council the owner will be contacted where possible so that collection arrangements can be organised. In such a circumstance the owner will need to make the necessary arrangements for veterinary assistance or euthanasia.

Council will not accept any injured/sick animal from a member of the public and any person with an injured/sick animal is to be directed to the RSPCA for assistance.

If the owner cannot be readily contacted the matter will be referred to the General Manager, or his delegate to authorise either the euthanasia of the animal or delivery to a clinic for veterinary attention.

Where an injured animal, is seized by Council that cannot be identified, the matter will be referred to the General Manager, or his delegate to authorise either the euthanasia of the animal or delivery to a clinic for veterinary assistance.

When Council is made aware that a companion animal has been killed in a private or public place, Council will take steps to identify the animal and contact the owner.

Where an injured animal is delivered to a veterinarian by a member of the public who is not the owner of the animal, Council will not be liable or responsible for any costs incurred as a result of any treatment, including euthanasia, undertaken by any veterinarian on the animal.

6. COMMUNITY EXPECTATIONS

Companion animals play an important role in Australian society and culture. For some, companion animals are an important part of everyday life while others have no or little involvement with them. Community expectations are that companion animals be managed so that animal welfare is assured with minimal adverse social and environmental impacts.

6.1 Public Safety

Community safety is a key consideration in the management of companion animals in line with community expectations.

Dog attacks pose a serious public safety issue. Because of this, Council is committed to ensuring that menacing and dangerous dogs are controlled and regulated in the interests of public safety. Any dog attack incident will be investigated to determine the nature and cause of the attack. This is to assist in managing and minimising the risk of such an attack occurring again in the future.

Appendix 2 shows the Council protocol for the investigation of dog attack incidents. This identifies the procedures to be followed in both the investigation and enforcement phases of the process by Council following a dog attack. The protocol creates a framework for decision-making and aids in determining an appropriate response to the incident. Potential responses include warnings, education and prosecution, including dangerous and menacing dog declarations and destruction orders.

6.2 Dangerous, Menacing and Restricted Dogs

Under the Act, a dog is dangerous if it has, without provocation attacked or killed a person or animal. It is also dangerous if it has repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin).

Under the Act a dog is menacing if it has displayed unreasonable aggression towards a person or animal (other than vermin). It is also menacing if it has without provocation attacked a person or animal (other than vermin) without causing serious injury or death.

Council has developed a protocol for the Investigation of Dog Attacks and Procedure (See Appendix 2) to Declare a Dog as a Dangerous, Menacing or Restricted Breed Dog in accordance with Division 1 of Part 5 of the Act see Appendix 3. To revoke a declared Dangerous or Menacing Dog Order see appendix 4 and to revoke a Restricted Breed Dog Notice see Appendix 5.

In dealing with (potentially) dangerous or menacing dogs Council Rangers have discretion based on the circumstances of the case. The primary concern is the public interest of which community safety is a key consideration.

Factors for consideration when determining the public interest are:

- a) The harm or potential harm to the public that may be caused if a declaration is not made.
- b) Any mitigating or aggravating circumstances.
- c) The prevalence of public risk circumstances and the need for deterrence.

- d) Whether the consequences of any declaration would be unduly harsh or oppressive.

In accordance with the Act, Council follows specific procedures as outlined in the Protocol.

The owner of any companion animal who has been served with an Intention to Declare their animal as either dangerous or menacing may make representation to Council against the proposed declaration. Any submission against the proposed intention will be reviewed in accordance with the Protocol.

Applications to revoke a dangerous or menacing dog declaration will only be resolved by Council and will be considered in accordance with Council's Protocol for the Assessment of Applications to Revoke a Dangerous or menacing Dog Declaration (See Appendix 5).

If a suspected restricted dog comes to the attention of Council, Council will issue the relevant Intention to Declare Notice in accordance with 58A of the Act to declare the dog a restricted dog.

6.3 Annual Inspections

Council will carry out annual Inspections of Declared Dangerous, Menacing and Restricted Breed Dogs to ensure continued compliance with the requirements of the Act.

Council views compliance with Dangerous, Menacing and Restricted Breed Dog declarations as a serious matter and non-compliance may attract an Infringement Notice.

6.4 Nuisance Dogs and Cats

Council recognises that animals can cause aggravation, discomfort and conflict. Noise complaints can be labour intensive, difficult at times to follow up, and can result in neighbour disputes.

Council aims to resolve animal complaints efficiently and effectively and aims to attempt to reach an amicable outcome for all parties involved.

Barking dogs account for a large percentage of noise complaints received by Council. Barking can be caused by many different things such as separation anxiety, attention seeking, boredom, or perceived territorial incursion. Barking may occur at any time of the day or night.

All dogs bark, the problem facing Council is that a dog barking is not an offence. Council must be able to prove that due to the amount of barking and the times that a dog barks is a nuisance. Council's general procedure in managing barking dog complaints is as follows:

- The complainant is advised to talk to the dog's owner as they may have not realised that their dog is a nuisance, and in many cases, will be happy to resolve the problem.
- If this is unsuccessful and the problem persists a barking dog diary should be compiled for a period of 2 weeks, and a formal written complaint should be addressed to the Ranger.
- In the event of dissatisfaction with any of these procedures a noise abatement order can be sought from the Local Court independently of Council.

Dogs may also be potential nuisance by habitual straying onto private property, being loose in a public place and or defecating in a public place.

The owner of a 'nuisance dog' may be served a control order under section 32A of the Act. This order is made to require the owner to mitigate potential nuisance by controlling dog behaviour.

Cats too can cause nuisance by straying, crying and damaging property. In these instances, Council may use provisions of section 31 of the Act to place control orders on the cat's owner to prevent the nuisance from happening.

7. LEASH FREE AREAS

The purpose of leash free areas is to allow dogs to exercise off lead so they can 'burn off' excess energy in a safe environment without being a nuisance to the general public and to provide socialisation experience with other dogs. By providing these opportunities, dogs are less likely to exhibit nuisance behaviour due to boredom and frustration when confined to their yard.

Under the *NSW Companion Animals Act 1998*, Council is obliged to provide one leash free area for community use.

Council has two designated areas located at the Queen Elizabeth Park and Patton Park:

- Queen Elizabeth Park – located adjacent to the North Primary School and the intersection of Chapple Street and Brazil Street.



- The eastern end of Patton Park at the intersection of South Street and Wilson Street.



8. CAT MANAGEMENT

Objectives:

- To increase the number of identified, registered and de-sexed cats.
- To minimise the adverse impact of cats on wildlife and public amenity.

Background:

The community have expressed concern regarding the number of stray cats and unwanted kittens having to be euthanised during breeding periods.

Council aims to educate the community about the benefits of desexing their cat, and address issues associated with straying cats.

Cats can be a nuisance to surrounding neighbours and can also threaten native wildlife.

Under Section 31 of the *Companion Animals Act*, a cat is a nuisance if:

- It makes a persistent noise
- Repeatedly damages anything outside the property on which it is ordinarily kept.

Council recognises cats are more difficult to confine to a property than dogs. It is envisaged that each complaint will need to be examined on a case by case basis. A distinction also needs to be made between feral and domestic cats.

Cats are required to be identified and registered under the *Companion Animals Act*.

Note: under the terms of the legislation, there is no definition for a 'stray cat'.

Actions:

Council aims to improve cat management by:

- Promoting the desexing of cats.
- Educate cat owners of the benefits of keeping cats confined at night to protect both the cat and wildlife.
- Increase public awareness of the need to identify and register cats, and responsible cat ownership.

9. COMPANION ANIMAL SHELTER

The Shelter is located at the Airport west of the airport car park and opposite the Flying Doctors Hangar Car park.



9.1 Shelter open times

The Shelter will be open to the public for collection or drop off animals, or for general enquiries during the following times (subject to change).

- Monday to Friday – 8.30am to 10am and 3pm to 4pm
- The Shelter may be open during other times if Rangers are in attendance performing other duties. The public can ring Council on 8080 3300 and enquire if a Ranger is currently in the Office.

Note: The public is always urged to contact Council on **8080 3300** prior to attending the shelter to ensure the shelter is attended and open. The shelter may be closed during the above times if Rangers are called out to an emergency e.g. dog attack.

10. IMPLEMENTATION

10.1 Roles and Responsibilities

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

Manager Planning Development and Compliance

10.2 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.

10.3 Associated Documents

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

Nil

11. 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.

12. LEGISLATIVE AND LEGAL FRAMEWORK

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

- *Companion Animals Act 1998*
- *Companion Animals Regulation 2018*

13. DEFINITIONS

Authorised officer means an employee of a local authority authorised by the local authority for the purpose of the *Companion Animals Act 1998* and the *Impounding Act 1993*.

Dangerous Dog: for the purposes of this Protocol a dog is a dangerous dog if it;

- has, without provocation, attacked or killed a person or animal (other than vermin),
- has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin).

Dog Attack is defined by Section 16 of the *Companion Animals Act 1998* when a dog rushes at, attack, bites, harasses or chases any person or animal (other than vermin) whether or not any injury is caused to the person or animal.

Menacing Dog: for the purposes of this Protocol a dog is menacing if it:

- has displayed unreasonable aggression towards a person or animal (other than vermin),
- has, without provocation, attacked a person or animal (other than vermin) but without causing serious injury or death.

Restricted Breed Dog: is a dog of the following breed:

- American pit bull terrier or pit bull terrier,
- Japanese tosa,
- dogo Argentino,
- Perro de Presa Canario or Presa Canario,
- fila Brasileiro,

- any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the *Customs Act 1901* of the Commonwealth,
- any dog declared by an authorised officer of a council under Division 6 of this Part to be a restricted dog,
- any other dog of a breed, kind or description prescribed by the regulation

BHCC POUND ANIMAL RECORD CARD			
IMPOUND NUMBER:		DATE:	
COLOUR:		GENDER:	
BREED:			
MICROCHIP NUMBER:		LOCATION FOUND:	
NOTES:	<div style="border: 1px solid black; height: 100px; margin-top: 5px;"> <div style="border-bottom: 1px dashed black; height: 20px;"></div> <div style="border-bottom: 1px dashed black; height: 20px;"></div> <div style="border-bottom: 1px dashed black; height: 20px;"></div> </div>		

BHCC POUND ANIMAL RECORD CARD			
IMPOUND NUMBER:		DATE:	
COLOUR:		GENDER:	
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15. APPENDIX 2

PROTOCOL FOR THE INVESTIGATION OF DOG ATTACKS

1. Introduction

Council Protocol for the Investigation of dog attacks is called up under the Broken Hill City Council Companion Animals Management Plan.

2. Purpose

The purpose of this Protocol is to provide direction to Broken Hill City Council authorised officers on the investigation and management of dog attacks by creating a framework for determining the appropriate course of action, from warnings and education to prosecution, dangerous dog declarations and destruction orders.

3. Supporting Documentation

This Protocol is to be read in conjunction with:

- a) Broken Hill City Council Companion Animals Management Plan 2019.
- b) *Companion Animals Act 1998* and Regulation 2008.
- c) *Impounding Act 1993*
- d) Any relevant practice, codes or guideline applicable to the investigation and management of dog attacks.

4. Definitions

Authorised officer means an employee of a local authority authorised by the local authority for the purpose of the *Companion Animals Act 1998* and the *Impounding Act 1993*.

Dangerous Dog: for the purposes of this Protocol a dog is a dangerous dog if it;

- has, without provocation, attacked or killed a person or animal (other than vermin),
- has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin).

Dog Attack is defined by Section 16 of the *Companion Animals Act 1998* when a dog rushes at, attack, bites, harasses or chases any person or animal (other than vermin) whether any injury is caused to the person or animal.

Menacing Dog: for the purposes of this Protocol a dog is menacing if it:

- has displayed unreasonable aggression towards a person or animal (other than vermin),
- has, without provocation, attacked a person or animal (other than vermin) but without causing serious injury or death.

5. First Response

5.1 Upon notification of a dog attack proceed to location.

5.2 Upon arrival at the scene assess the situation.

5.3 Seize the dog and secure if possible.

5.4 Should the dog attack still be in progress attempt to stop the attack by seizing the dog if safe to do so.

- 5.1 If the attacking dog is still at large and is posing a threat to any person or animal and if any members of the public are present, instruct the public to leave the area immediately. If possible secure the dog by means of a dog pole and secure in the cage of the ranger vehicle.
- 5.2 If the attacking dog is still at large and is posing a threat to any person or animal and cannot be secured, the authorised officer shall take all reasonable actions to prevent injury to any person or animal from the actions of the dog.
- 5.3 Assess if anyone requires medical attention or first aid. Call an ambulance if required.
- 5.4 If the attack has ceased speak to the person who generated the call and or witnessed the attack and record the following:
 - Time, date and location of the attack
 - Details of the attack
 - Description of the dog, the owners name and address if known.
 - Names and contact details of the person who generated the call, any person who was attacked and any witnesses.
 - Obtain a signed written statement outlining the details of the attack from the complainant and any witnesses.
 - For a minor attack - If the owner of the dog is present at the scene, the animal may be returned provided the owner can demonstrate that animal will be secured.
 - Should the dog have left the scene attempt to locate and seize it.
 - Should the dog have left the scene attempt to locate the alleged owner on the information provided by the complainant or witnesses and undertake an investigation.
 - For a serious attack - If the owner of the dog is present at the scene advise him/her that the dog will be seized in accordance with section 18 of the *Companion Animals Act 1998* and will be impounded at the Broken Hill City Council pound, where it will be held during the course of the investigation. If the owner refused to surrender the dog inform him/her that the Police will be called to enforce the seizure of the dog.
 - When a seized animal is delivered to a council pound or approved premises, the person in charge of the pound or premises is to give notice of the seizure of the animal to the person who appears (from the best endeavours of the person in charge to establish who the owner is) to be the owner of the animal. Notice of seizure need not be given if those best endeavours fail to establish the name and address of the owner of the animal.

16. APPENDIX 3

PROTOCOL FOR THE DETERMINATION PROCESS TO DECLARE A DOG AS A DANGEROUS DOG, A MENACING DOG OR RESTRICTED BREED DOG

Introduction

The purpose of this Protocol is to establish a framework to evaluate the representations from the owners of dogs upon who an Intention to Declare has been served under Section 35 of the *Companion Animals Act 2008*.

This protocol is designed to enable authorised officers and the public to understand the process of declaring a dog as either a dangerous dog or a menacing dog in response to instances of unacceptable behaviour exhibited by individual dogs and addresses the potential of a dog to cause problems in the future.

When undertaking a determination whether to declare or not declare a dog as a dangerous or menacing dog, Council will always consider the importance of public safety and interest.

Unreasonable aggression: for the purposes of this protocol means the behaviour exhibited by an allegedly dangerous or menacing dog when judged by an authorised officer to be unreasonable in the circumstances. The authorised officer will consider whether an ordinary dog when placed in the same circumstances of the allegedly dangerous or menacing dog would have behaved in the same manner.

Legislation

Section 34 of the *Companion Animals Act 1998* permits an authorised officer of Council to declare a dog as dangerous or menacing dog if the authorised officer is satisfied that;

- the dog is dangerous, or the dog has been declared a dangerous dog under a law of another State or a Territory that corresponds with this Act.
- the dog is menacing, or the dog has been declared a menacing dog under a law of another State or a Territory that corresponds with this Act.
- A declaration can be made on the officer's own initiative or on the written application of a police officer or any other person.

Section 37 of the *Companion Animals Act 1998* requires that an authorised officer must consider any objections from the owner of the dog to the proposed declaration;

- (1) The owner has seven days after the date the notice is given in which to object to the proposed declaration.
- (2) If the owner does not object within that time, the authorised officer can proceed to make the declaration after the seven days have passed.
- (3) If the owner does object within that time, the authorised officer must first consider the objection before proceeding to make the declaration.
- (4) A reference in this section to the authorised officer is a reference to any authorised officer of the council and is not limited to the authorised officer who gave the notice.

Declaration Process Dangerous or Menacing

1. The authorised officer of Council makes a decision to declare a dog as a dangerous dog or a menacing dog and serves upon the owner of the dog an Intention to Declare Notice stating that it is Council's intention to declare the dog as either a dangerous dog or a menacing dog.

2. The owner of a dog who has been served with an Intention to Declare Notice may either make a written submission to Council or make direct representations to the Manager Planning Development and Compliance, as to why the proposed declaration should not be made. Any submission or representation must be received by Council or occur within seven days of date that the Intention to Declare Notice.
3. Before making a dangerous or menacing dog declaration, authorised officers must consult with the Manager of Planning Development and Compliance and consider all representations made by the owner within the seven day period after they have received the Intention to Declare Notice.
4. Should no appeal be made by the owner to Council following the issue of Intention to Declare Notice a dog to be dangerous or menacing, the authorised officer will declare the dog as a dangerous dog or a menacing dog under the meaning of the *Companion Animals Act 1998* and advise the owner within seven days.
5. Should the dog be declared a dangerous dog following an appeal against such a declaration, Council will provide advice to the owner of the dog that a court may revoke a dangerous dog declaration if it considers the action was inappropriate in the particular circumstances of the case (Dangerous dog only, does not include Menacing Dog).

Assessment Factors

When considering declaring a dog as either a dangerous dog or a menacing dog, the authorised officer will exercise discretion in the application of the dangerous and menacing dog declaration provisions to suit the individual circumstances of incident which they are responding to. The dominant factor is the public interest and the safety of the community.

Factors that will be taken into consideration when considering representations against the declaration will include;

The harm or potential harm to the public that may be caused if a declaration is not made.

- Any mitigating or aggravating circumstances.
- The prevalence of public risk circumstances and the need for deterrence.
- An objective assessment of the aggressive behaviour displayed by the dog. In other words, an authorised officer will consider whether an ordinary dog placed in the same circumstances of the allegedly dangerous or menacing dog would have behaved in such a manner.
- Whether the dog may have come to the attention of an authorised officer because it has displayed unreasonable aggression towards a person or animal – to the extent that it causes fear or apprehension of an attack.
- The application of a dangerous or menacing dog declaration by an authorised officer will be informed by the level of unreasonable aggression displayed by the dog. For example, it may be appropriate to issue a menacing dog declaration on a dog which has had a once-off display of unreasonable aggression. However, in the case of the dog that repeatedly displays unreasonable aggression, or shows a more serious level of unreasonable aggression, it may be more appropriate to issue a dangerous dog declaration.

A key principle of Council's determination is that the declaration will not be made for improper reasons, such as:

- Any elements of discrimination against the owner of the dog on any grounds including race, nationality, or political or community associations.
- Personal empathy or antipathy towards the owner of the dog.
- Personal empathy or antipathy towards the person subject to an alleged attack.
- The political or other affiliations of the authorised officer responsible for making the decision.

When assessing a proposed declaration, the authorised officer will take into consideration the following:

- Has the dog come to the attention of the officer because it has displayed unreasonable aggression towards a person or animal, to the extent that it has caused the death of an animal or fear or apprehension of an attack to a person or animal.
- Are there mitigating circumstances whereby the dog may only behave aggressively when guarding their owner's home or business.
- The level of unreasonable aggression displayed by the dog will be used to determine the appropriate response, i.e. no action, declaration of menacing dog or declaration of dangerous dog. For example, did the dog cause actual harm, was this a once off display, is the dog displaying escalating behaviour of unreasonable aggression.
- The strength of any evidence of the unreasonable aggression exhibited by the dog, including physical evidence, witness statements, videos, photos etc.
- The objections submitted or representations made by the dog owner. Any submission or representation is to include:
 - 1) Reasons why the declaration should not be made. This must be supported by evidence that the dog was either not responsible for the exhibition of unreasonable aggression or that there were mitigating circumstances.
 - 2) Any action that will prevent the dog displaying unreasonable behaviour in the future. This could include behavioural correctional training, de-sexing or the construction of a suitable enclosure.
 - 3) Any compensation provided by the owner of the dog to the person subject to a display of unreasonable aggression by the dog.

The authorised officer may require the owner of the dog to provide an animal behavioural assessment from an animal behaviour specialist or other qualified professional to support their representations. In such instances Council will require that the statement from an accredited animal behavioural specialist certifying that in their opinion the dog has received appropriate behavioural training resulting in the correction of the dog's aggressive and dangerous behaviour and outlining the nature and extent of the training that the dog has undergone to achieve this.

Declaration Process for Restricted Breed Dogs

If in the opinion of an Authorised Officer that a dog is a restricted breed dog, a Notice of Intent to declare the dog a Restricted Breed Dog may be issued to the owner of the dog.

The owner of the dog may have a breed assessment. If the animal is assessed to be a Restricted Breed or class of restricted breed dog, they may then choose to have a temperament assessment carried out on the dog. If the dog passes either of the assessments, the dog's owner shall be notified that the dog will not be declared a Restricted Breed Dog.

If the dog fails the assessments, the dog is to be declared a Restricted Breed Dog

The dog's owner has 28 days from the date of the Notice to arrange for assessments to be done. An authorised officer may extend this period in reasonable circumstances.

17. APPENDIX 4

PROTOCOL FOR THE ASSESSMENT OF APPLICATIONS TO REVOKE A DANGEROUS DOG OR MENACING DOG DECLARATION

Introduction

The purpose of this Protocol is to establish a framework to enable Council to consider applications to revoke dangerous or menacing dog declarations.

Legislation

Section 39 of the *Companion Animals Act 1998* permits a Council to revoke a dangerous or menacing dog declaration.

Minimum term of declaration before application can be made

An application to revoke a dangerous or menacing dog declaration cannot be made until after the period of 12 months following the date on which the dog was declared to be a dangerous dog or a menacing dog.

Applications to Revoke a dangerous or menacing dog declaration to address following criteria.

The application must contain the following:

1. A statement as to why the declaration should be revoked.
2. A statement from an accredited animal behavioral specialist certifying that in their opinion the dog has received appropriate behavioral training resulting in the correction of the dog's aggressive and dangerous behavior and outlining the nature and extent of the training that the dog has undergone to achieve this.

Council to Make Decision

A dangerous or menacing dog declaration can only be revoked by the Manager Planning Development and Compliance.

Any application to revoke a dangerous or menacing dog declaration will be submitted to the Manager Planning Development and Compliance for determination.

The Manager Planning Development and Compliance resolution to approve or to refuse to revoke a dangerous or menacing dog declaration will be final.

Consideration Process

Council must be satisfied that it is appropriate to revoke a dangerous or menacing dog declaration before doing so. Council is to take into consideration the following:

- a) the circumstances under which the dangerous or menacing dog declaration was issued.
- b) the dog's current circumstances and behaviour in relation to the original declaration, including any behaviour modification training that may have been undertaken.
- c) any behavioral assessment obtained by the owner from an animal behaviour specialist.
- d) report from the Council's Ranger.

Informing Dog Owner of Resolution

Council will, as soon as practicable, inform the owner of the dog that the declaration has been revoked or that council has refused to revoke it.

Notification of Council Resolution

Councils must notify the Chief Executive, Local Government within seven days of revoking a dangerous or menacing dog declaration. This notification can be done by recording the details of the revocation on the Register using the 'Dangerous dog declaration process' or 'Menacing dog declaration process'.

18. APPENDIX 5

PROTOCOL FOR THE ASSESSMENT OF AN APPLICATION TO REVOKE A RESTRICTED DOG DECLARATION

Introduction

The purpose of this Protocol is to establish a framework to enable Council to consider applications to revoke restricted dog declarations.

Applications to Revoke a Restricted Dog Declaration.

The application must contain the following;

1. A statement as to why the declaration should be revoked.
2. A statement from an accredited dog breed assessor that the dog is not a restricted dog. or
3. If the dog is a restricted breed dog, a temperament assessor that the dog is not a danger to the public and is not likely, without provocation, to attack or bite any person or animal.

Council to Make Decision

Any application to revoke a restricted dog declaration will be submitted to the Manager Planning Development and Compliance for determination. A Restricted dog declaration can only be revoked by the Manager Planning Development and Compliance.

The Manager Planning Development and Compliance resolution to approve or to refuse to revoke a restricted dog declaration will be final.

Consideration Process

Council must be satisfied that it is appropriate to revoke a restricted dog declaration. Before doing so. Council is to take into consideration the following:

- a) the circumstances under which the restricted dog declaration was issued.
- b) details of the dog's original breed assessment.
- c) Details as to why this assessment has been changed.
- d) report from the Council's Ranger.

Informing Dog Owner of Decision

Council must, as soon as practicable, inform the owner of the dog that the declaration has been revoked or that council has refused to revoke it.

Notification of Council Decision

A revocation can only be processed on the Companion Animals Register by an authorised officer of the Division.

BROKEN HILL
CITY COUNCIL

www.brokenhill.nsw.gov.au

ORDINARY MEETING OF THE COUNCIL

October 2, 2019

ITEM 6BROKEN HILL CITY COUNCIL REPORT NO. 171/19

SUBJECT: NEW AND AMENDED FEES AND CHARGES FOR THE NEW ANIMAL SHELTER (ANIMAL POUND) 11/660

Recommendation

1. That Broken Hill City Council Report No. 171/19 dated October 2, 2019, be received.
2. That Council exhibit the proposed fees and charges for the new Council Animal Shelter for a period of 28 days.
3. That upon completion of above public exhibition, a further report be presented to Council for consideration and approval.

Executive Summary:

In preparation for the use of the new Council owned and operated Animal Shelter (Animal Pound) in early 2020, it is proposed to implement new and/or amended fees and charges to cater for the specific operational needs of the new shelter.

Report:

A review of the current fees and charges for the Animal Shelter identified anomalies and gaps in the current fee structure, for when Council takes over the running of the pound operations. The proposed fees and charges below, are required to clearly identify the costs involved when an animal is impounded and will cater for the specific needs of the new shelter.

The following new/amended fees and charges are proposed:

Current fees	Proposed fees and charges fees	New/amended
10 - 145 Daily sustenance/release fee (not applicable if animal is microchipped and registered and collected on the same day) Cost recovery Day \$ 16.00	Daily rate - \$16 - calculated per night impounded Release fee - \$16 (not applicable if animal is microchipped and registered and collected on the same day)	Amended – for clarification purposes, release fee is in addition to daily sustenance fee.
10 - 148 Adoption fee \$ 20.00	\$20 + registration (required by legislation) + desexing, vaccination, from external agency	Amended to clarify legislated requirements

10 - 146 Daily sustenance/release fee for dangerous/aggressive dogs Cost recovery Day \$ 32.00	Daily rate - Dangerous/menacing/restricted dog \$32.00 Release fee \$32.00	Amended – for clarification purposes, release fee is in addition to daily sustenance fee.
N/A	Impound fee - \$30 (administration fee)	New – cost recovery
Registration – as per OLG	Registration – as per OLG Subject to CPI change every 1 July	Amended to include CPI increases from the 1 st July each year
N/A	Micro-chipping of companion animal by Council ranger - \$0	New
N/A	Release to rescue - \$0	New
N/A	Surrender fee - \$100 per animal or litter	New – cost recovery to cater for costs associated with rehoming, daily sustenance and administration costs
10 -139 Greyhound formally registered under Greyhound Racing Act 2002 - \$0	Greyhound as per regulations – Racing greyhound - \$0 rego Retired/pet greyhound – same as dogs	Amended for clarification

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and Transparency in Decision Making
Action:	4.1.1	Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation.

Relevant Legislation:

Companion Animals Act 1998
Companion Animals Regulation 2018
Local Government Act 1993

Financial Implications:

Nil

Attachments

There are no attachments for this report.

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAY NANKIVELL
ACTING GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

October 2, 2019

ITEM 7BROKEN HILL CITY COUNCIL REPORT NO. 172/19SUBJECT: RE-ESTABLISHMENT OF ALCOHOL-FREE ZONES 11/307**Recommendation**

1. That Broken Hill City Council Report No. 172/19 dated October 2, 2019, be received.
2. That Council re-establish the Alcohol-Free Zone known as Creedon Street as per attached proposal, including public roads and laneways, public car parks and footpath area of Creedon Street bounded by Rakow and Wills Streets.
3. That Council re-establish the Alcohol-Free Zone known as Shell Memorial as per attached proposal, including all public roads and laneways, public car parks and footpaths in an area bounded by Iodide, Thomas, Bromide and Mica Streets; including Oxide Street from Thomas Street through to Morgan Street.
4. That Council re-establish the Alcohol-Free Zone known as E.T. Lamb Memorial Oval as per attached proposal, including public roads and laneways, public car parks and footpath area surrounding the oval bounded by South, Boughtman, Comstock and Jamieson Streets.
5. That Council re-establish the Alcohol-Free Zone known as South Broken Hill as per attached proposal, including all public roads and laneways, public car parks and footpaths in an area bounded by Bonanza, Patton, Central and Hebbard Streets including South Street from Piper Street through to Wilson Street; with expansion to zone along Bonanza Street from Patton to Morish Street and a section of Wilson Street between Bonanza and Picton Streets.
6. That the necessary signage be installed showing operation of Zones from 9 November 2019 to 9 November 2023.
7. That re-establishment of the Creedon Street, Shell Memorial, E.T. Lamb Oval and South Broken Hill Alcohol-Free Zones be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that the existing CBD Alcohol-Free Zone remains in force.
8. That Council thank the Broken Hill Police for its ongoing support of Alcohol-Free Zones in Broken Hill.

Executive Summary:

At its meeting held 28 August 2019, Council considered a report regarding the Re-establishment for a further four years of four Alcohol-Free Zones as detailed below:

- Creedon Street including all public roads, laneways and footpaths in an area bounded by Rakow and Wills Streets;
- Shell Memorial including all public roads, laneways and footpaths in an area bounded by Iodide, Thomas, Bromide and Mica Streets; including Oxide Street from Thomas Street through to Morgan Street;
- E.T. Lamb Memorial Oval including the public roads, laneways and footpath area surrounding the oval bounded by South, Boughtman, Comstock and Jamieson Streets;
- South Broken Hill including all public roads, laneways and footpaths in an area bounded by Bonanza, Patton, Central and Hebbard Streets, including South Street from Piper Street through to Wilson Street; with expansion to zone along Bonanza Street from Patton Street to Morish Street and a section of Wilson Street between Bonanza and Picton Streets.

Council resolved to begin the consultative process by writing to the Barrier Local Area Command; organisations representing Aboriginal or culturally and linguistically diverse groups within the local area and all affected licensed premises and registered clubs which border on, adjoin or are adjacent to the proposed Alcohol-Free Zones; and to invite public comment on the proposal within thirty days.

The consultative process is now complete, with one submission received from the Barrier Police District (attached). This submission is in support of the re-establishment of the four Alcohol-Free Zones, including expansion of the South Broken Hill Alcohol-Free Zone.

Report:

In accordance with the requirements of the *Local Government Act 1993* and the Ministerial Guidelines 2009, proposals for the re-establishment of the four Alcohol-Free Zones for a further four years were prepared for consultation.

The current expiry date for the four Alcohol-Free Zones is 9 November 2019. It should be noted that the existing CBD Alcohol-Free Zone remains in force.

Council currently has five Alcohol-Free Zones as per the *Local Government Act 1993 (the Act)* (Part 4 Street Drinking S644, S644A, S644B, S644C) supplemented by Ministerial Guidelines on Alcohol-Free Zones 2009 and Amendments to the Act. Prohibitions on Parks and Ovals, ranging from skateboarding, dogs off leash and drinking are defined by Council under s632A of the Act and are not the subject of this report; though the two sections of the Act work in tandem to achieve control of drinking in public spaces.

The Alcohol-Free Zone areas, as named in past reports to Council, are:

1. The Central Business District Zone bounded by Crystal, Iodide (Wolfram), Mica, Talc (Mercury), Graphite, Wills, Gossan and Gypsum Streets and South Road;
2. Creedon Street Zone bounded by Rakow and Wills Streets;
3. Shell Memorial Zone bounded by Oxide Street, Thomas Street, Bromide Street and Mica Street, including Oxide Street from Thomas Street through to Morgan Street;
4. E.T. Lamb Memorial Oval Zone in an area surrounding the oval bounded by Boughtman, South, Jamieson and Comstock Streets; and
5. South Broken Hill Zone in an area bounded by Bonanza, Patton, Central and Hebbard Streets, including South Street from Piper Street through to Wilson Street.

Purpose of Alcohol-Free Zones

The purpose of these Zones is to create a safe environment in which individuals may move about without interference due to irresponsible street behaviour due to the effects of alcohol.

Alcohol-Free Zones apply specifically to public roads, laneways, footpaths and public car parks. The Zones operate 24 hours a day, seven days per week.

Exceptions for street dining, complying with the appropriate licencing authorities is catered for in the Alcohol-Free Zone proposals.

Duration of Alcohol-Free Zones

According to the Ministerial Guidelines, Alcohol-Free Zones have a four-year term whereupon they are due for review of ongoing applicability. There is no provision for automatic renewal. The Ministerial Guidelines require the preparation of each Zone as a separate entity. This report relates to the four Alcohol-Free Zones which all expire on 9 November 2019.

Cancellation or Suspension of a Zone

Under S645 of the Act, Council has the power to suspend or cancel a Zone or to hold specific community events. Council is required to do so via Council resolution and must publish a notice of suspension in a newspaper circulating in the area. Prior to cancellation or suspension, Council is required to liaise with the Police prior to and after Council resolution.

Enforcement

Alcohol-Free Zones are enforced by the Police or an enforcement officer authorised by the Police. In accordance with the Act, 'Tip Out' powers apply in both Alcohol-Free Zones (public roads, laneways, footpaths and public car parks) and Alcohol Prohibited Zones (such as Parks and Ovals) in order to achieve aligned enforcement practice.

Parks and Reserves

It should be noted that Section 632A of the *Local Government Act 1993* provides Councils with the power to declare any public place (or any part of a public place) in the Council's area to be an **alcohol prohibited area**. Council has advised the public by signposting in Sturt Park for many years that intoxicating liquor shall not be brought into or consumed within the reserve (Sturt Park). The same prohibition is also in place in Patton Park, Queen Elizabeth Park, Norm Fox Sportsground, E.T. Lamb Memorial Oval, Riddiford Arboretum and the Gasworks Reserve.

Under Section 632A, a police officer may seize any alcohol (and the bottle, can, receptacle or package in which it is contained) that is in the immediate possession of a person in an alcohol prohibited area if the officer has reasonable cause to believe that the person is drinking, or is about to drink, or has recently been drinking alcohol in the alcohol prohibited area and can dispose by tipping out or other method.

The only difference between Alcohol-Free Zones, which specifically relate to public roads, laneways, footpaths and public car parks and alcohol prohibited areas within Council Parks, is that two Sections of the *Local Government Act 1993* are in force.

Proposal for establishment of an Alcohol-Free Zone

The Ministerial Guidelines state that any person living or working within an area, the local police or a local community group may ask a Council to establish an alcohol-free zone and must in all cases be supported by evidence that the public's use of those roads, laneways, footpaths or public car parks has been compromised by street drinking such as malicious damage to property, littering, offensive behaviour or other crimes.

A proposal must be prepared in respect of every proposed Alcohol-Free Zone, consultation must occur with the Police Local Area Command about the appropriate number and location of the Zones before and after a Council resolution, the Zone should be as small as possible rather than a 'whole of town' approach and should be primarily located adjacent to outlets supplying alcohol where drinkers congregate.

After a proposal is prepared, consultation must be undertaken via advertisement in a newspaper circulating in the area, copies sent to the Police Local Area Command and Officer in Charge of the police station nearest the Zone, liquor licensees and secretaries of registered clubs whose premises border on, or adjoin, or are adjacent to the proposed Zone; and where relevant to any known organisation representing or able to speak on behalf of an identifiable Aboriginal, or culturally and linguistically diverse group within the local area; with comments sought within 30 days of notice.

This process will inform the final character and re-establishment of the Zones followed by appropriate signposting also after consultation as to location, with the Police Force.

Consultation with NSW Police Force

A meeting was held in early July 2019 with responsible officers of Broken Hill Local Area Command to review all four Zones in accordance with Ministerial Guidelines 2009. The review included an examination of the value of re-establishment of the Zones, the impact of new premises opening and the need to review the appropriateness of the streets currently within the Zones.

The meeting noted the need for expansion of the South Broken Hill Zone in order that all areas surrounding licensed premises be enforceable areas. In the South Broken Hill Zone, Police have agreed that Bonanza Street be extended to include from Patton Street to Morish Street and a section of Wilson Street from Bonanza Street to Picton Street.

The Ministerial Guidelines 2009 state, 'There is no general provision for an alcohol-free zone to be extended. However, the roads, footpaths or public carparks comprising a zone may be included in another alcohol-free zone of the same or different configuration, immediately following the cessation of the existing zone or at any future time. All the requirements for the valid establishment of a zone apply whether or not any of the roads, footpaths or carparks concerned have previously been zoned as alcohol-free.' Therefore, the current proposal for extension of the South Broken Hill Zone can be validly considered by Council.

The following comments were provided by Barrier Police District:

'Barrier Police supports the renewal of the existing Alcohol-Free Zones in the Broken Hill township as described in the maps supplied. Comprehensive statistics and reasoning have previously been supplied to Council by the District Crime Manager.'

'With regard to the proposed expansion of the Broken Hill South Zone, it is noted the amended zone would encompass the immediate vicinity of the South Broken Hill Football Club. This will enhance the ability of Police to take enforcement action regarding alcohol-related crime and disorderly conduct should it arise among patrons leaving this licensed venue.'

'Barrier Police District supports this extension to the Alcohol-Free Zone in South Broken Hill.'

This report and attached Proposals for Re-Establishment of Creedon Street, Shell Memorial, E.T. Lamb Memorial Oval and South Broken Hill Alcohol-Free Zones; are now presented to Council for formal adoption of the Zones, for the period of 9 November 2019 to 9 November 2023.

Strategic Direction:

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

The re-establishment and expansion 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:

Placement of the required advertisements and updating of existing signs. Expansion of one Zone will require the placement of additional signage. Funds are within existing budgets.

Attachments

1. Proposal to Re-establish Creedon Street Alcohol Free Zone - 09.11.2019-2023
[↓](#)
2. Proposal to Re-establish E.T. Lamb Memorial Oval Alcohol Free Zone - 09.11.2019-2023
[↓](#)
3. Proposal to Re-establish Shell Memorial Alcohol Free Zone - 09.11.2019-2023
[↓](#)
4. Proposal to Re-establish South Broken Hill Alcohol Free Zone - 09.11.2019-2023
[↓](#)

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAY NANKIVELL
ACTING GENERAL MANAGER



PROPOSAL TO RE-ESTABLISH ALCOHOL-FREE ZONE

CREEDON STREET ZONE – BOUNDED BY CREEDON STREET FROM WILLS STREET THROUGH TO RAKOW STREET

1. INTRODUCTION

Alcohol-Free Zones established by Council have now been operating in Broken Hill since 2002.

Alcohol-Free Zones promote the use of roads, laneways, footpaths and car parks in safety.

Alcohol Free zones are established with Police consultation and are aimed at assisting community security and safety by preventing irresponsible consumption of alcohol in public places. Any person observed to be drinking in an Alcohol-Free Zone may have the alcohol in their possession immediately seized and tipped out or otherwise disposed.

The following outlines Council's recommendation for the Creedon Street Alcohol-Free Zone to be re-established upon expiry in November 2019. The City's Central Business District Alcohol-Free Zone remains in force.

A period of consultation with interested stakeholders and the general public closed on Wednesday, 25 September 2019.

2. BACKGROUND

Council proposes to re-establish an existing Alcohol-Free Zone in Broken Hill, known as the Creedon Street Alcohol-Free Zone. The boundary of the proposed Alcohol-Free Zone is as follows:

- The Zone known as Creedon Street including all public roads, laneways, footpaths and public car parks in an area bounded by Creedon Street from Wills Street through to Rakow Street.

3. REASONS FOR RE-ESTABLISHING THE ZONE

3.1 Views of the Barrier Local Area Command

The Broken Hill Police Force has remained fully supportive of the operation of Alcohol-Free Zones in Broken Hill. The zones are a valuable tool for Police to maintain the peace and good order of public places by utilising the powers found in the *Local Government Act 1993*.

The Zone area is defined as Creedon Street, between Wills Street and Rakow Street and was established at the request of the community after raising concerns about the serious amount of street drinking and anti-social behaviour in the area. This would include large gatherings of people sitting on the roadway consuming alcohol, disrupting traffic and endangering themselves by passing traffic.

The re-establishment of this Zone would prevent residents and their visitors consuming alcohol outside private properties.

3.2 Council's Views

Council is concerned with maintenance of public order and the protection of the property of both residents and ratepayers. Council wishes to continue to provide the Barrier Local Area Command of the New South Wales Police Force with a potentially effective means of control over such offences.

Council has no objections to the responsible consumption of alcohol. Unfortunately, alcohol can be associated with crime, violence, anti-social and offensive behaviour. This can lead to assaults, property damage and excessive noise which can seriously affect the lives of individuals and the community.

Council is concerned about the possibility of alcohol related interference with the use of public areas by members of the community and of alcohol related damage to ratepayer premises.

The re-establishment of Alcohol-Free Zones is an opportunity for Council, the Police and the Community to focus again on any community problems associated with irresponsible alcohol consumption and the range of strategies that can be implemented to address these problems.

The success evidenced by the zoning of the current area as an Alcohol-Free Zone should be continued and Council now proposes that the Alcohol-Free Zone be re-established for a period of four years.

4. PROPOSED DURATION OF ZONE

Council proposes to re-establish the zone for a further four-year period until November 2023.

5. SUSPENSION OF THE ZONE FOR SHORT PERIODS

Council intends to provide a mechanism enabling the suspension of the zone for short periods (eg 10am to 10pm) during special events. Notification of any such suspension of the Alcohol-Free Zone will be published in local newspapers.

6. PUBLIC COMMENT

In accordance with the requirements of the *Local Government Act 1993* comments on the proposal are sought from:

- a) the general public;
- b) the Officer in Charge of the Broken Hill Police;
- c) holders of liquor licences under the *Liquor Act 2007*, for premises which border on, adjoin, or are adjacent to the proposed zones;
- d) the secretaries of Registered Clubs under the *Registered Clubs Act 1976*, which border on, adjoin, or are adjacent to the proposed zones;
- e) any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area.

The period for comment closed on 25 September 2019 and one submission was received from the Broken Hill Police Force in support of the proposal.

7. PARKS AND RESERVES

It should be noted that Section 632A of the *Local Government Act 1993* provides Councils with the power to declare any public place (or any part of a public place) in the council's area to be an **alcohol prohibited area**. Council has advised the public by signposting in Sturt Park for many years that intoxicating liquor shall not be brought into or consumed within the reserve (Sturt Park). The same prohibition has also been introduced by Council at Patton Park, Queen Elizabeth Park, Norm Fox Sportsground, E.T. Lamb Memorial Oval, Riddiford Arboretum and at the Gasworks Reserve.

Under Section 632A, a police officer may seize any alcohol (and the bottle, can, receptacle or package in which it is contained) that is in the immediate possession of a person in an alcohol prohibited area, if the officer has reasonable cause to believe that the person is drinking, or is about to drink, or has recently been drinking, alcohol in the alcohol prohibited area.

The only difference between Alcohol Free Zones (which specifically relate to public roads, laneways, footpaths and public car parks) and alcohol prohibited areas within Council Parks and Reserves, is that two Sections of the *Local Government Act 1993* are in force.

8. RE-ESTABLISHMENT OF THE ZONE

Council considered re-establishment of the zone at its Ordinary Meeting held 30 October 2019 following a period of public consultation.

9. ZONE MAP

Zone map (including aerial photography) comprising Creedon Street Zone including all public roads, laneways and footpaths in an area bounded by Creedon Street from Wills Street through to Rakow Street.





A handwritten signature in black ink, appearing to read 'Razija Nu'man'.

RAZIJA NU'MAN
DIRECTOR CORPORATE



PROPOSAL TO RE-ESTABLISH ALCOHOL-FREE ZONE

E.T. LAMB MEMORIAL OVAL ZONE – BOUNDED BY BOUGHTMAN, SOUTH, JAMIESON AND COMSTOCK STREETS

1. INTRODUCTION

Alcohol-Free Zones established by Council have been operating in Broken Hill since 2002.

Alcohol-Free Zones promote the use of roads, laneways, footpaths and car parks in safety.

Alcohol-Free zones are established with Police consultation and are aimed at assisting community security and safety by preventing irresponsible consumption of alcohol in public places. Any person observed to be drinking in an Alcohol-Free Zone may have the alcohol in their possession immediately seized and tipped out, or otherwise disposed.

The following outlines Council's recommendation for the E.T. Lamb Memorial Oval Alcohol-Free Zone to be re-established upon expiry in November 2019. The City's Central Business District Alcohol-Free Zone remains in force.

A period of consultation with interested stakeholders and the general public closed on Wednesday, 25 September 2019.

2. BACKGROUND

Council proposes to re-establish an existing Alcohol-Free Zone in Broken Hill, known as the E.T. Lamb Memorial Oval Alcohol-Free Zone. The boundary of the proposed Alcohol-Free Zone is as follows:

- The Zone known as E.T. Lamb Memorial Oval including all public roads, laneways, footpaths and public car parks surrounding the oval bounded by Boughtman, South, Jamieson and Comstock Streets; except for any businesses in the Zone with a current or future approved liquor licence and approved outdoor dining. The responsible consumption of alcohol in these areas will only be permitted to the patrons of those businesses.

3. REASONS FOR RE-ESTABLISHING THE ZONE

3.1 Views of the Barrier Local Area Command

The Broken Hill Police Force has remained fully supportive of the operation of Alcohol-Free Zones in Broken Hill. The zones are a valuable tool for Police to maintain the peace and good order of public places by utilising the powers found in the *Local Government Act 1993*.

Alcohol related anti-social behaviour is an issue especially during seasonal weather and sporting events which attract people into public places.

The Police have identified alcohol related issues occurring in and around the E.T. Lamb Memorial Oval when matches are conducted.

Re-establishment of the proposed Zone would prevent spectators consuming alcohol outside the fence line of the oval and assist Police efforts.

3.2 Council's Views

Council is concerned with maintenance of public order and the protection of the property of both residents and ratepayers. Council wishes to continue to provide the Barrier Local Area Command of the New South Wales Police Force with a potentially effective means of control over such offences.

Council has no objections to the responsible consumption of alcohol. Unfortunately, alcohol can be associated with crime, violence, anti-social and offensive behaviour. This can lead to assaults, property damage and excessive noise which can seriously affect the lives of individuals and the community.

Council is concerned about the possibility of alcohol related interference with the use of public areas by members of the community and of alcohol related damage to ratepayer premises.

The re-establishment of Alcohol-Free Zones is an opportunity for Council, the Police and the Community to focus again on any community problems associated with irresponsible alcohol consumption and the range of strategies that can be implemented to address these problems. Alcohol-Free Zones are essentially a short-term measure as they operate for a defined period and in many instances a zone will achieve the desired objectives and outcomes within its operational period.

The success evidenced by the zoning of the current area as an Alcohol-Free Zone should be continued and Council now proposes that the Alcohol-Free Zone be re-established for a period of four years.

4. PROPOSED DURATION OF ZONE

Council proposes to re-establish the zone for a further four-year period until November 2023.

5. SUSPENSION OF THE ZONE FOR SHORT PERIODS

Council intends to provide a mechanism enabling the suspension of the zone for short periods (eg 10am to 10pm) during special events. Notification of any such suspension of the Alcohol-Free Zone will be published in local newspapers.

6. PUBLIC COMMENT

In accordance with the requirements of the *Local Government Act 1993* comments on the proposal are sought from:

- a) the general public;
- b) the Officer in Charge of the Broken Hill Police;
- c) holders of liquor licences under the *Liquor Act 2007*, for premises which border on, adjoin, or are adjacent to the proposed zones;
- d) the secretaries of Registered Clubs under the *Registered Clubs Act 1976*, which border on, adjoin, or are adjacent to the proposed zones;
- e) any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area.

The period for comment closed on 25 September 2019 and one submission was received from the Broken Hill Police Force in support of the proposal.

7. PARKS AND RESERVES

It should be noted that Section 632A of the *Local Government Act 1993* provides Councils with the power to declare any public place (or any part of a public place) in the council's area to be an **alcohol prohibited area**. Council has advised the public by signposting in Sturt Park for many years that intoxicating liquor shall not be brought into or consumed within the reserve (Sturt Park). The same prohibition has also been introduced by Council at Patton Park, Queen Elizabeth Park, Norm Fox Sportsground, E.T. Lamb Memorial Oval, Riddiford Arboretum and at the Gasworks Reserve.

Under Section 632A, a police officer may seize any alcohol (and the bottle, can, receptacle or package in which it is contained) that is in the immediate possession of a person in an alcohol prohibited area, if the officer has reasonable cause to believe that the person is drinking, or is about to drink, or has recently been drinking, alcohol in the alcohol prohibited area.

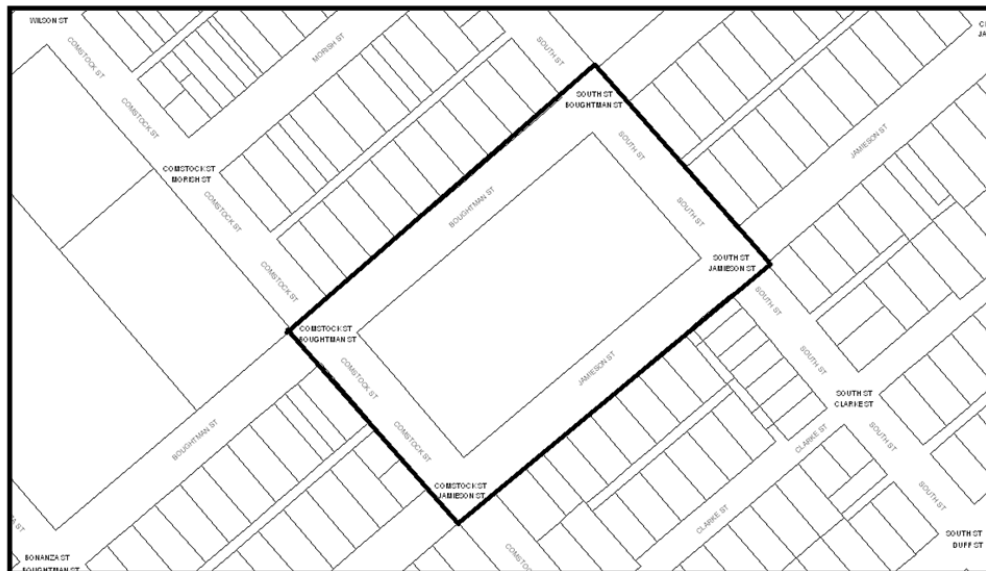
The only difference between Alcohol Free Zones (which specifically relate to public roads, laneways, footpaths and public car parks) and alcohol prohibited areas within Council Parks and Reserves, is that two Sections of the *Local Government Act 1993* are in force.

8. RE-ESTABLISHMENT OF THE ZONE

Council considered re-establishment of the zone at its Ordinary Meeting held 30 October 2019 following a period of public consultation.

9. ZONE MAP

Zone map (including aerial photography) comprising E.T. Lamb Memorial Oval Zone bounded by Boughtman, South, Jamieson and Cornstock Streets.





A handwritten signature in black ink, appearing to read 'Razija Nu'man'. The signature is fluid and cursive, with the first name 'Razija' being more prominent than the last name 'Nu'man'.

RAZIJA NU'MAN
DIRECTOR CORPORATE



PROPOSAL TO RE-ESTABLISH ALCOHOL-FREE ZONE

SHELL MEMORIAL ZONE – BOUNDED BY THOMAS, BROMIDE, MICA AND IODIDE STREETS, INCLUDING OXIDE STREET FROM THOMAS STREET THROUGH TO MORGAN STREET

1. INTRODUCTION

Alcohol-Free Zones established by Council have been operating in Broken Hill since 2002.

Alcohol-Free Zones promote the use of public roads, laneways, footpaths and car parks in safety.

Alcohol-Free Zones are established with Police consultation and are aimed at assisting community security and safety by preventing irresponsible consumption of alcohol in public places. Any person observed to be drinking in an Alcohol-Free Zone may have the alcohol in their possession immediately seized and tipped out, or otherwise disposed.

The following outlines Council's recommendation for the Shell Memorial Alcohol-Free Zone to be re-established upon expiry in November 2019. The City's Central Business District Alcohol-Free Zone remains in force.

A period of consultation with interested stakeholders and the general public closed on Wednesday, 25 September 2019.

2. BACKGROUND

Council proposes to re-establish an existing Alcohol-Free Zone in Broken Hill, known as the Shell Memorial Alcohol-Free Zone. The boundary of the proposed Alcohol-Free Zone is as follows:

- The Zone known as Shell Memorial including all public roads, laneways, footpaths and public car parks in the area bounded by Thomas, Bromide, Mica and Iodide Streets, including Oxide Street from Thomas Street through to Morgan Street; with the exception of any businesses in the Zone with a current or future approved liquor licence and approved outdoor dining. The responsible consumption of alcohol in these areas will only be permitted to the patrons of those businesses.

3. REASONS FOR RE-ESTABLISHING THE ZONE

3.1 Views of the Barrier Local Area Command

The Broken Hill Police Force has remained fully supportive of the operation of Alcohol-Free Zones in Broken Hill. The Zones are a valuable tool for Police to maintain the peace and good order of public places by utilising the powers found in the *Local Government Act 1993*.

The Zone is also located in places which attract families or have especially vulnerable residents.

Alcohol related anti-social behaviour remains an issue especially during summer when more alcohol is consumed and the weather attracts people into public places. This is particularly applicable to the area covered by the Zone proposed for re-establishment.

In addition, there are several licensed or registered premises in the City and patrons regularly walk between them. The carriage of alcohol containers and its consumption in public places when moving from one licensed premises to another only increases the propensity for public order offences to occur.

From a policing perspective, to abandon the Alcohol-Free Zone would encourage further abuse of alcohol during the most problematic times, after the closure of licensed premises. This would undoubtedly lead to an escalation in street crimes and violence, which would be difficult to prevent and could only be tackled through reactive policing efforts. The maintenance of the Alcohol-Free Zone is an important tool for Police to proactively prevent crime.

3.2 Council's Views

Council is concerned with maintenance of public order and the protection of the property of both residents and ratepayers. Council wishes to continue to provide the Barrier Local Area Command of the New South Wales Police Force with a potentially effective means of control over such offences.

Council has no objections to the responsible consumption of alcohol. Unfortunately, alcohol can be associated with crime, violence, anti-social and offensive behaviour. This can lead to assaults, property damage and excessive noise which can seriously affect the lives of individuals and the community.

Council is concerned about the possibility of alcohol related interference with the use of public areas by members of the community and of alcohol related damage to ratepayer premises.

The re-establishment of Alcohol-Free Zones is an opportunity for Council, the Police and the Community to focus again on any community problems associated with irresponsible alcohol consumption and the range of strategies that can be implemented to address these problems. Alcohol-Free Zones are essentially a short-term measure as they operate for a defined period and in many instances a zone will achieve the desired objectives and outcomes within its operational period.

The success evidenced by the zoning of the current area as an Alcohol-Free Zone should be continued and Council now proposes that the Alcohol-Free Zone be re-established for a period of four years.

4. PROPOSED DURATION OF ZONE

Council proposes to re-establish the Zone for a further four-year period until November 2023.

5. SUSPENSION OF THE ZONE FOR SHORT PERIODS

Council intends to provide a mechanism enabling the suspension of the zone for short periods (eg 10am to 10pm) during special events. Notification of any such suspension of the Alcohol-Free Zone will be published in local newspapers.

6. PUBLIC COMMENT

In accordance with the requirements of the *Local Government Act 1993* comments on the proposal are sought from:

- a) the general public;
- b) the Officer in Charge of the Broken Hill Police;

- c) holders of liquor licences under the *Liquor Act 2007*, for premises which border on, adjoin, or are adjacent to the proposed zones;
- d) the secretaries of Registered Clubs under the *Registered Clubs Act 1976*, which border on, adjoin, or are adjacent to the proposed zones;
- e) any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area.

The period for comment closed on 25 September 2019 and one submission was received from the Broken Hill Police Force in support of the proposal.

7. PARKS AND RESERVES

It should be noted that Section 632A of the *Local Government Act 1993* provides Councils with the power to declare any public place (or any part of a public place) in the council's area to be an **alcohol prohibited area**. Council has advised the public by signposting in Sturt Park for many years that intoxicating liquor shall not be brought into or consumed within the reserve (Sturt Park). The same prohibition has also been introduced by Council at Patton Park, Queen Elizabeth Park, Norm Fox Sportsground, E.T. Lamb Memorial Oval, Riddiford Arboretum and at the Gasworks Reserve.

Under Section 632A, a police officer may seize any alcohol (and the bottle, can, receptacle or package in which it is contained) that is in the immediate possession of a person in an alcohol prohibited area, if the officer has reasonable cause to believe that the person is drinking, or is about to drink, or has recently been drinking, alcohol in the alcohol prohibited area.

The only difference between Alcohol-Free Zones (which specifically relate to public roads, footpaths and public car parks) and alcohol prohibited areas within Council Parks and Reserves, is that two Sections of the *Local Government Act 1993* are in force.

8. RE-ESTABLISHMENT OF THE ZONE

Council considered re-establishment of the zone at its Ordinary Meeting held 30 October 2019 following a period of public consultation.

9. ZONE MAP

Zone map (including aerial photography) comprising an area known as Shell Memorial Zone including all public roads and footpaths in an area bounded by Thomas, Bromide, Mica and Iodide Streets including Oxide Street from Thomas Street through to Morgan Street.




RAZIJA NU'MAN
DIRECTOR CORPORATE

Proposal to Re-establish Shell Memorial Alcohol-Free Zone

Page 4 of 4



PROPOSAL TO RE-ESTABLISH ALCOHOL-FREE ZONE

SOUTH BROKEN HILL ZONE – BOUNDED BY BONANZA, PATTON, CENTRAL AND HEBBARD STREETS, INCLUDING SOUTH STREET FROM PIPER STREET THROUGH TO WILSON STREET; WITH EXPANSION TO ZONE ALONG BONANZA STREET, FROM PATTON STREET TO MORISH STREET; AND A SECTION OF WILSON STREET, BETWEEN BONANZA AND PICTON STREETS

1. INTRODUCTION

Alcohol-Free Zones established by Council have been operating in Broken Hill since 2002.

Alcohol-Free Zones promote the use of public roads, laneways, footpaths and car parks in safety.

Alcohol-Free Zones are established with Police consultation and are aimed at assisting community security and safety by preventing irresponsible consumption of alcohol in public places. Any person observed to be drinking in an Alcohol-Free Zone may have the alcohol in their possession immediately seized and tipped out, or otherwise disposed.

The following outlines Council's recommendation for the South Broken Hill Alcohol-Free Zone to be re-established with proposed expansion to zone, upon expiry in November 2019. The City's Central Business District Alcohol-Free Zone remains in force.

A period of consultation with interested stakeholders and the general public closed on Wednesday, 25 September 2019.

2. BACKGROUND

Council proposes to re-establish an existing Alcohol-Free Zone in Broken Hill, known as the South Broken Hill Alcohol-Free Zone, with proposed expansion to zone. The boundary of the proposed Alcohol-Free Zone including expansion to zone is as follows:

- The Zone known as South Broken Hill including all public roads, laneways, footpaths and public car parks in the area bounded by Bonanza, Patton, Central and Hebbard Streets, including South Street from Piper Street through to Wilson Street. ; with the exception of any businesses in the Zone with a current or future approved liquor licence and approved outdoor dining.

The responsible consumption of alcohol in these areas will only be permitted to the patrons of those businesses with approved liquor licence and approved outdoor dining.

- Expansion to the South Broken Hill Zone boundary will include Bonanza Street, from Patton Street to Morish Street; and a section of Wilson Street, between Bonanza and Picton Streets. This is to incorporate other establishments supplying alcohol within the proposed Zone expansion.

3. REASONS FOR RE-ESTABLISHING THE ZONE

3.1 Views of the Barrier Local Area Command

The Broken Hill Police Force has remained fully supportive of the operation of Alcohol-Free Zones in Broken Hill. The Zones are a valuable tool for Police to

maintain the peace and good order of public places by utilising the powers found in the *Local Government Act 1993*.

The Zone is the main commercial area in South Broken Hill and a significant location for liquor purchases/consumption in public areas. Safety and neighbourhood amenity are prime considerations.

From a policing perspective, to abandon the Alcohol-Free Zone would encourage further abuse of alcohol during the most problematic times, after the closure of licensed premises. This would undoubtedly lead to an escalation in street crimes and violence, which would be difficult to prevent and could only be tackled through reactive policing efforts. The maintenance of the Alcohol-Free Zone is an important tool for Police to proactively prevent crime.

3.2 Council's Views

Council is concerned with maintenance of public order and the protection of the property of both residents and ratepayers. Council wishes to continue to provide the Barrier Local Area Command of the New South Wales Police Force with a potentially effective means of control over such offences.

Council has no objections to the responsible consumption of alcohol. Unfortunately, alcohol can be associated with crime, violence, anti-social and offensive behaviour. This can lead to assaults, property damage and excessive noise which can seriously affect the lives of individuals and the community.

Council is concerned about the possibility of alcohol related interference with the use of public areas by members of the community and of alcohol related damage to ratepayer premises.

The re-establishment of Alcohol-Free Zones is an opportunity for Council, the Police and the Community to focus again on any community problems associated with irresponsible alcohol consumption and the range of strategies that can be implemented to address these problems. Alcohol-Free Zones are essentially a short-term measure as they operate for a defined period and in many instances a zone will achieve the desired objectives and outcomes within its operational period.

The success evidenced by the zoning of the current area as an Alcohol-Free Zone should be continued and Council now proposes that the Alcohol-Free Zone be re-established for a period of four years.

4. PROPOSED DURATION OF ZONE

Council proposes to re-establish the Zone for a further four-year period until November 2023.

5. SUSPENSION OF THE ZONE FOR SHORT PERIODS

Council intends to provide a mechanism enabling the suspension of the zone for short periods (eg 10am to 10pm) during special events. Notification of any such suspension of the Alcohol Free Zone will be published in local newspapers.

6. PUBLIC COMMENT

In accordance with the requirements of the *Local Government Act 1993* comments on the proposal are sought from:

- a) the general public;
- b) the Officer in Charge of the Broken Hill Police;
- c) holders of liquor licences under the *Liquor Act 2007*, for premises which border on, adjoin, or are adjacent to the proposed zones;
- d) the secretaries of Registered Clubs under the *Registered Clubs Act 1976*, which border on, adjoin, or are adjacent to the proposed zones;
- e) any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area.

The period for comment closed on 25 September 2019 and one submission was received from the Broken Hill Police Force in support of the proposal.

7. PARKS AND RESERVES

It should be noted that Section 632A of the *Local Government Act 1993* provides Councils with the power to declare any public place (or any part of a public place) in the council's area to be an **alcohol prohibited area**. Council has advised the public by signposting in Sturt Park for many years that intoxicating liquor shall not be brought into or consumed within the reserve (Sturt Park). The same prohibition has also been introduced by Council at Patton Park, Queen Elizabeth Park, Norm Fox Sportsground, E.T. Lamb Memorial Oval, Riddiford Arboretum and at the Gasworks Reserve.

Under Section 632A, a police officer may seize any alcohol (and the bottle, can, receptacle or package in which it is contained) that is in the immediate possession of a person in an alcohol prohibited area, if the officer has reasonable cause to believe that the person is drinking, or is about to drink, or has recently been drinking, alcohol in the alcohol prohibited area.

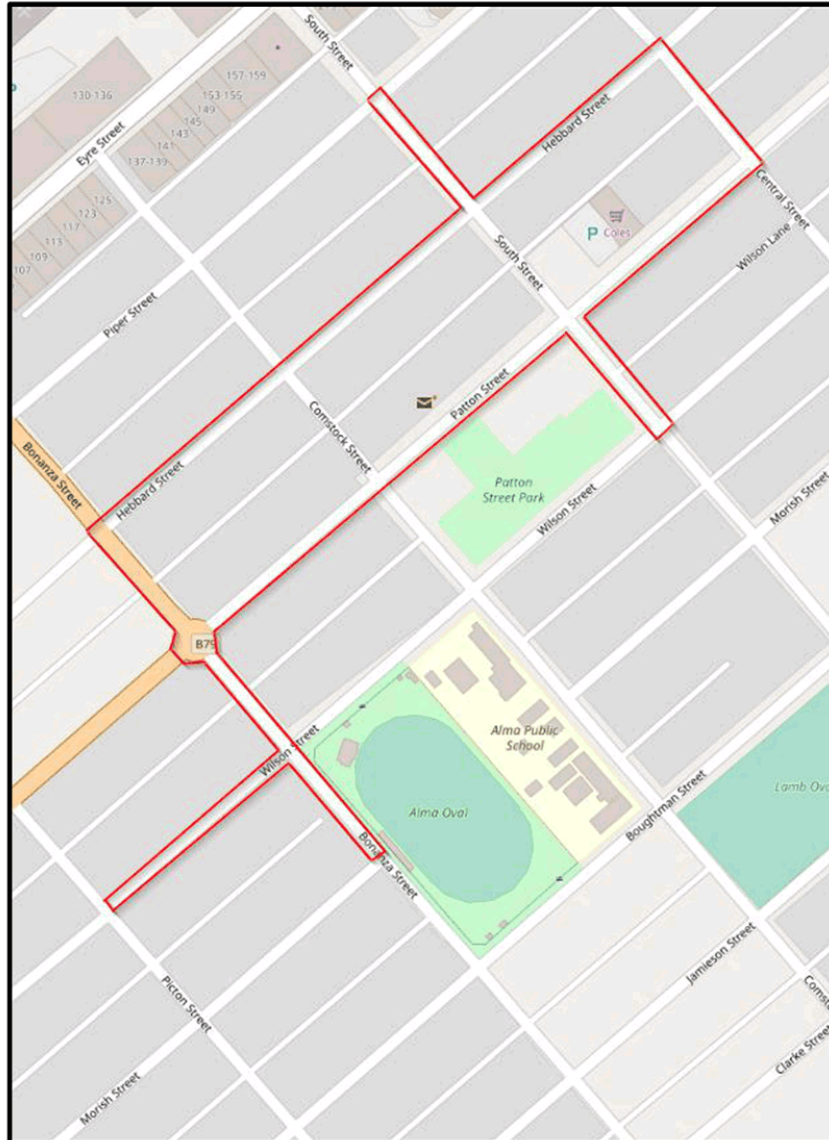
The only difference between Alcohol-Free Zones (which specifically relate to public roads, footpaths and public car parks) and alcohol prohibited areas within Council Parks and Reserves, is that two Sections of the *Local Government Act 1993* are in force.

8. RE-ESTABLISHMENT OF THE ZONE

Council considered re-establishment of the zone at its Ordinary Meeting held 30 October 2019 following a period of public consultation.

9. ZONE MAP

Zone map comprising an area known as South Broken Hill Zone including all public roads, laneways and footpaths and public car parks in an area bounded by Bonanza, Patton, Central and Hebbard Streets, including South Street from Piper Street through to Wilson Street; with expansion to include from Bonanza Street to Morish Street and off Bonanza Street from Wilson Street to Picton Street.



RAZIJA NU'MAN
DIRECTOR CORPORATE

ORDINARY MEETING OF THE COUNCIL

October 8, 2019

ITEM 8BROKEN HILL CITY COUNCIL REPORT NO. 173/19SUBJECT: INVESTMENT REPORT FOR SEPTEMBER 2019 17/82**Recommendation**

1. That Broken Hill City Council Report No. 173/19 dated October 8, 2019, 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 September 2019, Council's Investment Portfolio had a current market valuation of \$23,368,225 or principal value (face value) of \$23,267,085 and was compliant with all legislative and policy requirements.

Report:

Council's investments as at 30 September 2019 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**

In the US, the Federal Reserve cut the key interest rate by 25bps to the 1.75-2.00% range. Factors supporting the rate cut include weakness in business investment and exports; impact of trade tensions with China; and little sign of sustained inflation pressure. While making for interesting viewing, the US presidential impeachment inquiry is not expected to have much impact on the financial markets. Likewise, the ongoing Brexit saga will not likely rattle markets too much beyond the UK and Europe. In Europe, the European Central Bank cut the key interest rate, already negative, by a further 10bps to -0.50% and restarted its quantitative easing (asset purchases) program to inject cash into the economy.

Attacks on Saudi Arabian oil facilities during the month caused only a minor rise in global oil prices, much lower than what the sharp price increases at domestic petrol stations would justify.

Domestic issues

In Australia, the latest new jobs data was higher than expected, but full time jobs actually fell and the unemployment rate rose. Job vacancies and business hiring plans are indicating that even worse employment conditions are in the offing. The jobs data added to the growing list of indicators that the economy is continuing to struggle. Retail sales have not benefited from the rate cuts to date, inflation remains muted and wages growth shows little potential for a sustained rise.

Interest rates

The RBA kept the official cash rate unchanged at 1.00% after its September meeting, however the market is pricing in a cash rate of 0.50% by May 2020. After sharp declines across most terms for the past several months, term deposit rates largely had little change in September, particularly beyond seven months. The average highest rates on offer for three-month TDs at month end was 1.75%, up from 1.69% in August but still down from 1.87% in July. The average of the highest 12 month rates was 1.67%, in line with August and down from 1.85% in July. The best rates among the lower rated banks were largely in the 1.55%-1.75% area across 1-12 months range.

Investment Portfolio Commentary

Council's investment portfolio posted a return of 4.34%pa for the month of September versus the bank bill index benchmark return of 1.03%pa. For the financial year to date, the investment portfolio returned 4.21%pa, exceeding the bank bill index benchmark's 1.15%pa by 3.06%pa.

During September, Council's investment portfolio had \$2m in two-six month term deposits mature with a weighted average rate of approximately 2.28%pa. Council invested \$1.5m across four & seven month terms at an average rate of 1.73%, reflective of the drop in rates across the market over the past several months.

The TCorpIM MT and LT Growth funds were up 0.5% and 1.1% respectively during September. Australian shares were up 2.1% with Energy (+4.5%) the best performing sector due to the rise in oil prices from the Saudi attacks while Financials (+4.1%) and Consumer Discretionary (+3.3%) also performed strongly. Communications (-2.8%) and Real Estate (-2.7%) were the worst performing sectors. Overseas markets were generally higher with the US S&P 500 (+1.9%), Chinese S&P 300 (+0.2%), European S&P 350 (+3.8%), and Japanese S&P 500 (+6.2%) all recording gains

Council's Portfolio by Source of Funds – September 2019

As at 30 September 2019, Council's Investment Portfolio had a current market valuation of \$23,267,085 or principal value (face value) of \$23,368,225 and was compliant with all legislative and policy requirements.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$16,061,085
	Royalties Reserve	\$625,000
	Domestic Waste Management Reserve	\$4,232,000
	Grants	\$1,888,000
	Developer Contributions	\$461,000
	TOTAL PORTFOLIO	\$23,267,085

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 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. [!\[\]\(564903337f30b845a5f6979939a95fe6_img.jpg\)](#) Investment Report September 2019

JAY NANKIVELL
ACTING GENERAL MANAGER



**Investment Summary Report
September 2019**



Broken Hill City Council

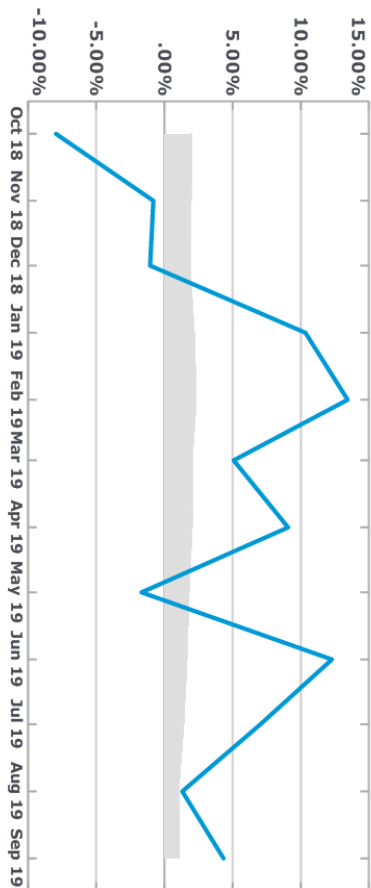
Executive Summary



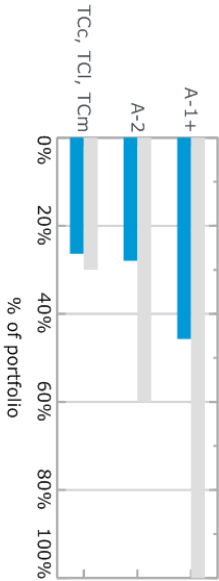
Investment Holdings

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	7,133,105.57	7,133,105.57	1.98
Managed Funds	6,133,979.31	6,133,979.31	11.53
Term Deposit	10,000,000.00	10,101,140.16	2.32
	23,267,084.88	23,368,225.04	4.64

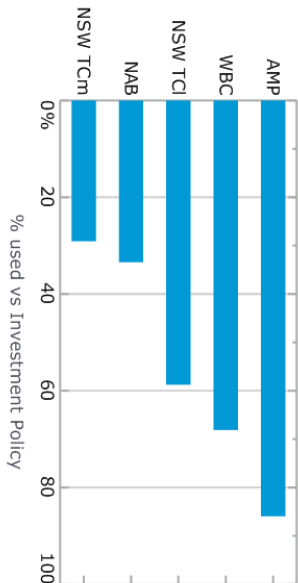
Investment Performance



Total Credit Exposure



Investment Policy Compliance



Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	23,267,085	100% 100%
	23,267,085	



Broken Hill City Council
Investment Holdings Report

Cash Accounts						
Face Value (\$)	Current Yield	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
827,952.79	0.5300%	Westpac Group	A-1+	827,952.79	473409	Cheque
6,305,152.78	2.1714%	Westpac Group	A-1+	6,305,152.78	535442	90d Notice
7,133,105.57	1.9809%			7,133,105.57		

Managed Funds						
Face Value (\$)	Current Yield	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.
7.90	1.5530%	NSW T-Corp (Cash)	TCC	Cash Fund	7.90	535329
4,101,421.85	14.2649%	NSW T-Corp (LT)	TCI	Long Term Growth Fund	4,101,421.85	536442
2,032,549.56	6.0054%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	2,032,549.56	536441
6,133,979.31	11.5280				6,133,979.31	

Term Deposits										
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency
3-Oct-19	500,000.00	2.3000%	AMP Bank	A-2	500,000.00	6-Jun-19	503,686.30	538032	3,686.30	At Maturity
9-Oct-19	500,000.00	2.8500%	Credit Union Australia	A-2	500,000.00	7-Dec-18	511,634.25	537401	11,634.25	At Maturity
9-Oct-19	500,000.00	2.7500%	National Australia Bank	A-1+	500,000.00	9-Jan-19	509,982.88	537462	9,982.88	At Maturity
16-Oct-19	500,000.00	2.8000%	AMP Bank	A-2	500,000.00	13-Mar-19	507,747.95	537640	7,747.95	At Maturity
23-Oct-19	500,000.00	2.4000%	AMP Bank	A-2	500,000.00	22-May-19	504,339.73	537968	4,339.73	At Maturity
30-Oct-19	500,000.00	2.3000%	AMP Bank	A-2	500,000.00	29-May-19	503,938.36	537989	3,938.36	At Maturity
6-Nov-19	500,000.00	2.9000%	Credit Union Australia	A-2	500,000.00	7-Dec-18	511,838.36	537402	11,838.36	At Maturity
13-Nov-19	500,000.00	2.7600%	National Australia Bank	A-1+	500,000.00	16-Jan-19	509,754.52	537473	9,754.52	At Maturity
20-Nov-19	500,000.00	2.8000%	AMP Bank	A-2	500,000.00	11-Mar-19	507,824.66	537632	7,824.66	At Maturity
27-Nov-19	500,000.00	2.5000%	AMP Bank	A-2	500,000.00	8-May-19	505,000.00	537936	5,000.00	At Maturity
4-Dec-19	500,000.00	2.5000%	AMP Bank	A-2	500,000.00	8-May-19	505,000.00	537937	5,000.00	At Maturity
11-Dec-19	500,000.00	2.9000%	Credit Union Australia	A-2	500,000.00	7-Dec-18	511,838.36	537403	11,838.36	Annually

Broken Hill City Council
Investment Holdings Report

Term Deposits										
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
15-Jan-20	500,000.00	1.6800%	National Australia Bank	A-1+	500,000.00	4-Sep-19	500,621.37	538484	621.37	At Maturity
22-Jan-20	500,000.00	1.6800%	National Australia Bank	A-1+	500,000.00	4-Sep-19	500,621.37	538483	621.37	At Maturity
5-Feb-20	500,000.00	2.1000%	Amp Bank	A-2	500,000.00	7-Aug-19	501,582.19	538374	1,582.19	At Maturity
12-Feb-20	500,000.00	1.7500%	National Australia Bank	A-1+	500,000.00	14-Aug-19	501,150.68	538390	1,150.68	At Maturity
11-Mar-20	500,000.00	1.7700%	National Australia Bank	A-1+	500,000.00	8-Aug-19	501,309.32	538376	1,309.32	At Maturity
18-Mar-20	500,000.00	1.9000%	Amp Bank	A-2	500,000.00	13-Sep-19	500,468.49	538527	468.49	At Maturity
8-Apr-20	500,000.00	1.7500%	National Australia Bank	A-1+	500,000.00	8-Aug-19	501,294.52	538377	1,294.52	At Maturity
5-Aug-20	500,000.00	2.0000%	Amp Bank	A-2	500,000.00	7-Aug-19	501,506.85	538375	1,506.85	At Maturity
	10,000,000.00	2.3195%			10,000,000.00		10,101,140.16		101,140.16	

Broken Hill City Council

Accrued Interest Report - September 2019

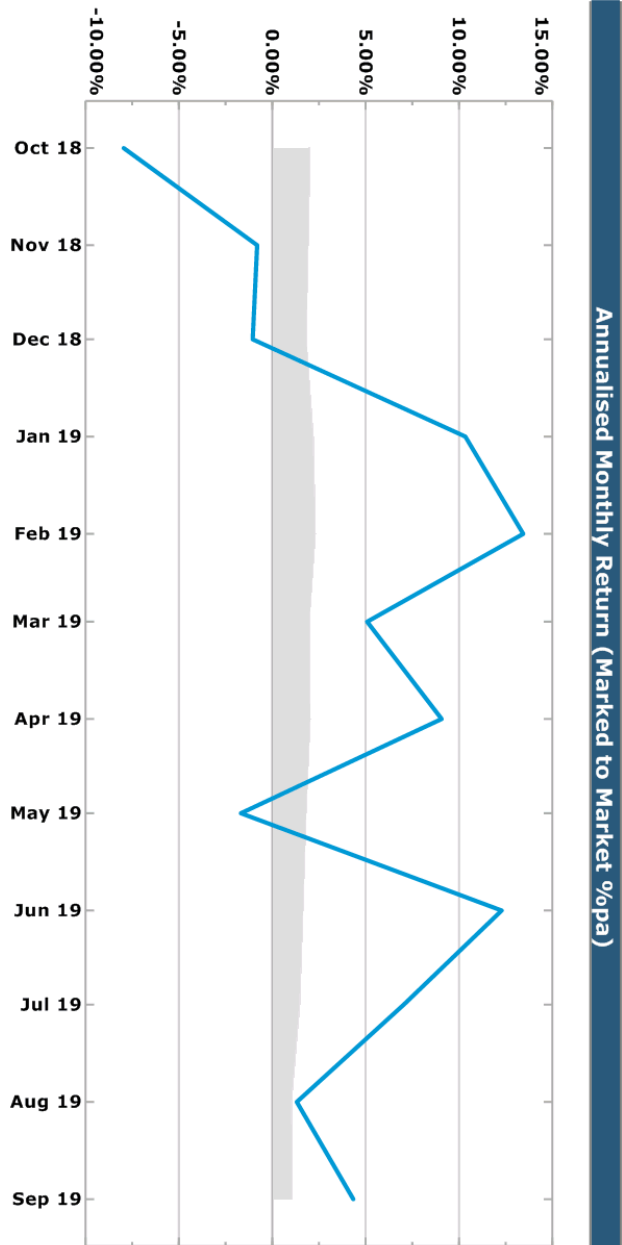


Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Cash									
Westpac Group	473409	Cheque	827,952.79			691.72	30	691.72	.53%
Westpac Group	535442	90d Notice	6,305,152.78			11,250.52	30	11,250.52	2.17%
Cash Total						11,942.24		11,942.24	1.84%
Managed Funds									
Cash Fund	535329		7.90	29-May-17			30	0.01	1.55%
Medium Term Growth Fund	536441		2,032,549.56	12-Feb-18			30	9,719.60	6.01%
Long Term Growth Fund	536442		4,101,421.85	09-Feb-18			30	44,707.07	14.26%
Managed Funds Total								54,426.68	11.45%
Term Deposits									
Bankwest	538058		500,000.00	19-Jun-19	04-Sep-19	2,056.85	3	80.14	1.95%
AMP Bank	538031		500,000.00	06-Jun-19	12-Sep-19	3,087.67	11	346.57	2.30%
Bankwest	538344		500,000.00	31-Jul-19	18-Sep-19	1,114.25	17	386.58	1.66%
IMB Ltd	537480		500,000.00	23-Jan-19	25-Sep-19	9,229.45	24	904.11	2.75%
AMP Bank	538032		500,000.00	06-Jun-19	03-Oct-19		30	945.20	2.30%
Credit Union Australia	537401		500,000.00	07-Dec-18	09-Oct-19		30	1,171.24	2.85%
National Australia Bank	537462		500,000.00	09-Jan-19	09-Oct-19		30	1,130.14	2.75%
AMP Bank	537640		500,000.00	13-Mar-19	16-Oct-19		30	1,150.69	2.80%
AMP Bank	537968		500,000.00	22-May-19	23-Oct-19		30	986.31	2.40%
AMP Bank	537989		500,000.00	29-May-19	30-Oct-19		30	945.21	2.30%
Credit Union Australia	537402		500,000.00	07-Dec-18	06-Nov-19		30	1,191.78	2.90%
National Australia Bank	537473		500,000.00	16-Jan-19	13-Nov-19		30	1,134.25	2.76%
AMP Bank	537632		500,000.00	11-Mar-19	20-Nov-19		30	1,150.69	2.80%

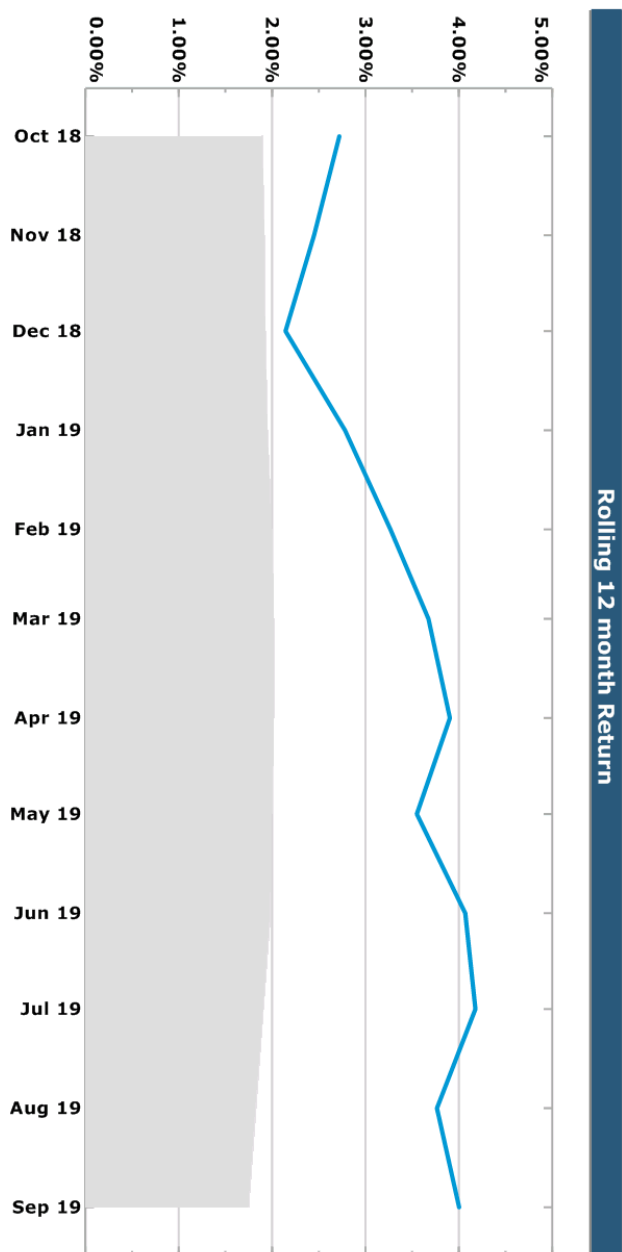
Broken Hill City Council
Accrued Interest Report - September 2019

Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
AMP Bank	537936		500,000.00	08-May-19	27-Nov-19		30	1,027.40	2.50%
AMP Bank	537937		500,000.00	08-May-19	04-Dec-19		30	1,027.40	2.50%
Credit Union Australia	537403		500,000.00	07-Dec-18	11-Dec-19		30	1,191.78	2.90%
National Australia Bank	538484		500,000.00	04-Sep-19	15-Jan-20		27	621.37	1.68%
National Australia Bank	538483		500,000.00	04-Sep-19	22-Jan-20		27	621.37	1.68%
AMP Bank	538374		500,000.00	07-Aug-19	05-Feb-20		30	863.01	2.10%
National Australia Bank	538390		500,000.00	14-Aug-19	12-Feb-20		30	719.17	1.75%
National Australia Bank	538376		500,000.00	08-Aug-19	11-Mar-20		30	727.40	1.77%
AMP Bank	538527		500,000.00	13-Sep-19	18-Mar-20		18	468.49	1.90%
National Australia Bank	538377		500,000.00	08-Aug-19	08-Apr-20		30	719.18	1.75%
AMP Bank	538375		500,000.00	07-Aug-19	05-Aug-20		30	821.92	2.00%
Term Deposits Total						15,488.22		20,331.40	2.33%
						27,430.46		86,700.32	4.34%

Broken Hill City Council
Investment Performance Report



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Sep 2019	4.34%	1.03%	3.31%
Last 3 Months	4.21%	1.15%	3.06%
Last 6 Months	5.24%	1.48%	3.76%
Financial Year to Date	4.21%	1.15%	3.06%
Last 12 months	4.00%	1.74%	2.26%

Broken Hill City Council
Investment Performance Report

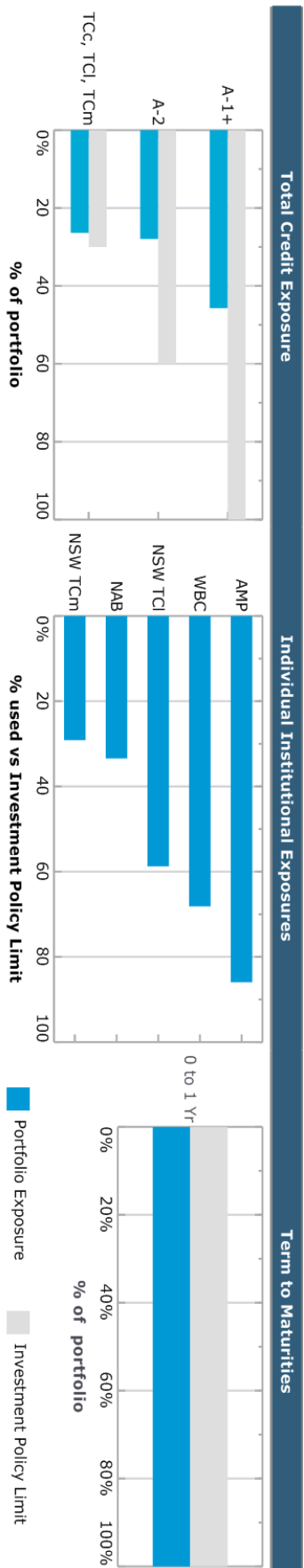
AusBond BB Index Rolling 12 month Return Portfolio Rolling 12 month Return

Historical Performance Summary (actual)

	Portfolio	AusBond BB Index	Outperformance
Sep 2019	0.35%	0.08%	0.27%
Last 3 Months	1.04%	0.29%	0.75%
Last 6 Months	2.59%	0.74%	1.85%
Financial Year to Date	1.04%	0.29%	0.75%
Last 12 months	4.00%	1.74%	2.26%

Broken Hill City Council

Investment Policy Compliance Report



Credit Rating	Face Value (\$)	Policy Max	
Short Term A-1+	10,633,106	46%	100%
Short Term A-2	6,500,000	28%	60%
Short Term TCC	4,101,422		
Short Term TCI	2,032,550		
Short Term TCM	6,133,979	26%	30%
	23,267,085	100%	

Credit Rating	Face Value (\$)	Policy Max	
AMP Bank (A-2, BBB+)		86%	
Westpac Group (A-1+, AA-)		68%	
NSW T-Corp (LT) (TCI)		59%	
National Australia Bank (A-1+, AA-)		33%	
NSW T-Corp (MT) (TCm)		29%	
Credit Union Australia (A-2, BBB)		26%	
NSW T-Corp (Cash) (TCC)		0%	

Detailed Maturity Profile	Face Value (\$)	Policy Max	
00. Cash + Managed Funds	13,267,085	57%	
01. Less Than 30 Days	3,000,000	13%	
02. Between 30 Days and 60 Days	2,000,000	9%	
03. Between 60 Days and 90 Days	1,000,000	4%	
04. Between 90 Days and 180 Days	3,000,000	13%	
05. Between 180 Days and 365 Days	1,000,000	4%	
	23,267,085		

✓ = compliant
X = non-compliant

Broken Hill City Council

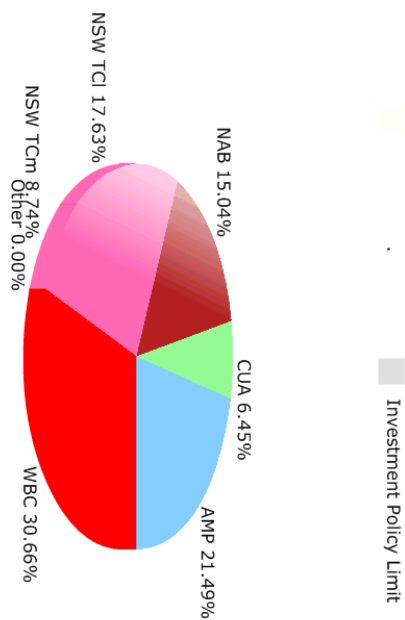
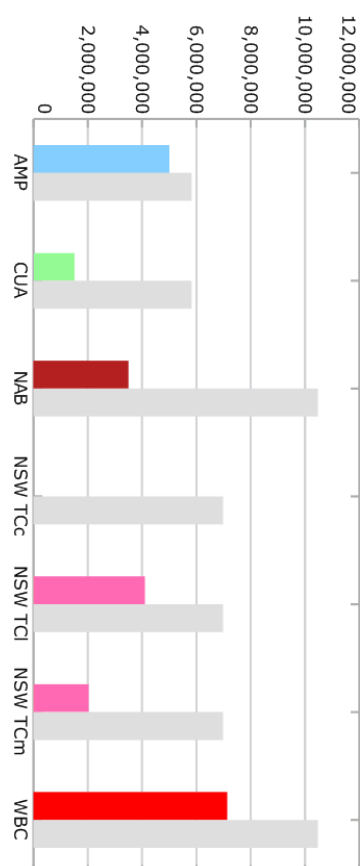
Individual Institutional Exposures Report

BROKEN HILL
CITY COUNCIL

Individual Institutional Exposures

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
AMP Bank	A-2, BBB+	5,000,000	5,816,771
Credit Union Australia	A-2, BBB	1,500,000	5,816,771
National Australia Bank	A-1+, AA-	3,500,000	10,470,188
NSW T-Corp (Cash)	TCC	8	6,980,125
NSW T-Corp (LT)	TCI	4,101,422	6,980,125
NSW T-Corp (MT)	TCm	2,032,550	6,980,125
Westpac Group	A-1+, AA-	7,133,106	10,470,188
		23,267,085	

Individual Institutional Exposure Charts



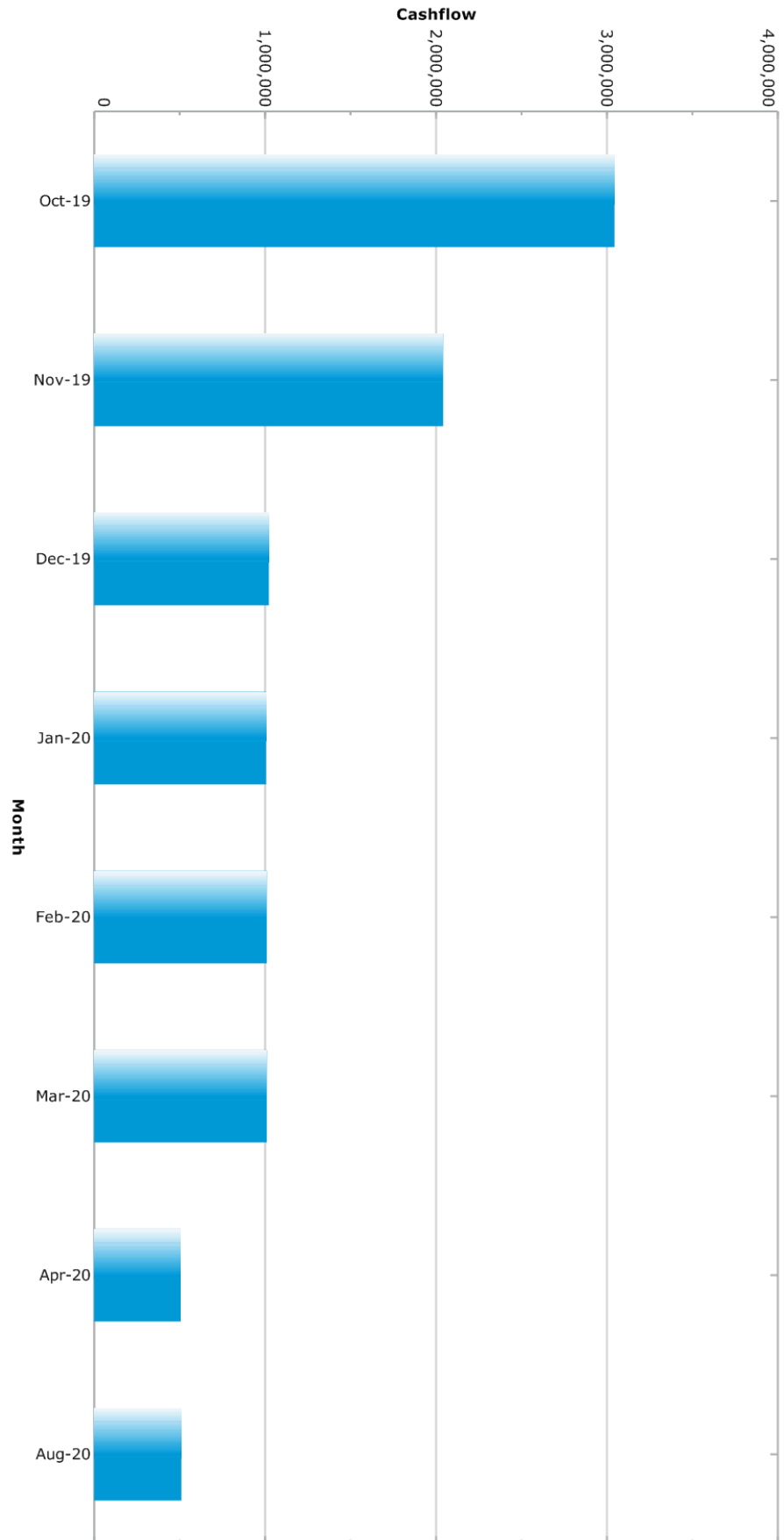
Broken Hill City Council
Cash Flows Report

Current Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
4-Sep-19	538058	Bankwest	Term Deposits	Interest - Received	2,056.85
		Bankwest	Term Deposits	Maturity Face Value - Received	500,000.00
		Deal Total			502,056.85
	538483	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
		Deal Total			-500,000.00
		National Australia Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
Deal Total			-500,000.00		
Day Total					-497,943.15
12-Sep-19	538031	AMP Bank	Term Deposits	Interest - Received	3,087.67
		AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		Deal Total			503,087.67
Day Total					503,087.67
13-Sep-19	538527	AMP Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
		Deal Total			-500,000.00
		Day Total			
18-Sep-19	538344	Bankwest	Term Deposits	Interest - Received	1,114.25
		Bankwest	Term Deposits	Maturity Face Value - Received	500,000.00
		Deal Total			501,114.25
Day Total					501,114.25
25-Sep-19	537480	IMB Ltd	Term Deposits	Interest - Received	9,229.45
		IMB Ltd	Term Deposits	Maturity Face Value - Received	500,000.00
		Deal Total			509,229.45
Day Total					509,229.45
Net Cash Movement for Period					515,488.22
Next Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
3-Oct-19	538032	AMP Bank	Term Deposit	Interest - Received	3,749.32

Broken Hill City Council
Cash Flows Report**BROKEN HILL**
CITY COUNCIL

Next Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
		AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
				Deal Total	503,749.32
9-Oct-19	537401	Credit Union Australia	Term Deposit	Interest - Received	11,946.58
		Credit Union Australia	Term Deposit	Maturity Face Value - Received	500,000.00
				Deal Total	511,946.58
	537462	National Australia Bank	Term Deposit	Interest - Received	10,284.25
		National Australia Bank	Term Deposit	Maturity Face Value - Received	500,000.00
				Deal Total	510,284.25
16-Oct-19	537640	AMP Bank	Term Deposit	Interest - Received	8,323.29
		AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
				Deal Total	508,323.29
23-Oct-19	537968	AMP Bank	Term Deposit	Interest - Received	5,063.01
		AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
				Deal Total	505,063.01
30-Oct-19	537989	AMP Bank	Term Deposit	Interest - Received	4,852.05
		AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
				Deal Total	504,852.05
				Day Total	504,852.05
				Net Cash Movement for Period	3,044,218.49

Broken Hill City Council
Cash Flows Report



ORDINARY MEETING OF THE COUNCIL

October 21, 2019

ITEM 9BROKEN HILL CITY COUNCIL REPORT NO. 174/19

SUBJECT: NOMINATIONS AS INDEPENDENT PANEL MEMBERS ON THE
COMMUNITY ASSISTANCE GRANTS PANEL 19/44

Recommendation

1. That Broken Hill City Council Report No. 174/19 dated October 21, 2019, be received.
2. That Mr Kenneth Martin and Ms Pamela Tucker be appointed as Independent Panel Members on the Community Assistance Grants Panel.

Executive Summary:

Council has received Expressions of Interest from Mr Kenneth Martin and Ms Pamela Tucker for nomination as Independent Panel Members on the Community Assistance Grants Panel.

Report:

Council adopted the Community Assistance Grants Policy in February 2016 which changed the way that Council administers Community Assistance Grant funding by introducing two rounds of competitive funding each year, thus eliminating requests being considered in isolation of a structured program.

The Community Assistance Grants policy was established as a framework for Council to provide grants for community events, projects, services or activities, known as Community Assistance Grants that align with the objectives of Broken Hill's Community Strategic Plan. The framework also aims to ensure that the allocation of Council's limited resources is undertaken in a fair, transparent, accountable and ethical manner.

To facilitate this, a Community Assistance Grants Panel was formed with membership consisting of the Mayor (or nominee); the "Our Community" Portfolio Councillor (or alternate); an additional Councillor; the Broken Hill Australia Day Citizen of the Year; and two independent members. The Panel is supported by Council's Governance Officer.

The process for assessment and awarding of Community Assistance Grants is as follows:

- 1) The Governance Officer undertakes the preliminary assessment against the eligibility and assessment criteria and reports to the Panel with a recommendation on eligibility.
- 2) The Panel assesses applications weighted against criteria in the Community Assistance Grants Policy in order to equitably distribute the grant funding to projects according to how strongly they align with objectives of the Community Strategic Plan. The Panel then makes recommendations to the General Manager on the approval of grants including the amount of the grants to be awarded.

- 3) The General Manager approves the grants and provides Council with an information report subsequent to the awarding of grants for that Round.

The Community Assistance Grants Panel currently has two vacancies for Independent Panel Members.

Council has recently conducting advertising and has received two Expressions of Interest from Mr Kenneth Martin and Ms Pamela Tucker.

Mr Martin has extensive experience on many local committees and boards holding various positions including Treasurer and Finance Committee Member; 2012 Australia Day Citizen of the Year and a Nydia Edes Award recipient, making him a very suitable Independent Panel Member for the Community Assistance Grants Panel.

Ms Tucker has worked in finance and administration positions for many years, holds the positions of Treasurer and Committee Member on various community organisations and is also a member of Council's Community Round Table Committee, making her a very suitable Independent Panel Member for the Community Assistance Grants Panel.

This report is presented to Council to consider appointment of Mr Martin and Ms Tucker to the Community Assistance Grants Panel.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993, Section 356

And Council's adopted Community Assistance Grants Policy

Financial Implications:

Nil.

Attachments

1. [↓](#) Expression of Interest - Mr Kenneth Martin
2. [↓](#) Expression of Interest - Ms Pam Tucker

JAY NANKIVELL
ACTING GENERAL MANAGER

- 3 OCT 2019

Expression of Interest - Community Assistance Grants Panel Member

PA'KEN HILL
COUNCIL

NOMINATION FOR INDEPENDENT PANEL MEMBER (Honorary Position)

The Community Assistance Grants Panel meets twice per year to consider applications under the Community Assistance Grants Policy. These grants assist local community and not-for-profit organisations to delivery projects/programs/event/activities to the community.

The Panel will assess applications against the Assessment Criteria of the Community Assistance Grants Policy (the applications will be prior assessed by a Council Officer for eligibility). Following the Panel's assessment, it will then make recommendations to the General Manager regarding the approval, or otherwise, of applications.

In the conduct of the assessment, the Independent Panel member must comply with Council's Code of Conduct Policy and Statement of Business Ethics and declare any possible conflict of interest with regards to applications received.

Applicant Details

First Name

KENNETH

Last Name

MARTIN

Contact Number

Email Address

Applicant Street Number

Applicant Street Name

Applicant Suburb/City

BROKEN HILL

Applicant State (Select 1 option)

☒ NSW

☐ SA

☐ VIC

☐ QLD

☐ TAS

☐ WA

☐ ACT

☐ NT

Applicant Postcode

2880

Further Information


Please explain why you wish to apply for the honorary position of Independent Panel Member on the Community Assistance Grant Panel

LIFETIME OF INDEPTH VOLUNTARY EXPERIENCE

ASSOCIATING WITH NUMEROUS ORGANISATIONS.

Do you have any experience on a similar panel/finance related committee?

SOUTHERN CROSS CARE 13/4/11 - DIRECTOR // CATHEDRAL PARISH
FINANCE COMMITTEE // VINNIES RETAIL & MEAL CONDE - WHS
TENDONER // BROKEN HILL FIRST AID TRAINING - PRINCIPAL //
PROBUS - PRESIDENT // ST PATS CLUB & RACE CLUB // SKILLSHARE //
JAYCEES - SENATOR // ST JOHN AMBULANCE // RSL // NATION SERVICES
ASSOCIATION

Applicant signature  CITIZEN OF YEAR 2012 // NTDA EDS AWARD 2014

Name

KENNETH L MARTIN.

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 details to assess your application.

The intended recipients of the personal information collected include Council officers or other agents contracted by Council. If necessary for reporting purposes, your name will be made publicly available via Council's Business Papers and on Council's website. Your contact details will not be made public on Council's website and will be removed from all applications and reports in Council's Business Papers.

The supply of your personal information may be by law or 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 an 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 by email council@brokenhill.nsw.gov.au or addressed to Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Your information will be collected and stored, in accordance with the State Records Act 1998, by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

End of form

Expression of Interest - Community Assistance Grants Panel Member

BROKEN HILL
CITY COUNCIL

NOMINATION FOR INDEPENDENT PANEL MEMBER (Honorary Position)

The Community Assistance Grants Panel meets twice per year to consider applications under the Community Assistance Grants Policy. These grants assist local community and not-for-profit organisations to delivery projects/programs/event/activities to the community.

The Panel will assess applications against the Assessment Criteria of the Community Assistance Grants Policy (the applications will be prior assessed by a Council Officer for eligibility). Following the Panel's assessment, it will then make recommendations to the General Manager regarding the approval, or otherwise, of applications.

In the conduct of the assessment, the Independent Panel member must comply with Council's Code of Conduct Policy and Statement of Business Ethics and declare any possible conflict of interest with regards to applications received.

Applicant Details

First Name Required

Pamela

Last Name Required

Tucker

Contact Number

Email Address

Applicant Street Number

Applicant Street Name

Applicant Suburb/City

Broken Hill

Applicant State (Select 1 option)

- ☐ NSW
- ☐ SA
- ☐ VIC
- ☐ QLD
- ☐ TAS
- ☐ WA
- ☐ ACT
- ☐ NT

Applicant Postcode

2880

Further Information

Please explain why you wish to apply for the honorary position of Independent Panel Member on the Community Assistance Grant Panel

I have a strong community conscience and would welcome the opportunity to participate in a process that delivers positive outcomes for the community, Community organisations, and as importantly for the Broken Hill City Council.

Do you have any experience on a similar panel/finance related committee?

No - however I have worked in the area of finance and administration for 45 years, as well as part of various community groups - currently, CWA Treasurer, Local Reference Group, Community Round Table and Palliative Care consultative group as a community represent. I believe this will provide a well rounded knowledge base to suit your requirements.

Applicant signature Requires

Name

Pamela Tucker

Privacy Statement

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End of form

ORDINARY MEETING OF THE COUNCIL

October 10, 2019

ITEM 10BROKEN HILL CITY COUNCIL REPORT NO. 175/19

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO
397 HELD TUESDAY OCTOBER 8, 2019 11/397

Recommendation

1. That Broken Hill City Council Report No. 175/19 dated October 10, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.397 held October 8, 2019 be received.

Executive Summary:

Under Guidelines published in March 2009 by the Roads and Traffic Authority (now known as the Roads and Maritime Services), entitled '*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 and 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 October 8, 2019 which details recommendations to Council for consideration and adoption.

Strategic Direction:

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

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. [!\[\]\(79de0df6c6ddd2d4eb74f1cc5f48ec50_img.jpg\)](#) Minutes - Local Traffic Committee - Meeting No 397, 8 October 2019

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAY NANKIVELL
ACTING GENERAL MANAGER

LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING NO 397

Held 2pm Tuesday, 8 October 2019
First Floor Meeting Room - Council Administration Building

The Chairperson Anthony Misagh opened the meeting at 2.03pm and welcomed all representatives present.

397.1 Present

Marion Browne	Councillor
David Vant	Roads and Maritime Services (RMS) Representative
Alan Lawrance	Temporary Project Delivery Manager
Anthony Misagh	Chief Operations Officer/Chairperson
Peter Beven	Local Member's Representative
Emily Bogucki	Minute Secretary/Administration Officer

397.2 Apologies

Joe Sulicich	Roads and Maritime Services (RMS) Representative
Inspector Yvette Smith	NSW Police

397.3 Disclosure of interest – nil

397.4 Adoption of previous minutes

Previous minutes of meeting No 396 held 3 September 2019 were confirmed via online voting as follows:

Adopted: Moved: David Vant Second: Councillor Marion Browne

397.5 Council Resolutions

The following Committee Recommendations were adopted by Council at its meeting held September 2019.

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 156/19 - DATED SEPTEMBER 03, 2019 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 395 HELD WEDNESDAY AUGUST 14, 2019 AND NO 396 HELD TUESDAY SEPTEMBER 3, 2019 11/397

Resolved

1. That Broken Hill City Council Report No. 156/19 dated September 3, 2019, be received.
2. That the minutes for the Local Traffic Committee Meeting No.395 held August 14, 2019 be received.
3. That the minutes for the Local Traffic Committee Meeting No.396 held September 3, 2019 be received.

RESOLUTION

Minute No. 1

Councillor M. Browne moved)
Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

397.6 Correspondence In

Item No.	EDRMS No.	Details
397.6.1	D19/43779	Angle parking at taxi rank outside the Theatre Royal Hotel – Point to Point Transport Commission
Discussion Notes		<p>After an assessment by the Point to Point Transport Commission (regulator for taxi's and hire vehicles in NSW) there were concerns regarding the angled parks directly in front of the Theatre Royal Hotel operating as taxi bays during the hours of 9pm and 3am Friday and Saturday nights.</p> <p>Discussion around suggested safety concerns about potential blind spots when taxis are reversing and suggested solution to change the 5 parking spots from angled parking to parallel parking for Friday and Saturday nights.</p> <p>The suggested parallel parking raised questions about how the new parks would fit amongst angled parks and if all the parallel parks were utilised and the angled parks before and after this section, could this be a potential risk for the taxis reducing their turning space and ability to get out.</p> <p>The parallel parking would only create 2 parking spots therefore reducing the available parking. Point to Point suggested the parking spots be marked by cones during hours of operation, this places possible pressure on Council to be responsible on Friday and Saturday nights to mark out the area.</p> <p>Committee didn't believe there had been any previous concerns regarding parking in this area or accidents caused due to blind spots. They couldn't see a difference between a taxi backing out or a normal vehicle.</p> <p>RMS, David Vant advised this style of parking arrangement had happened in two other locations being Dubbo and Orange. He suggested contacting either Dennis Valentine at Dubbo Council or Jason Pheakstone at Orange Council. Both Council's would have had to create a traffic management plan for the installation of parallel parking. David suggested if Broken Hill City Council wanted to go down this path, instead of reinventing the wheel, speak to either of the above Council's.</p> <p>Local Member Representative, Peter Bevan discussed current parking behaviours in Argent Street. Normally when someone is travelling along Argent street, even if they don't want the carpark, they normally indicate to the driver backing out that they can come out. He presumed the same thing would happen for taxis.</p> <p>Discussion around the operation of the parallel parking bay, being that taxis would park in a location nearby and then just drive in, pick up their passenger and drive back out. It would be a rather quick stop.</p> <p>Discussion that if the parks are still signed as angle parks can it be signed as parallel parking as well? If the proposed parking goes through the LTC process and a traffic management plan is</p>

		<p>created, then it can be implemented. Signage would need to be installed to reflect the parking arrangements. Contact with either Dubbo or Orange Council's would be handy regarding wording of signs.</p> <p>Another suggestion was to mark yellow lines at the end of the current angled parks and then sign according to what the parking arrangements are within what times. The traffic management plan with Dubbo and Orange, does include coning as we would be unable to mark with yellow lines.</p> <p>Moving forward, discussions with the hotel and taxis company would need to happen. Possible discussion with Dubbo and Orange first to get an idea of the process and how it operates and then if this is what Council wants to do.</p> <p>Changing the angled parks to parallel will reduce parking however will not have as a huge of an impact at night as it would during the day. Ideally it be cleaner to change all 6 parks to parallel. In general, it is not ideal to mix angled and parallel parks.</p> <p>Discussion around possibility of putting parking bay at the start or the end of the hotel instead, however given the hotels location is in the middle of the block this would not be possible. There is already a taxi bay located further down which has parallel parking. However not having a taxi bay directly in front of the hotel may be an issue for patrons and the hotel as they would need to walk roughly 100ms.</p> <p>Suggestion to utilise a space near town square for a taxi bay.</p> <p>LTC discussed the possible of a night-time inspection to see how busy the area actually is.</p> <p>Possibility of widening the current parks and have 4 parks instead of 5 making it more visible. It is not visibility for cars but for the pedestrians.</p> <p>Question raised that if Council were not to go ahead with this recommended change, would this make Council liable if an accident were to Occur?</p> <p>RMS, David Vant advised that if the issue goes through the LTC formal process including investigations and collation of data, Council would be unblameworthy.</p>
Recommendation		Alan Lawrence and Anthony Misagh to have discussions with the taxi companies and the Theatre Royal Hotel and provide a report at the next LTC meeting.
Item No.	EDRMS No.	Details
397.6.2	D19/43779	Iodide Lane – additional speed bump – Graham Nadge
Discussion Notes		Discussion around location of the lane, width of the lane and current speed reduction/if any were enforced. Some speed bumps have a speed limit, it depends on the profile of the speed bump and doesn't always mean the speed limit is reduced accordingly.

	<p>Around town there seems to be a general speed limit of 25km when going over speed bumps.</p> <p>The likelihood of a speed reduction preventing the people that are hitting the fence, who are presumably hooning throughout the area, is not high. If the speed bumps currently installed/additional to be installed are a low profile it wouldn't heavily reduce a vehicles speed.</p> <p>Essentially two speed bumps need to be installed close to each other (suggested locations on the map have two much space between each bump), that way the vehicle is hitting two obstructions before it gets a clear run to increase speed. One speed bump is not going to reduce the drivers speed enough.</p> <p>Speed bumps cannot be installed throughout the bend, as that will impact the vehicles traction and steering. They would need to be installed on the straight stretch approximately 6m apart, two speed bumps, so there is double the impact on the speed.</p> <p>Discussion around if the matter was a policing issue. Short term this might be a fix however not ideally a long-term solution.</p> <p>The impact of speed bumps in the lane would need to be considered as it will have an effect on motorcycles, elderly drivers, heavy vehicles etc. there is an increase in sound and due to making people lose time going over them, they often try and make up the time and speed anyways.</p> <p>There is currently no classified data identifying the types of vehicles that travel along this lane or the frequency it is used. Suggestion to get some data/counts to work out the movements and frequency.</p> <p>Another possibility is installing signs to indicate where the corner is and showing the degree of the bend, this would cater for traffic travelling in both directions. However, signs can easily be ignored by drivers. Current signage arrangements to be checked.</p> <p>If installing speed bumps, go for the highest profile speed bump that you can, to slow vehicles down as much as possible.</p> <p>When considering the potential risk of a crash occurring, it would be high-risk.</p> <p>Chairperson, Anthony Misgah moves to install two additional speed bumps, this was seconded by Local Members Representative, Peter Bevan.</p> <p>Council will need to know what types of vehicles go around the corner, if there are no heavy vehicles or passenger transport vehicles, then high profile speed bumps can be installed otherwise a lower profile will need to be used.</p>
Recommendation	<p>Council to install two speed bumps – design to be emailed out to LTC (including associated signs) prior to installation.</p> <p>Response to be provide to Graham Nadge.</p>

Item No.	EDRMS No.	Details
397.6.3	D19/45434	Crystal Street Parking Sign Time Modification Request - Country University Centre
Discussion Notes		<p>Proposal to change a section of 2-hour parking on Crystal Street to 4-hour parking.</p> <p>Discussion around location of parking and current timed areas including the 2-hour parking near town square. Suggestion of moving the parks more south.</p> <p>LTC identified who would be affected by the changed parks including the businesses located along Crystal Street i.e. Chinese Restaurant and Hotel.</p> <p>The extended time parking could attract employees from the health hub to park in these areas.</p> <p>The 2-hour parking has been created fairly recently and the idea of implementation was to maintain the flow of traffic throughout this area. Possibility that 3 or 4-hour parks would suit the communities needs better.</p> <p>Another suggestion was a parking permit scheme however this would need to administered by Council which would be a full-on job.</p> <p>Discussion around reducing the number of proposed 4-hour parks requested, as exams would be scattered and therefore not all students would be trying to park at once.</p> <p>The letter indicates students with mobility difficulties using those spaces, so instead they could be needing disabled parking. To install disabled parks, designs would need to be created.</p> <p>LTC agreed that it would be best to gather more information regarding the university's exact needs. As increasing parking to 4-hour parks will mean students will come and stay rather than come and go therefore the frequency of available parks would reduce.</p>
Recommendation		Letter to be sent to University, requesting them to attend the next Local Traffic Committee Meeting to identify their exact needs before the Committee provides a possible solution.

397.7 Correspondence Out

Item No.	EDRMS No.	Details
397.7.1		

397.8 General Business

Item No.	EDRMS No.	Details
397.8.1		Congratulations to Council
Discussion Notes		Local Members Representative, Peter Bevan would like to congratulate Council on the signs at Pro Hart Way and the sweeping of the footpath at the end of Picton Street.
Recommendation		No further action required.
Item No.	EDRMS No.	Details
397.8.1		Street Signs throughout Broken Hill
Discussion Notes		<p>Local Members Representative, Peter Bevan discussed current street signs in Broken Hill which are lacking, especially in the South area. Additional signs would be beneficial, Wandoo Street from the southern end is not signed and some signage along Bonanza Street is covered by trees and not visible.</p> <p>Chloride Street which is a heavily used street especially by emergency services, as it takes you directly to the emergency department at the Hospital, is not signed well. Wolfram Street lacks signage and Chapple Street does not have any signs the whole way around.</p> <p>Street Signs are visible to the public and installation of new signs can be seen to be a proactive move by Council.</p> <p>Council confirmed there is funding in the budget for street signs and Council will be working on installing them shortly (within the current financial year). There is a bit of a stockpile, but some signs have the old emblem and therefore cannot be used.</p> <p>Discussion around wastefulness of just disposing of the old signs.</p>
Recommendation		Signs to be upgraded/installed in Council's Street Sign Project.
Item No.	EDRMS No.	Details
397.8.1		Central School – Mica Lane
Discussion Notes		<p>Local Members Representative, Peter Bevan raised the issue of Mica Lane. He has gone up Mica Lane and managed to speak to a lady as she was getting into her car about if she had any concerns with the lane. She advised that she had no issues however then proceeded to travel in the wrong direction.</p> <p>Concerns that as you can only travel one way through Mica Lane, when you get to the top of the Lane which turns into Kaolin Street,</p>

	<p>the lane shrinks for a bit, mainly over the rise, which creates safety concerns.</p> <p>Suggestion to Install a stop sign where traffic crosses from Marks Street to Kaolin Street.</p> <p>Discussion around traffic arrangements at the T intersection of Marks and Kaolin Street. The current intersection supports a give way, but no sign is installed. Solution to install a give way sign to enforce current traffic flow. The intersection would not meet the requirements for installation of a stop sign.</p> <p>Discussion around safety concerns at the top of Kaolin Street where there is currently a gravel section of the road. This issue is to be entered into Council's CRM system requesting widening of the small dirt section in Kaolin Street.</p>
Recommendation	Next traffic meeting formally address the request to install a give way sign on the corner of Marks and Kaolin Streets, to support the current traffic arrangements at that T intersection.

397.9 Action Item List

Item No.	380.6.1
EDRMS No.	D18/13851, D18/13854
CRM No.	N/A
Responsible Officer	Council's Chief Operations Officer, Anthony Misagh
Current Status	Pending – October 2018
Date	Item Details
April 2018	Wright and Warnock Streets Intersection - traffic safety concerns.
Date	Committee Recommendation/s
April 2018	N/A
July 2018	<p>The Committee recommend that Council order and install temporary speed humps at Wright and Warnock Streets Intersection for a trial period.</p> <p>Recommendation Moved: Council (David Zhao)</p> <p>Recommendation Seconded: RMS, NSW Police and Local Member's Representative noted 'all for'.</p> <p>Against: Nil</p>

Action Date	Running Actions
April 2018	<p>Council's Asset Planner Transport, James Druitt discussed safety concerns and the correspondence received about a recent motor vehicle incident that occurred at the Wright and Warnock Streets intersection.</p> <p>Council has previously placed infrastructure at the intersection to reduce vehicle speed as a result from consultation via survey with the residents of the affected area. Previous traffic/speed counts conducted by Council indicated that 95% of traffic in the area drive within the designated speed limit.</p> <p>Council's Infrastructure Projects Engineer, David Zhao suggested that bollards could possibly be installed as an option to increase protection for the property primarily at the corner of Wright and Warnock Streets intersection. The Committee agree that this may be a suitable option.</p> <p>Council's Asset Planner Transport, James Druitt advised that the residents of the area previously requested the investigation of the intersection being closed. The Committee noted that a road closure is not feasible and there is not enough evidence in traffic/speed counts and incident history to justify a road closure.</p> <p>A Council Officer will to contact the proponent to discuss other possibly safety infrastructure such as bollards.</p>
May 2018	<p>A Council Officer will to contact the proponent to discuss other possibly safety infrastructure such as bollards.</p> <p>Council's Asset Planner Transport, James Druitt advised the Committee that he has undertaken several conversations with the proponent to try and find possible feasible solutions to resolve this matter.</p> <p>The Committee discussed that incident history in this area is rare and current infrastructure in place is considered adequate. Council's Infrastructure Projects Engineer, David Zhao suggested highway barrier/chevron crash barrier as a final possible option to resolve this matter. Council's Asset Planner Transport, James Druitt to look into cost associated.</p>
June 2018	<p>Councillor Browne queried Council's Infrastructure Projects Engineer, David Zhao if there was any consideration given to works relating to removal of the S- Bend section on Warnock Street. David Zhao advised no, not at this stage.</p>
July 2018	<p>The Committee discussed the crash history in this area with minimal incidents noted. Councillor Browne queried the option of speed humps, Council's Infrastructure Projects Engineer, David Zhao will now investigate the options and costing of speed humps.</p> <p>The Committee discuss this request and its discussion history.</p> <p>The Committee recommend that Council order and install temporary speed humps at Wright and Warnock Streets Intersection for a trial period.</p>
August 2018	<p>Pending as per July 2018.</p>

September 2018	Council have received the July 2018 recommendation with no objections noted. Council's Works Engineer, Daniel Morris will arrange for a plan to be drafted in relation to the location for the temporary installation. The draft plan will be provided to the Committee for comment.
October 2018	Pending - Council's Works Engineer, Daniel Morris to provide draft plans.
November 2018	Council's Works Engineer, Daniel Morris provided plans for speed humps. The Committee commented, they would like the plan amended to move the speed humps from in front of the Central Football Club to the S bend closer to the Warnock Street Depot. Daniel Morris to provide amended plan for further review.
December 2018	Pending
February 2019	Two speed humps to be installed towards the first bend of Warnock Street and another just after.
March 2019	The proposed speed humps are going to affect a lot of 'working crews' using heavy machinery and trucks. Discussion held that there has only been one formal complaint lodged to Council. Suggestion that bollards be installed as a second option. Committee have decided to change solution to guard rails instead of speed humps. Chairperson, David Zhao to look into the budget.
April 2019	Chairperson, Michael Cain to follow up with Council's new Infrastructure Projects Engineer and report back to LTC.
May 2019	
June 2019	
July 2019	Still waiting for an Engineer to be employed – action to remain ongoing.
August 2019	
September 2019	
October 2019	Email to be sent to Council's Projects Engineer, Bibek to look into and provide feedback at next LTC meeting.

Item No.	387.6.1
EDRMS No.	D18/48798
CRM No.	
Responsible Officer	Council's Chief Operations Officer, Anthony Misagh

Current Status	
Date	Item Details
November 2018	Street lighting concerns in Creedon Street – additional lighting requested to improve safety for vehicles
Date	Committee Recommendation/s
June 2019	Report to be prepared and submitted to Council.
Action Date	Running Actions
November 2018	<p>NSW Police, Inspector Yvette Smith has advised that Creedon Street is a heavy vehicle route and additional street lighting would increase safety in the area.</p> <p>The Committee identified that Creedon Street is an RMS road.</p> <p>Council's Infrastructure Projects Engineer, David Zhao advised installation of streetlight poles are approximately \$20,000 per pole.</p> <p>The Committee discussed other relevant parties that may be able to assist in community awareness for safety and possibly be involved in a community consultation process such as, Compass Housing, Essential Energy, Maari Ma. Councillor Browne also suggested the Aboriginal Working Party may be an appropriate contact.</p> <p>Inspector Smith offered to arrange Police staff who are trained in the Safer by Design Program to contact Council to discuss conducting a safety audit of the Creedon Street area. This audit will be the first step in identifying possible issues and resolutions.</p>
December 2018	Officer Ben Kelly to do the audit - still pending. NSW Police to contact David Zhao regarding night time inspection.
February 2019	Safety Audit was completed. Report is still pending. Senior Constable Matt Whitelum will follow up with Officer Ben Kelly and get him to make contact with David Zhao.
March 2019	Pending – Ben Kelly to provide update.
April 2019	Pending – Inspector Yvette Smith to provide design once reviewed. Emily to forward to Committee.
May 2019	<p>Inspector Yvette Smith to provide design at next Traffic Meeting.</p> <p>Conversation around a possible solution of using solar powered streetlights. If the cost is better this might be a possibility. Similar to design in Patton Park. They are very sensitive to damage. It is about meeting the criteria of that road with RMS as it is a heavy vehicle by-pass.</p>
June 2019	Emily to email a copy of Report to RMS, David Vant.

Conversation around the overall report which is looking at pedestrian safety.

Discussion around using solar powered lights. There are some trees that will need to be removed. Looking at removing two peppercorn trees which are sort of right next to where the CCTV is, however, a full report is yet to be completed.

Recommendations include reducing speed by putting symbols on the road/street signs

It is a heavy bypass route; RMS advised no speed reductions applicable as it does not meet the guidelines for a 40km high pedestrian area.

Councillor Marion Browne raised an idea about sourcing other funds as this is going to be an expensive project. Has this matter been referred to the Aboriginal Working Party? There might be some funding for Safer Communities which they might be aware of. This Committee is only really concerned about the location of the lighting.

RMS David Vant, suggested the Aboriginal Working Party should be taking the lead on the project.

Chairperson, Michael Cain advised that another recommendation was moving the bus shelter. Removal of a bus shelters/sites need to go through the National Transport Authority for approval. If we want to do that, we can but we have to speak to the bus company.

Discussion around this maybe going to the HUB and if it is still managed by Compass Housing.

The bus location is purely an application, we can talk to the bus company and see if they would be willing to move the stop. Discussion around when the buses run.

Senior Constable Matt Whitelum clarified that the concerns are that people are congregating in the bus shelter at night and then spilling out onto the road regardless of when the buses run.

Removing the shelter isn't an option however moving it back from the road and back towards the HUB is a possibility. Problem identified that directly in front of the HUB, a new sharps bin and garbage bin has been installed.

Local Members Representative, Peter Bevan suggested possibility putting up railing or some sort of wall to prevent access from the shelter to the footpath.

Councillor Marion Browne suggested a report to Council might help us to engage the Aboriginal Working Party and identify possible funding solutions.

Issue to be referred to the next Council meeting. Chairperson, Michael Cain to arrange report and include assessment of Creedon Street provided by NSW Police.

Chairperson, Michael Cain to provide an update at next LTC on the lighting program.

July 2019

Ongoing – Street lighting program to be reviewed, no action can be taken until review of lighting completed.

August 2019

September 2019 RMS, David Vant advised that he had received a couple of calls from the ABC regarding Creedon Street and wanted to discuss the matter. David advised that the matter was before the traffic committee and he was unable to comment further.

Councillor Marion Browne has also been contacted by the ABC to make comment on the matter.

Temporary Project Delivery Manager, Alan Lawrence to follow up with Chairperson/Chief Operations Officer, Anthony Misagh to keep things progressing.

October 2019 Discussion around if street lighting is technically a traffic issue.

Suggestion that this matter should be handle internally within Council.

The purpose of street lighting is to light the road for the cars not for the pedestrians. New streetlights are paid by Council but maintained by Essential Energy.

Council's Chief Operations Officer, Anthony Misgah to discuss this issue at the next Executive Leadership Team meeting as a proposed project in the next budget.

Committee agreed to close this matter at LTC and for it to instead be handled internally by Council.

Item No.	392.6.4
EDRMS No.	D19/18743
CRM No.	
Responsible Officer	Council's Chief Operations Officer, Anthony Misagh
Current Status	Pending
Date	Item Details

May 2019 Broken Hill Aquatic Centre Disabled Parking

Date	Committee Recommendation/s
-------------	-----------------------------------

Action Date	Running Actions
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May 2019 Chairperson, Michael Cain advised that previously the Committee has not found this request to be justified however is unsure of a simpler solution. The walkway utilised to access the Aquatic Centre is down

further where the disabled parking is currently located. If we move the parks to the corner, people will still have a distance to walk. We would have to take out 3 standard parks to put in the disabled park and there would still be no ramps or walkways.

RMS, David Vant sought clarification if any changes had been made?

Michael Cain advised that no changes had previously been made and the concerns raised are in regard to how far the walk is from the disabled parks to the Aquatic Centre.

Councillor Marion Browne suspects this issue will be raised at Council. To make changes to the current parking, the bus zone would have to be moved, I am not sure how many people use the bus service?

Discussions held around the Bus Zone and who utilises this parking space. It was identified as the drop off/pick up zone for and the local bus service.

Councillor Marion Browne, if we could explore the option of moving the bus stop to across the road. Most of the people June is talking about would be coming by car not the town bus. It is probably easier for kids to cross the road as they are in a controlled group environment.

David Vant clarified the location of the bus stop, which is on McCulloch Street.

Questions raised in relation to the kerbs and if the bus zone was moved then kerbed ramps would have to be created for the disabled parks. The requests submitted to LTC is for 3 disabled parking spaces, is this achievable?

Councillor Marion Browne advised that it is the users of the hydro pool that they are concerned about. They are using the pool to increase mobility and therefore do have difficulties accessing the Centre.

Committee agreed this matter must be handled carefully and investigations into solutions need to be conducted.

Chairperson, Michael Cain to contact Bus Link regarding the possibility of changing their bus route and conducted investigations regarding spacing etc and report back at the next LTC.

June 2019

Chairperson, Michael Cain spoke with the bus company and they were not supportive of moving the bus stop as there is a lot of work involved for this to happen. The company have asked that in fact the bus zone be extended to the end of the street, as it is at times hard for the bus to get out, as cars park directly in front of the stop.

Michael also had a conversation with Danielle, Assist Manager of the Aquatic Centre and they were not happy to reduce the unloading zone as it is used by parents dropping kids. They had concerns about children having to cross the road. A lot of disabled people use the Taxi service which utilises the drop off zone. YMCA point of view is that they didn't want changes directly out front but are happy to make changes in the car park.

There are disabled parks located further down however one is located directly in front of the ambulance gate. This will need to be removed and made a 'no parking zone', to allow ambulance access. Currently if

	<p>an ambulance is called and someone is parked there, the YMCA have to locate the owner of the vehicle to have it moved.</p> <p>On the other side of the carpark there are two oversized parks which can easily be changed into disabled parks by putting symbols on the road. They would have to utilise the nearby crossings to cross the carpark.</p> <p>Map of proposed changes to be forwarded to the Committee for their review.</p> <p>Chairperson, Michael Cain to contact June Page and Councillor Page to discuss proposed changes and gain their feedback. An update to be provided at the next meeting.</p>
July 2019	<p>Chairperson, Michael Cain provided the Committee with a draft plan of proposed changes to the carparking area at the Aquatic Centre.</p> <p>No changes to be made to the drop off point as it is used frequently. The taxi zone will also remain the same due to high usage including disabled people.</p> <p>Green area marked on plan is a disabled carpark which needs to be removed as it is currently blocking access to the Emergency Entrance for Emergency Vehicles.</p> <p>Proposal of two new disabled carparks (highlighted in yellow) and the possibility of one at the very other end of the carpark which is a larger park which could easily be changed to a disabled park.</p> <p>In total 1 disabled carpark will be removed but the option to create 6 new disabled parks.</p> <p>Bus stop to be extended as vehicles park in front of the bus zone which restricts access for the bus to be able to get in and out. Enforcement of parking changes will need to occur for the first couple of months.</p> <p>Chairperson, Michael Cain to show/discuss with YMCA proposed plan as well as June Page and gain their feedback.</p> <p>This issue was raised at the Disability Inclusion Action Plan meeting held last week and nobody had any objections. Council are also looking at putting a walkway in near the park.</p> <p>Committee to be prepared for some criticism as the disabled parks are across the carpark however this still reduces walking distance as alternative is to have them down the other end.</p> <p>Committee happy with proposed changes, Michael Cain to get Manager approval and the submit report to Council.</p>
August 2019	
September 2019	<p>Report to be provided by Council's Chief Operations Officer, Anthony Misagh.</p>
October 2019	<p>Reports to be submitted to Council's Chief Operations Officer, Anthony Misagh for review and discussion at the next LTC meeting.</p>

Item No.	396.6.1
EDRMS No.	CRM 35282/2019 – D19/41062
CRM No.	
Responsible Officer	Council's Chief Operations Officer, Anthony Misagh
Current Status	Pending
Date	Item Details
September 2019	Corner of Garnet and Blende Street - Lorenzo Benedetti
Date	Committee Recommendation/s
3 September 2019	<p>Formal inspection conducted by Alan Lawrance and Councillor Marion Browne 3 September 2019. Inspection report below:</p> <p>Inspection of site conducted this morning after LTC Meeting. The intersection appears safe. It has traffic separation (ped refuges on all legs) and appropriate signage (Give Way). Stop signage or larger Give Way signage is not warranted and might create a precedent. Councillor Marion Browne and Alan Lawrance discussed the matter and believe that it may be simply driver behaviour and therefore no immediate action is necessary. In this case, if drivers are speeding in Blende Street, Mr Benedetti's request may be better directed to Police for attention.</p> <p>It was apparent during the inspection that there may also be issues at the school that have not been addressed relating to bus parking and school children safely crossing Garnet Street near school gate. There are numerous conflict points at this location. Its suggested that some discussions occur with the Principal to see if this is the case and if so, with his/her endorsement, the matter be brought to the LTC for consideration.</p>
Action Date	Running Actions
September 2019	<p>Request entered into Council's System: <i>Corner of Garnet and Blende Street - Customer is requesting the giveaway sign to be changed to a stop sign due to pedestrians crossing in large numbers at this intersection. He has almost been hit twice in the last 12 months as people are not completely stopping and looking at the surroundings.</i></p> <p>RMS, David Vant advised that if there are no site distance issues, then the implementation of a stop sign is unlikely especially if there have not been any previous crashes in the area.</p>

A school zone is normally determined when you look at the boundary of a school and the access points i.e. if there is a gate that remains open a school zone may need to be enforced. There is a presumption that at high school children have the skills to cross the school therefore not necessarily needing a child crossing.

To formalise the request, the Principal will need to write to the Traffic Committee regarding the possibility of a school crossing. Observations would then need to be conducted, there is a formula that needs to be implemented over certain periods to determine traffic flow. After this a determination can be made, based on the numbers.

RMS, David Vant advised that he didn't think that this area would be eligible for a crossing but would possibly like to see pedestrian facilities instead like pedestrian refuges or kerb blisters.

Councillor Marion Brown advised that discussions around a crossing in this area had been discussed at Traffic beforehand however nothing was ever finalised.

Discussion around bus zones/drop off and pick up area. Clarification provided that the bus service should be dropping/picking up students the same side as the school/access points.

Possibility of organising a meeting with the school to discuss the issue further and identify their needs.

Council to contact the school regarding the above and identify the school's issues in relation to the matter, allowing a resolution to be made which is beneficial to all involved.

Emily to phone Lorenzo Benedetti on behalf of the LTC and advise that his concerns were discussed at the meeting and after an investigation, he will be provided with a formal response.

Further information – Emily discussion with Lorenzo Benedetti 03/09/19 at 10.22am

- Lorenzo lives in Blende Street (towards the radio station) and his concerns are that when he is travelling in his vehicle down Garnet Street, turning left onto Blende Street (heading towards Coles), cars at that intersection speed and do not check for traffic accordingly.
- He confirmed traffic is higher during school pick up/drop off, however this is a busy intersection in general.

Lorenzo also has kids that play in the area and he has concerns that if they happen to go out onto the road to collect a ball or something that as the vehicles do not have to come to a complete stop, they could easily be cleaned up.

October 2019

Councillor Marion Browne and Council's Temporary Project Delivery Manager, Alan Lawrence inspected intersection after the last LTC meeting and deemed that there wasn't justification for installation of a stop sign, there were no suggestion to improve the situation.

Response to be provided to Lorenzo and then item closed.

Next Meeting Date – Wednesday, 6 November 2019 (2pm to 3.30pm).

397.11 Meeting Closed – 3.31pm

ORDINARY MEETING OF THE COUNCIL

October 21, 2019

ITEM 11BROKEN HILL CITY COUNCIL REPORT NO. 176/19SUBJECT: ACTION LIST REPORT11/21**Recommendation**

1. That Broken Hill City Council Report No. 176/19 dated October 21, 2019, be received.

Executive Summary:

The purpose of this report is to ensure that Council and the community are informed on the status of actions required by previous Council resolutions.

Report:

A new format Action List was presented to the June 2017 Council Meeting to provide Councillors with a clearer way of reporting on the progress of outstanding Council resolutions. As per Minute No. 45570, the Action List has been produced in the new colour coded format and shows the progress of Council' outstanding decisions (Green – completed, Yellow – in progress and Red – not yet commenced).

The Action Lists attached to this report cover decisions at Ordinary Council Meetings and Extraordinary Council Meetings; are for information only and will be provided to Council on a monthly basis.

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:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993

Financial Implications:

Nil

Attachments

1. [!\[\]\(fc5de26bc3c421a729ce6cbad0a9ee4e_img.jpg\)](#) Action List - Ordinary Council Meetings

JAY NANKIVELL
ACTING GENERAL MANAGER

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 27 September 2017	False	Confidential Matters
ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 178/17 - DATED SEPTEMBER 11, 2017 - APPLICATION FROM BROKEN HILL SCHOOL OF THE AIR - USE OF PART OF QUEEN ELIZABETH II PARK AS A PLAYGROUND AND OUTDOOR AREA - CONFIDENTIAL 12/180		
(General Manager's Note: 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).		
RESOLUTION		
Minute No. 45655		
Councillor C. Adams moved)	
Councillor J. Nolan seconded)	
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 178/17 dated September 11, 2017, be received. 2. That Council seeks Ministerial approval to enter into a licence agreement with Broken Hill School of the Air for the use of part (approx. 1080 square metres) of Queen Elizabeth II Park Lot 1, DP914746 as an outdoor play and dining area. 3. That the licence agreement be for a period of 20 years. 4. That due to the Broken Hill School of the Air 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 20 year licence to be paid in advance. 5. That Council be responsible for all legal costs in the set-up of the licence up to the value of \$500.00 and Broken Hill School of the Air be responsible for any additional costs over this amount. 6. That all other standard licence agreement terms apply. 7. That the Broken Hill School of the Air be responsible for the ongoing maintenance of the play and dining area for the duration of the licence agreement. 8. That the Mayor and General Manager be authorised to execute the licence documents under the Common Seal of Council. 		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>17 Oct 2019 - 9:52 AM - Leisa Bartlett</p> <p>Following contact from Council, the Principal of School of the Air has advised that she will chase the licence documents from the Department of Education.</p> <p>10 Sep 2019 - 10:18 AM - Georgina Falkner</p> <p>SOTA have advised that documents are being reved by the Department of Education.</p> <p>20 Aug 2019 - 3:37 PM - Anthony Misagh</p> <p>Waiting on response from SOTA.</p> <p>04 Jul 2019 - 1:50 PM - Leisa Bartlett</p> <p>Licence documents with SOTA for signature.</p> <p>12 Jun 2019 - 10:54 AM - Georgina Falkner</p> <p>Documents being signed and sealed.</p> <p>15 May 2019 - 10:37 AM - Georgina Falkner</p> <p>Council's solicitors in the process of finalising draft licence for signing.</p> <p>07 Mar 2019 - 1:53 PM - Leisa Bartlett</p> <p>School P&C rep has been in contact with Council. Awaiting formal correspondence.</p> <p>06 Feb 2019 - 1:49 PM - Leisa Bartlett</p> <p>Draft licence prepared, awaiting response from School of the Air to finalise licence.</p> <p>05 Dec 2018 - 2:31 PM - Leisa Bartlett</p> <p>Council has received approval advice from SOTA and Solicitors have been approached to commence drafting the licence agreement.</p> <p>05 Dec 2018 - 1:52 PM - Leisa Bartlett</p> <p>Letter of acceptance received from SOTA. Solicitor has been engaged to draft up the licence agreement.</p> <p>09 Oct 2018 - 5:06 PM - Leisa Bartlett</p> <p>Awaiting advice from SOTA</p> <p>11 Sep 2018 - 12:07 PM - Leisa Bartlett</p> <p>Still no advice received from SOTA. Email reminder notice sent.</p> <p>15 Aug 2018 - 3:29 PM - Leisa Bartlett</p> <p>Still awaiting advice from SOTA</p>		<p>9. That any media relating to the matter advises that the land to be occupied by the School as an outdoor play and dining area is the old tennis court area which is an underutilised part of the park.</p> <p>CARRIED</p>

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>16 May 2018 - 1:33 PM - Leisa Bartlett Action reassigned to Francois VanDerBerg by: Leisa Bartlett</p> <p>16 Mar 2018 - 3:40 PM - Leisa Bartlett SOTA advised that they are happy to proceed but are waiting for the Education Dept approval first.</p> <p>15 Feb 2018 - 10:27 AM - Leisa Bartlett Email reminder send to SOTA 15/2/18.</p> <p>02 Nov 2017 - 4:18 PM - Leisa Bartlett Letter sent to the school requesting confirmation that the school wishes to enter a licence agreement with Council as the request came from the School's P&C Committee.</p>		
Ordinary Meeting of the Council 26 April 2018	False	Reports
<p>ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 59/18 - DATED APRIL 06, 2018 - COMPULSORY ACQUISITION OF WARNOCK GOSSAN STREET ROAD RESERVE</p> <p>Resolved: 11/199</p>		
<p>1. That Broken Hill City Council Report No. 59/18 dated April 6, 2018, be received.</p> <p>2. That Council make an application to the Minister and Governor for approval to acquire the sections of Warnock and Gossan Street traversing Crown Land in Lot 7469 in Deposited Plan 1182254, under Section 177 of the Roads Act 1993 and Section 186 of the Local Government Act 1993.</p> <p>3. That the acquisition be undertaken in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.</p> <p>4. That upon acquisition, Council to undertake required actions to open the subject road by registration of a plan in accordance with Section 7 of the Roads Act 1993.</p>		
<p>RESOLUTION</p> <p>Minute No. 45805</p> <p>Councillor C. Adams moved)</p> <p>Councillor D. Gallagher seconded)</p> <p>CARRIED</p>		
<p>17 Oct 2019 - 9:54 AM - Leisa Bartlett Discussions being held this month with the Department of Crown Lands.</p> <p>20 Aug 2019 - 3:39 PM - Anthony Misagh Acquisition is on hold and most likely will not be going ahead at this point. It holds native title and it is getting somewhat expensive.</p> <p>04 Jul 2019 - 1:51 PM - Leisa Bartlett no change in status</p>		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>14 Jun 2019 - 3:27 PM - Leisa Bartlett no change in status</p> <p>15 May 2019 - 10:41 AM - Georgina Falkner Crown Lands have advised they have no objection to receiving Proposed Acquisition Notices. Investigating budget and Native Title prior to making application to OLG.</p> <p>07 Mar 2019 - 1:55 PM - Leisa Bartlett No change, still awaiting response from Crown Lands.</p> <p>06 Feb 2019 - 1:51 PM - Leisa Bartlett In discussions with Crown Lands regarding Native Title.</p> <p>13 Nov 2018 - 9:26 AM - Leisa Bartlett Still awaiting OLG advice due to Native Title.</p> <p>09 Oct 2018 - 5:08 PM - Leisa Bartlett Awaiting OLG advice</p> <p>11 Sep 2018 - 4:40 PM - Leisa Bartlett No change, still awaiting advice from OLG.</p> <p>15 Aug 2018 - 3:32 PM - Leisa Bartlett MPDC advised - OLG advised that the land is subject to a Native Title Claim and that compulsory acquisition cannot go ahead at this stage. Council is waiting for further advice from OLG.</p> <p>16 May 2018 - 9:45 AM - Leisa Bartlett In progress.</p>	False	<p>Ordinary Meeting of the Council 31 October 2018</p> <p>Confidential Matters</p> <p>ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 184/18 - DATED SEPTEMBER 28, 2018 - SALE OF PROPERTY - LOT 2 IN DEPOSITED PLAN 1067380 - 11/204</p> <p>CONFIDENTIAL</p> <p>(General Manager's Note: This report considers Sale of Property 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>RESOLUTION</p> <p>Minute No. 45947</p> <p>Councillor M. Browne moved)</p> <p>Councillor C. Adams seconded)</p>		<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 184/18 dated September 28, 2018, be received. 2. That Council negotiate a new lease (with CPI increase) with the West Darling Machinery Preservation Society for use of 479 Crystal Street (Lot 2 in Deposited Plan 1067380)

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>17 Oct 2019 - 9:55 AM - Leisa Bartlett The lease documents are still with the West Darling Machinery Preservation Society to review and sign. 13 Sep 2019 - 12:00 PM - Leisa Bartlett Agreed changes made to lease which is with the West Darling Machinery Preservation Society to review. 20 Aug 2019 - 3:42 PM - Anthony Misagh In progress with Solicitors 04 Jul 2019 - 1:51 PM - Leisa Bartlett Solicitor finalising draft lease 14 Jun 2019 - 3:20 PM - Leisa Bartlett Solicitor preparing draft lease, meeting being held with West Darling Machinery Preservation Society on 20 June to update them and discuss matter to finalise lease. 17 May 2019 - 3:31 PM - Leisa Bartlett Draft lease being prepared. 07 Mar 2019 - 2:55 PM - Leisa Bartlett In progress 16 Nov 2018 - 2:13 PM - Leisa Bartlett New lease being discussed with tenant.</p>		
Ordinary Meeting of the Council 28 November 2018	False	Confidential Matters
<p>ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 206/18 - DATED NOVEMBER 09, 2018 - CONSOLIDATED BROKEN HILL HOLDINGS PROPOSED SUBLEASE OF AIRPORT HANGAR 30 - CONFIDENTIAL 11/2/18 (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). Resolved</p>		
<p>1. That Broken Hill City Council Report No. 206/18 dated November 9, 2018, be received.</p> <p>2. That Council consent to the proposed sublease of Airport 'Hangar 30' (also known as Lot 13, or part 12/1232493), consenting to Consolidated Broken Hill Holdings subleasing the hangar to Consolidated Aviation Services Pty Ltd.</p>		
<p>3. That the Mayor and General Manager be authorised to execute lease documents under the Common Seal of Council.</p> <p>CARRIED</p>		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>3. That the General Manager be authorised to negotiate the terms and conditions of the sublease agreement.</p> <p>4. That Consolidated Broken Hill Holdings be responsible for any legal fees incurred by Council regarding the proposed sublease agreement.</p> <p>5. That the Mayor and General Manager be authorised to sign and execute any required documents under the Common Seal of Council.</p>		
RESOLUTION		
Minute No. 45972		
Councillor B. Algate moved)	
Councillor J. Nolan seconded)	
		CARRIED
17 Oct 2019 - 9:55 AM - Leisa Bartlett		
The lease documents have been re-issued to Consolidated Broken Hill Holdings to sign and return to Council.		
11 Sep 2019 - 4:11 PM - Leisa Bartlett		
lease still with Consolidated Holdings for signature.		
20 Aug 2019 - 3:43 PM - Anthony Misagh		
Waiting on consolidated to sign documents.		
04 Jul 2019 - 1:52 PM - Leisa Bartlett		
Deed still with tenant for signature.		
14 Jun 2019 - 3:28 PM - Leisa Bartlett		
no change in status		
15 May 2019 - 10:38 AM - Georgina Falkner		
Deed with tenant for execution.		
07 Mar 2019 - 2:10 PM - Leisa Bartlett		
matter still with Solicitor		
06 Feb 2019 - 1:53 PM - Leisa Bartlett		
Matter is with Solicitors to prepare sublease.		
05 Dec 2018 - 3:02 PM - Leisa Bartlett		
GM advised: draft advice being prepared.		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 20 February 2019	False	General Business
ITEM 5 - AFTER-SCHOOL HOURS SPORTS PARTICIPATION (GB1/19)		
RESOLUTION		
Minute No. 46004		
Councillor T. Kennedy moved)	1. That Broken Hill City Council contacts Kate Hogg, President of Barrier Primary School Sports Association; sporting bodies in Broken Hill and the Broken Hill Health Service, advising that participation of Broken Hill children in all after-school sports activities is around 50%, well below the State participation rate of 68% and that as a Council we are interested in getting the participation rate up to the same participation rate or better than the rest of the State.
Councillor B. Algate seconded)	
CARRIED		
21 Oct 2019 - 9:10 AM - Leisa Bartlett		
Contact made with new Broken Hill Health Service CEO, Melissa Welch on 10/10/19. Awaiting reply.		
13 Sep 2019 - 11:50 AM - Leisa Bartlett		
DC advised: Contact will be made with the Health Service CEO regarding Council's correspondence.		
18 Jul 2019 - 9:20 AM - Leisa Bartlett		
DC advised: still awaiting response from Health Department.		
14 Jun 2019 - 4:29 PM - Leisa Bartlett		
DC advised: still awaiting response from Health Department.		
16 May 2019 - 8:24 AM - Razija Numan		
Response received. Awaiting response from Health where meeting will be called to discuss.		
14 Mar 2019 - 4:45 PM - Leisa Bartlett		
Letter has been sent to Kate Hogg.		
07 Mar 2019 - 2:13 PM - Leisa Bartlett		
Letter being drafted to Kate Hogg to notify her of Council's resolution and requesting a further conversation to be held to discuss sporting participation of children in Broken Hill.		
Ordinary Meeting of the Council 29 May 2019	False	Confidential Matters
ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 76/19 - DATED NOVEMBER 27, 2018 - PROPOSED LICENCE OF PART OF THE WILL YAMA COMMON FOR KEEPING OF HORSES - CONFIDENTIAL		
(General Manager's Note: This report considers a proposed 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).		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
04 Jul 2019 - 1:59 PM - Leisa Bartlett Solicitor finalising licence documents. 12 Jun 2019 - 10:52 AM - Georgina Falkner Documents being drafted by Council's solicitor		
Ordinary Meeting of the Council 29 May 2019	False	Confidential Matters
ITEM 20 - BROKEN HILL CITY COUNCIL REPORT NO. 77/19 - DATED DECEMBER 17, 2018 - FAR WEST HACC TRANSFER OF NORTH MINE HALL LEASE TO LIVEBETTER SERVICES - <u>CONFIDENTIAL</u> (General Manager's Note: This report considers a transfer of 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). Resolved		
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 77/19 dated December 17, 2018, be received. 2. That Council consent to the proposed transfer of lease, with the current lease for the North Mine Hall to be transferred from Far West HACC Services to Livebetter Services Limited. 3. That the terms and conditions of the current lease agreement remain the same, including the rent of \$1 per year. 4. That Livebetter Services Limited are responsible for any legal fees incurred by Council. 5. That the Mayor and General Manager be authorised to sign the transfer of lease documents under the Common Seal of Council. 		
RESOLUTION Minute No. 46084 Councillor B. Licul moved) Councillor B. Algate seconded) 		CARRIED
17 Oct 2019 - 9:57 AM - Leisa Bartlett Contact will be made again with Livebetter seeking the return of signed documents. 10 Sep 2019 - 10:44 AM - Georgina Falkner Still awaiting signed documents from Livebetter, have followed up on progress. 20 Aug 2019 - 3:14 PM - Anthony Misagh No update		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
04 Jul 2019 - 1:54 PM - Leisa Bartlett Transfer documents with Livebetter for execution. 12 Jun 2019 - 10:52 AM - Georgina Falkner Transfer documents being finalised		
Ordinary Meeting of the Council 29 May 2019	False	Confidential Matters
ITEM 21 - BROKEN HILL CITY COUNCIL REPORT NO. 78/19 - DATED APRIL 09, 2019 - PROPOSED ACCESS LICENCE THROUGH PART OF THE WILLYAMA COMMON - CONFIDENTIAL (General Manager's Note: This report considers a proposed licence 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). Resolved		
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 78/19 dated April 9, 2019, be received. 2. That Council (as Trust Managers for the Willyama Common Trust) consent to the issue of an access license to P S & D K Weston across the Willyama Common (Lot 4 in Deposited Plan 1220372), to formalise access to the property located at Lot 5547 in Deposited Plan 757298. 3. That a temporary license agreement be issued for 12 months, for a rental of \$1. 4. That should the Weston's still own the property at the license expiry date and require continued access, that the license be renewed accordingly. 5. That in the absence of a Trust Seal, the Mayor and General Manager be authorised to sign and execute any documents relating to the license under the Common Seal of Council. 		
RESOLUTION Minute No. 46085 Councillor B. Algate moved) Councillor C. Adams seconded)		
		CARRIED
17 Oct 2019 - 9:59 AM - Leisa Bartlett Contact made with licensee who advised that they have signed the lease and are posting it back to Council. 10 Sep 2019 - 10:45 AM - Georgina Falkner Still awaiting signed documents from licensee, have followed up. 20 Aug 2019 - 3:14 PM - Anthony Misagh No update		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
04 Jul 2019 - 1:54 PM - Leisa Bartlett Licence with applicant for signature. 12 Jun 2019 - 10:53 AM - Georgina Falkner Draft licence in process of being finalised		
Ordinary Meeting of the Council 29 May 2019	False	Confidential Matters
ITEM 22 - BROKEN HILL CITY COUNCIL REPORT NO. 79/19 - DATED APRIL 24, 2019 - RENEWAL OF LEASE AT THE AIRPORT TO THE AERO CLUB OF BROKEN HILL - CONFIDENTIAL (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). Resolved		
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 79/19 dated April 24, 2019, be received. 2. That Council renew the current lease at the Broken Hill Airport to the Aero Club of Broken Hill, exercising the renewal option for a further five (5) years. 3. That the Aero Club of Broken Hill be responsible for any legal fees associated with the lease renewal. 4. That the Mayor and General Manager be authorised to sign and execute any documents relating to the lease renewal under the Common Seal of Council. 		
RESOLUTION Minute No. 46086 Councillor C. Adams moved) Councillor J. Nolan seconded)		CARRIED
17 Oct 2019 - 10:00 AM - Leisa Bartlett Still awaiting return of document. Contact was made with the Aero Club to return the signed lease. 11 Sep 2019 - 4:06 PM - Leisa Bartlett lease still with Aero Club for signature. 20 Aug 2019 - 3:15 PM - Anthony Misagh Currently with AERO club for signing. 04 Jul 2019 - 1:55 PM - Leisa Bartlett Lease documents with the Aero Club for signature. 12 Jun 2019 - 10:53 AM - Georgina Falkner		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Renewal documents being drafted by Council's solicitors.		
Ordinary Meeting of the Council 29 May 2019	False	Confidential Matters
ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 82/19 - DATED MAY 22, 2019 - VARIATION OF LEASE - 72-74 GYPSUM STREET TO LIVEBETTER SERVICES PTY LTD - CONFIDENTIAL (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).		
Resolved		
1. That Broken Hill City Council Report No. 82/19 dated May 22, 2019, be received. 2. That Council consent to the variation in rental for 72-74 Gypsum Street, with the new annual lease amount being \$137,500 for a period of two years. 3. That the Mayor and General Manager be authorised to sign and execute any documents relating to the lease variation under the Common Seal of Council.		
RESOLUTION		
Minute No. 46087		
Councillor C. Adams moved)	
Councillor J. Nolan seconded)	CARRIED
25 Sep 2019 - 3:15 PM - Georgina Falkner Documents signed by both parties. COMPLETE. 10 Sep 2019 - 10:24 AM - Georgina Falkner Variation of lease signed by Livebetter and has been sent to Council for signing and execution. 20 Aug 2019 - 3:16 PM - Anthony Misagh Documents have been drafted and currently with Livebetter Solicitors 04 Jul 2019 - 1:55 PM - Leisa Bartlett Lease documents still being drafted with Solicitor. 12 Jun 2019 - 10:53 AM - Georgina Falkner Draft variation documents being prepared by Council's solicitors.		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 31 July 2019	False	Mayoral Minute
ITEM 1 - MAYORAL MINUTE NO. 3/19 - DATED JULY 24, 2019 - LANDCARE BROKEN HILL PARTNERSHIP PROPOSAL TO BROKEN HILL CITY COUNCIL 12/29		
RESOLUTION		
Minute No. 46024		
Councillor D. Turley moved)	
Councillor M. Browne seconded)	
<ol style="list-style-type: none"> 1. That Mayoral Minute No. 3/19 dated July 24, 2019, be received. 2. That Broken Hill City Council enters into a partnership with Landcare Broken Hill for the Greening the Hill Mk.2 community wide initiative. 3. That any funding requests be considered on their merits, through the quarterly budget review process. 4. That Council not only enters into a partnership agreement with Landcare, but also implements a number of the assessment items identified in the report. 		
CARRIED UNANIMOUSLY		
<p>17 Oct 2019 - 10:03 AM - Leisa Bartlett Council's new Waste and Sustainability Manager (once appointed) will develop the detailed program. The project will also be progressed through the Our Environment Key Direction Working Group.</p> <p>11 Sep 2019 - 2:57 PM - Leisa Bartlett COO advised: A list of projects has been finalised. Need to finalise a detailed program for the delivery of these projects which will include annual KPI's.</p> <p>20 Aug 2019 - 3:33 PM - Anthony Misagh Finalising a delivery program, next committee meeting (end of August) a point of contact will be identified and achievable timelines will be established.</p>		
Ordinary Meeting of the Council 31 July 2019	False	Confidential Matters
<p>ITEM 23 - BROKEN HILL CITY COUNCIL REPORT NO. 124/19 - DATED JULY 08, 2019 - LICENCE OF PART MEMORIAL OVAL TO BROKEN HILL SOCCER ASSOCIATION - CONFIDENTIAL 12/52</p> <p>(General Manager's Note: This report considers a licence 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>Resolved</p> <ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 124/19 dated July 8, 2019, be received. 2. That Council issue a licence to the Broken Hill Soccer Association, for the use of the Adkins Pavilion at the Memorial Oval. 		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>3. That the licence be issued for a term of twelve (12) months with either party having the option to terminate the licence with 30 days' notice, and the licence fee be a peppercorn rental of \$1.</p> <p>4. That the licence include a condition that the Adkins Pavilion be made available for use by the Silver City Show Committee for the Silver City Show each September.</p> <p>5. That the Mayor and General Manager be authorised to sign and execute the licence agreement under the Common Seal of Council.</p>		
RESOLUTION Minute No. 46045 Councillor C. Adams moved) Councillor B. Licul seconded)		
17 Oct 2019 - 10:05 AM - Leisa Bartlett Licence still with Soccer Association to review and sign. Contact will be made to chase up signed documents. 10 Sep 2019 - 10:19 AM - Georgina Falkner Draft licence with Soccer Association. 20 Aug 2019 - 3:17 PM - Anthony Misagh finalising draft, in progress 19 Aug 2019 - 3:21 PM - Lacey Butcher Finalisation of licence progressing Ordinary Meeting of the Council 31 July 2019		
False	Confidential Matters	
ITEM 24 - BROKEN HILL CITY COUNCIL REPORT NO. 125/19 - DATED JULY 22, 2019 - LICENCE OF AIRPORT KIOSK AT THE BROKEN HILL AIRPORT - CONFIDENTIAL 11/229 (General Manager's Note: This report considers a licence 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). Resolved		
<p>1. That Broken Hill City Council Report No. 125/19 dated July 22, 2019, be received.</p> <p>2. That Council authorise the General Manager to draw up a licence agreement with the preferred applicant to operate the kiosk at the Broken Hill Airport.</p> <p>3. That the licence be for twelve (12) months with the option for a further twelve (12) month renewal.</p>		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
4. That the licence fee be the advertised fee of \$8,580 per annum, including GST.		
5. That the General Manager be authorised to negotiate further terms and conditions in-conjunction with Council's Property Manager.		
6. That the Mayor and General Manager be authorised to sign and execute any licence documents under the Common Seal of Council.		
RESOLUTION		
Minute No. 46046		
Councillor M. Browne moved)		
Councillor B. Licul seconded)		CARRIED UNANIMOUSLY
17 Oct 2019 - 12:01 PM - Leisa Bartlett		
First applicant no longer interested, First National Real Estate is approaching further potential applicants.		
13 Sep 2019 - 12:01 PM - Leisa Bartlett		
Licence is with applicant for signature.		
20 Aug 2019 - 3:18 PM - Anthony Misagh		
Draft documents are with licensee solicitors		
19 Aug 2019 - 3:20 PM - Lacey Butcher		
In the process of negotiations		
Ordinary Meeting of the Council 31 July 2019	False	Confidential Matters
ITEM 25 - BROKEN HILL CITY COUNCIL REPORT NO. 126/19 - DATED JULY 19, 2019 - SALE OF PART LOT 5893 DEPOSITED PLAN 241855 OTHERWISE KNOWN AS PART 51 BROMIDE STREET. - CONFIDENTIAL		
(General Manager's Note: This report considers Sale of Land and is deemed confidential under Section 10A(2) (c) (d) 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; AND 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).		
Resolved		
1. That Broken Hill City Council Report No. 126/19 dated July 19, 2019, be received.		
2. That Broken Hill City Council subdivide the land at 51 Bromide Street (Lot 5893 DP 241855) and prepare sale of land contracts.		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>3. That Broken Hill City Council authorise the General Manager to negotiate a final sale price with the preferred party, setting the reserve at the market value as detailed within the report.</p> <p>4. That the Mayor and General Manager be authorised to sign the sale of land contracts and transfers under the Common Seal of Council.</p>		
RESOLUTION		
Minute No. 46047		
Councillor R. Page moved)	
Councillor M. Browne seconded)	CARRIED
17 Oct 2019 - 12:09 PM - Leisa Bartlett		
Memorandum of Understanding has been signed by both parties. Sale Contract now being prepared.		
<i>11 Sep 2019 - 3:24 PM - Leisa Bartlett</i>		
CFO advised: A Memorandum of Understanding with the Police is being drawn up for signature by both parties.		
<i>19 Aug 2019 - 4:08 PM - Lacey Butcher</i>		
Police currently doing due diligence. Contracts to be prepared following advice from the Police.		
Ordinary Meeting of the Council 28 August 2019	False	Question On Notice
ITEM 14 - QUESTIONS ON NOTICE NO. 8/19 - DATED AUGUST 07, 2019 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE JULY 2019 COUNCIL MEETING		
16/89		
Recommendation		
1. That Questions On Notice No. 8/19 dated August 7, 2019, be received.		
RESOLUTION		
Minute No. 46060		
Councillor T. Kennedy moved)	
Councillor B. Algate seconded)	
<p>1. That Questions On Notice No. 8/19 dated August 7, 2019, be received.</p> <p>2. That the Mayor and Councillors be given training in meeting procedures and regulations.</p> <p>CARRIED UNANIMOUSLY</p>		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
13 Sep 2019 - 11:52 AM - Leisa Bartlett Quotes are being sourced for training sessions to be held in Broken Hill.		
Ordinary Meeting of the Council 25 September 2019	False	Mayoral Minute
ITEM 1 - MAYORAL MINUTE NO. 4/19 - DATED SEPTEMBER 10, 2019 - DECLARATION OF CLIMATE EMERGENCY 11/161		
Resolved		
<ol style="list-style-type: none"> 1. That Mayoral Minute No. 4/19 dated September 10, 2019, be received. 2. That Council recognises that climate change poses a serious risk to the people of Broken Hill and it should be treated as a national emergency. 3. That Council seek to prioritise a climate emergency response as part of the current review being undertaken around the Community Strategic Plan. 		
RESOLUTION		
Minute No. 46072		
Councillor D. Turley moved)		
Councillor M. Clark seconded)		
CARRIED		
17 Oct 2019 - 12:11 PM - Leisa Bartlett being incorporated in the 2021 Community Strategic Plan.		
Ordinary Meeting of the Council 25 September 2019	False	Mayoral Minute
ITEM 2 - MAYORAL MINUTE NO. 5/19 - DATED SEPTEMBER 18, 2019 - NSW TRAINLINK TRIAL SERVICES 11/161		
Resolved		
<ol style="list-style-type: none"> 1. That Mayoral Minute No. 5/19 dated September 18, 2019, be received. 2. That Broken Hill City Council requests that NSW TrainLink reinstates the Country Pensioner Excursion ticket for Pensioners and Seniors travelling from Broken Hill to Adelaide at a cost of \$2.50 per ticket. 		
RESOLUTION		
Minute No. 46073		
Councillor D. Turley moved)		
Councillor C. Adams seconded)		
CARRIED UNANIMOUSLY		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
21 Oct 2019 - 9:11 AM - Leisa Bartlett		
Correspondence being drafted.		
Ordinary Meeting of the Council 25 September 2019	False	Notice of Motion
ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 16/19 - DATED SEPTEMBER 12, 2019 - 1) COUNCIL'S LEGAL EXPENSES SINCE 1 JULY 2016; AND 2) CIVIC CENTRE REFURBISHMENT COSTS		
RESOLUTION		
Minute No. 46074		
Councillor B. Licul moved)	
Councillor M. Clark seconded)	
<ol style="list-style-type: none"> 1. That Motions of Which Notice has been Given No. 16/19 dated September 12, 2019, be received. 2. That Broken Hill City Council provides Councillors with a report at the October 2019 meeting outlining all Broken Hill City Council legal expenses incurred on all matters that Council have been involved in since 1 July 2016. 		
CARRIED		
17 Oct 2019 - 12:30 PM - Leisa Bartlett		
Report presented to October Council Meeting.		
COMPLETE		
Ordinary Meeting of the Council 25 September 2019	False	Notice of Motion
ITEM 4 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 17/19 - DATED SEPTEMBER 12, 2019 - PICTON OVAL CRICKET PITCH		
RESOLUTION		
Minute No 46075		
Councillor T. Kennedy moved)	
Councillor B. Algate seconded)	
<ol style="list-style-type: none"> 1. That Motions of Which Notice has been Given No. 17/19 dated September 12, 2019, be received. 2. That Broken Hill City Council liaises with the Lamb Oval Management Committee and the Barrier Cricket Association to look at the feasibility of installing a cricket pitch to be ready for the 2019/20 cricket season. 		
CARRIED UNANIMOUSLY		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
21 Oct 2019 - 9:59AM - Leisa Bartlett In discussions at the moment. Formal meetings to be organised in the coming weeks.		
Ordinary Meeting of the Council 25 September 2019	False	Reports
ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 143/19 - DATED SEPTEMBER 06, 2019 - ELECTION OF DEPUTY MAYOR 11/18		
Resolved		
1. That Broken Hill City Council Report No. 143/19 dated September 6, 2019, be received. 2. That Council elect the Deputy Mayor at this meeting. 3. That the Deputy Mayor be elected for a twelve month term concluding at the September 2020 Council Meeting. 4. That voting for the Deputy Mayor Election be open voting, i.e. "show of hands". 5. That the result of the election of Deputy Mayor be sent to the Office of Local Government and to the Chief Executive Officer of the LGNSW.		
RESOLUTION Minute No. 46076 Councillor B. Lcul moved) Councillor M. Clark seconded)		
CARRIED UNANIMOUSLY		
09 Oct 2019 - 1:10 PM - Leisa Bartlett Letter sent to the Office of Local Government advising the outcome of the Deputy Mayor election. COMPLETE		
Ordinary Meeting of the Council 25 September 2019	False	Reports
ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 144/19 - DATED SEPTEMBER 09, 2019 - APPOINTMENT OF DELEGATES TO COMMITTEES - SEPTEMBER 2019 TO SEPTEMBER 2020 11/9		
RESOLUTION Minute No. 1		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Councillor D. Gallagher moved Councillor B. Algate seconded))	<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 144/19 dated September 9, 2019, be received. 2. That Council's current Councillor delegates to its Section 355 Committees and various other Committees as per the attached schedule be confirmed. 3. That Councillor membership on Section 355 Committees and various other Committees be for a twelve month period being from the Council Meeting until the September 2020 Local Government Election.
<p>09 Oct 2019 - 1:11 PM - Leisa Bartlett Schedule updated and placed on the Councillor HUB. Advice sent to Secretaries of Committees. COMPLETE</p>		
Ordinary Meeting of the Council 25 September 2019	False	Reports
<p>ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 146/19 - DATED SEPTEMBER 17, 2019 - COUNCILLOR PROFESSIONAL DEVELOPMENT 11/468</p>		
<p>RESOLUTION</p> <p>Minute No. 46078) Councillor C. Adams moved) Councillor B. Algate seconded)</p>		
<p>1. That Broken Hill City Council Report No. 146/19 dated September 17, 2019, be received and the proposal be referred to the newly elected Council in 2020.</p> <p>CARRIED UNANIMOUSLY</p>		
<p>17 Oct 2019 - 10:16 AM - Leisa Bartlett The report will be presented to the September 2020 Council Meeting. COMPLETE</p>		
Ordinary Meeting of the Council 25 September 2019	False	Reports
<p>ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 147/19 - DATED AUGUST 07, 2019 - PUBLIC INTEREST DISCLOSURES ANNUAL REPORT 2018/19 12/67</p>		
<p>Resolved</p> <ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 147/19 dated August 7, 2019, be received. 2. That the Broken Hill City Council Public Interest Disclosures Annual Report 2018/19 be forwarded to the Minister for Local Government and the NSW Ombudsman by 30 October 2019. 		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
RESOLUTION		
Minute No. 46079		
Councillor M. Browne moved)	
Councillor D. Gallagher seconded)	CARRIED UNANIMOUSLY
17 Oct 2019 - 12:31 PM - Leisa Bartlett		
Public Interest Disclosures Annual Report has been forwarded to the Minister for Local Government and the NSW Ombudsman.		
COMPLETE		
Ordinary Meeting of the Council 25 September 2019	False	Reports
ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 148/19 - DATED AUGUST 20, 2019 - ADOPTION OF THE DRAFT GIFTS AND BENEFITS POLICY		
Resolved		
1. That Broken Hill City Council Report No. 148/19 dated August 20, 2019, be received.		
2. That Council adopts the draft Gifts and Benefits Policy as a policy of Council.		
RESOLUTION		
Minute No. 46080		
Councillor B. Adams moved)	
Councillor B. Algate seconded)	CARRIED UNANIMOUSLY
09 Oct 2019 - 1:23 PM - Leisa Bartlett		
Processes complete to adopt policy, and policy placed on website.		
COMPLETE		
Ordinary Meeting of the Council 25 September 2019	False	Reports
ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 149/19 - DATED AUGUST 20, 2019 - ADOPTION OF THE REPORTING OF PUBLIC INTEREST DISCLOSURES POLICY		
Resolved		
1. That Broken Hill City Council Report No. 149/19 dated August 20, 2019, be received.		
2. That the Draft Reporting of Public Interest Disclosures Policy be adopted as a policy of Council.		
RESOLUTION		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Minute No. 46081 Councillor B. Algate moved Councillor C. Adams seconded <i>09 Oct 2019 - 1:24 PM - Leisa Bartlett</i> Processes complete to adopt policy, and policy placed on website. COMPLETE)	CARRIED UNANIMOUSLY
Ordinary Meeting of the Council 25 September 2019	False	Reports
ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 150/19 - DATED AUGUST 20, 2019 - ADOPTION OF THE DRAFT VOLUNTARY PLANNING AGREEMENT POLICY		11/192
Resolved		
1. That Broken Hill City Council Report No. 150/19 dated August 20, 2019, be received.		
2. That the draft Voluntary Planning Agreement Policy be adopted as a policy of Council.		
RESOLUTION		
Minute No. 46082)	
Councillor M. Browne moved)	
Councillor C. Adams seconded)	CARRIED
<i>09 Oct 2019 - 1:24 PM - Leisa Bartlett</i> Processes complete to adopt policy, and policy placed on website. COMPLETE		
Ordinary Meeting of the Council 25 September 2019	False	Reports
ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 151/19 - DATED SEPTEMBER 13, 2019 - REVIEW OF COMMUNICATION AND ENGAGEMENT STRATEGY AND SOCIAL MEDIA STRATEGY		12/14
Resolved		
1. That Broken Hill City Council Report No. 151/19 dated September 13, 2019, be received.		
2. That Council endorse the draft Communication and Engagement Strategy for the purpose of public exhibition.		
3. That the Draft Communication and Engagement Strategy be exhibited for public comment for a 28-day period.		
4. That Council adopts the reviewed Social Media Strategy.		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
RESOLUTION Minute No. 46083 Councillor C. Adams moved) Councillor M. Browne seconded) 09 Oct 2019 - 1:24 PM - Leisa Bartlett the Communication and Engagement Strategy has been placed on public display. Further report to go to the November Meeting for Council to consider adoption. Processes complete to adopt the Social Media Strategy which has been placed on Council's website. COMPLETE		
Ordinary Meeting of the Council 25 September 2019	False	Reports
ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 153/19 - DATED AUGUST 20, 2019 - TEMPORARY SUSPENSION OF ALCOHOL-FREE ZONE - PERFECT LIGHT FILM FESTIVAL - 2 NOVEMBER 2019 11/307		
RESOLUTION Minute No. 46085 Councillor C. Adams moved) Councillor M. Browne seconded)		
		<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 153/19 dated August 20, 2019, be received. 2. That Council provide in principle support to begin the planning process for the temporary suspension of the prohibition of the consumption of alcohol in part of Sturt Park, under Section 632A, of the <i>Local Government Act 1993</i> on Saturday, 2 November 2019 from 6pm to 11pm for the Perfect Light Film Festival. 3. That the temporary suspension on the prohibition of the consumption of alcohol in part of Sturt Park be advised to the public by way of media release and advertisement in the Barrier Daily Truth. That the advertisement also confirms that the suspension only applies to the VIP Marquee area; and that the consumption of alcohol will remain prohibited for all other areas of the Sturt Park; and that all existing alcohol-free zones in Broken Hill will remain in force. 4. That the General Manager be authorised to implement the suspension and advertising processes on final advice of Barrier Local Area Command. 5. That the Barrier Local Area Command be advised of Council's decision.

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
17 Oct 2019 - 12:25 PM - Leisa Bartlett		6. That Council investigates options to extend the alcohol free zone to incorporate a larger area of the park, in order that members of the public attending the Festival may consume alcohol in the park.
Community consultation period ended with no submissions received. Letter to Local Area Command being sent for them to make final determination. If approved, advertising to suspend the Alcohol Free Zone for the duration of the event is scheduled.		CARRIED UNANIMOUSLY
COMPLETE		
Ordinary Meeting of the Council 25 September 2019	False	Reports
ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 154/19 - DATED AUGUST 28, 2019 - FORMAL AGREEMENT BETWEEN BROKEN HILL CITY COUNCIL AND BROKEN HILL RIFLE CLUB		11/214
Resolved		
1. That Broken Hill City Council Report No. 154/19 dated August 28, 2019, be received.		
2. That Broken Hill City Council enters into an agreement with the Broken Hill Rifle Club (BHRC) to formalise the future use of the rifle range in South Broken Hill.		
3. That the General Manager be authorised to execute the formal agreement on behalf of Broken Hill City Council.		
RESOLUTION		
Minute No. 46086		
Councillor D. Gallagher moved)		
Councillor B. L'cuil seconded)		
09 Oct 2019 - 1:28 PM - Leisa Bartlett		CARRIED UNANIMOUSLY
Agreement has been signed by all parties.		
COMPLETE		
Ordinary Meeting of the Council 25 September 2019	False	Committee Reports
ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 158/19 - DATED SEPTEMBER 06, 2019 - MEMBERSHIP OF SECTION 355 COMMITTEES		11/9
Resolved		
1. That Broken Hill City Council Report No. 158/19 dated September 6, 2019, be received.		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
<p>2. That Council accepts the resignation from Mr Stephen Pascoe as a community representative on the Alma Oval Community Committee, and thanks Mr Pascoe for his service on the Committee.</p> <p>3. That Council accepts the nomination from Ms Karen Gosling as a community representative on the Picton Oval Community Committee.</p> <p>4. That Council advertises for all vacancies on its Section 355 Committees.</p> <p><i>09 Oct 2019 - 1:30 PM - Leisa Bartlett</i> Letter sent to Mr Pascoe. Letter sent to Ms Gosling and to the Secretary of the Picton Oval Community Committee. Advertising during October to fill vacancies on all Section 355 Committees. COMPLETE</p>	False	Confidential Matters
<p>Ordinary Meeting of the Council 25 September 2019</p> <p>ITEM 26 - BROKEN HILL CITY COUNCIL REPORT NO. 164/19 - DATED AUGUST 30, 2019 - APPOINTMENT OF A HERITAGE CONSULTANT TO CARRY OUT HERITAGE STUDIES SUBJECT TO GRANT FUNDING - CONFIDENTIAL (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). Resolved</p> <p>1. That Broken Hill City Council Report No. 164/19 dated August 30, 2019, be received.</p> <p>2. That Broken Hill City Council does not call for tenders for the carrying out of heritage studies pursuant to the provisions of Section 55 (3) (i) of the <i>Local Government Act 1993</i> due to extenuating circumstances associated with Broken Hill's remoteness and the unavailability of competitive tenderers.</p> <p>3. That Council appoint Paul Davies, Council's Heritage Advisor, for the following projects:</p> <p>i. Commonwealth Heritage Grant for a Heritage Study on Broken Hill's National Heritage values;</p> <p>ii. NSW Heritage Grant - Broken Hill Heritage Study Review</p> <p>RESOLUTION Minute No. 46096 Councillor C. Adams moved) Councillor M. Browne seconded) <i>17 Oct 2019 - 10:20 AM - Leisa Bartlett</i> Council has engaged Paul Davies to undertake the 2 heritage studies. COMPLETE</p>		16/154 CARRIED

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
Ordinary Meeting of the Council 25 September 2019	False	Confidential Matters
ITEM 27 - BROKEN HILL CITY COUNCIL REPORT NO. 165/19 - DATED AUGUST 23, 2019 - BROKEN HILL CITY COUNCIL TO WATER NSW DEED OF AGREEMENT FOR WATER PIPELINE EASEMENT - CONFIDENTIAL (General Manager's Note: This report considers a deed of 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). Resolved		
1. That Broken Hill City Council Report No. 165/19 dated August 23, 2019, be received. 2. That Council consent to Water NSW's proposed acquisition and registration of an easement over Lot 2393 in Deposited Plan 757298. 3. That Council agree to the terms and conditions of the proposed Deed of Agreement. 4. That the Mayor and General Manager be authorised to sign and execute any related documents under the Common Seal of Council.		
RESOLUTION Minute No. 46097 Councillor M. Browne moved) Councillor B. Licul seconded) 17 Oct 2019 - 10:21 AM - Leisa Bartlett Agreement signed by Council and sent to Water NSW for signature. Ordinary Meeting of the Council 25 September 2019		
False		
Confidential Matters		
ITEM 28 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 18/19 - DATED SEPTEMBER 12, 2019 - MATTERS PERTAINING TO THE CIVIC CENTRE REDEVELOPMENT - CONFIDENTIAL (General Manager's Note: This report is deemed confidential under Section 10A(2) (e) (g) of the Local Government Act, 1993 which provides for information that would, if disclosed, prejudice the maintenance of law; 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). RESOLUTION Minute No. 46098 Councillor B. Licul moved) Councillor M. Clark seconded) 1. That Motions of Which Notice has been Given No. 18/19 dated September 12, 2019, be deferred until the final report is received by Council.		
CARRIED		

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MEETING	FURTHER REPORT REQUIRED	SUBJECT
77 Oct 2019 - 10:23 AM - Leisa Bartlett To be re-presented to Council once the Final Report is received.		

COMMITTEE REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 181/19 - DATED
SEPTEMBER 26, 2019 - MINUTES OF THE FLORA AND FAUNA OF THE
BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD
SEPTEMBER 17, 2019 (12/51)258
2. BROKEN HILL CITY COUNCIL REPORT NO. 177/19 - DATED OCTOBER
04, 2019 - MINUTES OF THE MEMORIAL OVAL COMMUNITY
COMMITTEE MEETING HELD 3 SEPTEMBER 2019 (12/52)261
3. BROKEN HILL CITY COUNCIL REPORT NO. 178/19 - DATED OCTOBER
04, 2019 - MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE
MEETING HELD 16 SEPTEMBER 2019 (12/54).....265
4. BROKEN HILL CITY COUNCIL REPORT NO. 179/19 - DATED OCTOBER
04, 2019 - MEMBERSHIP OF SECTION 355 COMMITTEES (11/9)269

ORDINARY MEETING OF THE COUNCIL

September 26, 2019

ITEM 1BROKEN HILL CITY COUNCIL REPORT NO. 181/19

SUBJECT: MINUTES OF THE FLORA AND FAUNA OF THE BARRIER
RANGES COMMUNITY COMMITTEE MEETINGS HELD
SEPTEMBER 17, 2019 12/51

Recommendation

1. That Broken Hill City Council Report No. 181/19 dated September 26, 2019, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held September 17, 2019 be received.

Executive Summary:

Council has received minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held September 17, 2019 for endorsement by Council.

Report:

As per Council's Section 355 Asset Committee Framework Manual and the Constitution of the Friends of the Flora and Fauna of the Barrier Ranges Community 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 Friends of the Flora and Fauna of the Barrier Ranges Community Committee has submitted minutes from its meeting held September 17, 2019 for Council's endorsement.

Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.4	Our built environment supports our quality of life
Strategy:	1.4.2	Maintain the serviceability of Council's assets at an appropriate condition level

Relevant Legislation:

The Friends of the Flora and Fauna of the Barrier Ranges Community Committee operates under Council's Section 355 Asset Committee Constitution and the *Local Government Act 1993* (Section 355).

Attachments

1. MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER
[↓](#) RANGES COMMUNITY COMMITTEE - SEPTEMBER 2019

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAY NANKIVELL
ACTING GENERAL MANAGER

MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE S355 MEETING HELD 17 SEPTEMBER 2019 AT 4PM – COUNCIL CHAMBER, 240 BLENDE STREET, BROKEN HILL

12/51

1. **Present:** John Rogers (Chairperson), Kellie Scott (Vice Chairperson), Jeff Crase, Paul Reed, Ray Allen, David Spielvogel, Merran Coombe, Gaylene Ford, Ann Evers, Geoffrey Hoare, Councillor Marion Browne, Jill Spielvogel, Evan Scott, Sue Spangler (BHCC) and Darrell Ford (BHCC).

2. **Apologies:** Ronald Tumes, Dean Fletcher, Jamie Scott, Michael Ford, Nevada Ford and Rosalind Molesworth.

Non-Attendance: Lyn Campigli and Alison Gardner.

3. **Confirmation of Minutes of Previous Meeting:**

Previous minutes: 20 August 2019

Moved: David Spielvogel

Seconded: Ann Evers

4. **Business arising from Previous Minutes:**

Campsite online bookings are not available yet.

5. **Correspondence:** Nil

6. **Update on Action List Items:**

6.1 Working Bee – Saturday, 26 October 2019 at 9am.

6.2 Identification Cards – As required

6.3 Cold Set – Bitumen pouring over crushed paths – Pending

7. **Reports:**

7.1 Working Bee

Thank you to all that attended the working bee. Attendees spread gravel from the gate entrance to the pavers.

7.2 Tourist Numbers

Tourist numbers are steady. Over the Broken Heel festival tourist numbers did increase.

7.3 Work Experience

Work Experience student is doing well.

8. **Rosters:**

November

- 02/11 – 03/11 Michael, Nevada and Gaylene Ford
- 09/11 – 10/11 Ann Evers
- 16/11 – 17/11 Darrell Ford (BHCC)

9. **General Business:**

9.1 Working Bee

Saturday, 26 October 2019 at 9am – meet at office. Working bee will be spent spreading bitumen and pruning trees.

9.2 Contact List

Committee members completed contact list update on how they would like agenda/minutes delivered.

9.3 Tourist Office

Tourist Office closing time is 4pm, tills close and no EFTPOS. Need to answer phone, to book then pay over the phone.

9.4 Christmas Show

Christmas show will be held on Saturday, 30 November 2019.

Action List:

ACTION	WHO
1 Working Bee – Saturday, 26 October 2019	Committee
2 Identification Cards - As required	Customer Relations
3 Cold Set – bitumen pouring over crushed paths - pending	D Ford - Ranger

Next Meeting: Tuesday, 15 October 2019 – Council Chamber – 4pm (ACDT)

10. Meeting Closed: 4.20 pm

ORDINARY MEETING OF THE COUNCIL

October 4, 2019

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 177/19

SUBJECT: MINUTES OF THE MEMORIAL OVAL COMMUNITY COMMITTEE
MEETING HELD 3 SEPTEMBER 2019 12/52

Recommendation

1. That Broken Hill City Council Report No. 177/19 dated October 4, 2019, be received.
2. That minutes of the Memorial Oval Community Committee Meeting held 3 September 2019 be received.

Executive Summary:

Council has received minutes from the Memorial Oval Community Committee Meeting held 3 September 2019 for endorsement by Council.

Report:

As per Council's Section 355 Asset Committee Framework Manual and the Constitution of the Memorial Oval Community 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 Memorial Oval Community Committee has submitted minutes from its Committee Meeting held 3 September 2019 for Council's endorsement.

Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.4	Our built environment supports our quality of life
Strategy:	1.4.2	Maintain the serviceability of Council's assets at an appropriate condition level

Relevant Legislation:

The Memorial Oval Community Committee operates under Council's S355 Asset Committee Framework Manual and Standard Constitution and the *Local Government Act, 1993 (Section 355)*.

Financial Implications:

Nil.

Attachments

1. Minutes of the Memorial Oval Community Committee Meeting held 3 September 2019
[!\[\]\(31b03e46ee8a80a1f1467b8c03bd76e8_img.jpg\)](#)

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAY NANKIVELL
ACTING GENERAL MANAGER



ORDINARY MEETING MINUTES TEMPLATE

MEMORIAL OVAL COMMUNITY COMMITTEE MINUTES.

Date	03/09/2019	Opened: 6.30pm	Closed: 7.20pm
Location:	Show Office, Memorial Oval		
Present:	Ray Steer, Dennis Cetinich, Bruce McIntosh, Lane Ralph, Dave Gallager, Tania Martyn, Chris May, Alan Titcombe, Jody Whitehair (6.50), John Ralph.		

AGENDA	MOVED BY	SECONDED
Welcome: The Secretary John Ralph welcomed all attending Members to the Meeting. Apologies: Rebecca McLaughlin. Tracey Robinson.	Alan Titcombe.	Tania Martyn.
Confirmation of Minutes from previous meeting held: 06/08/2019	Bruce McIntosh.	Chris May.
Inward Correspondence: BH.City Council: Advising that paint for Ticket Boxes and Gates is ok. Informing that the old Scoreboard will be decommissioned from the 5/8/19.	Tania Martyn.	Alan Titcombe.
Financial Report: Bank Balance: August 2019 \$21,437.11 Debtors: CBHFC \$1,750.00. Dept of Defence \$620.00 BH. High: \$200.00.	Dennis Cetinich.	Chris May.

BROKEN HILL
CITY COUNCIL

AGENDA	MOVED BY	SECONDED
<u>BH. Harness Racing Club:</u>		
<u>General Business:</u> Require a key to the Tractor Shed, see Tracey Robertson. Cut off steps on the old score board, remove Rocky Baker Sign and put it on the Photo Finish Tower, Contact BH. Greening to look at all Garden Beds. Still awaiting the Water Urn in the Canteen.		
<u>Work Requests:</u> Still awaiting BHCC to repair lights on driveway tier and the War Memorial tier. Still no handrails on steps from driveway tier to the War Memorial tier.		
<u>Next Meeting:</u> 1 st October 2019 @ 6.30pm.		

ORDINARY MEETING OF THE COUNCIL

October 4, 2019

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 178/19

SUBJECT: MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE
MEETING HELD 16 SEPTEMBER 2019 12/54

Recommendation

1. That Broken Hill City Council Report No. 178/19 dated October 4, 2019, be received.
2. That minutes of the Picton Oval Community Committee Meeting held 16 September 2019 be received and the list of maintenance issues be placed into Council's works program.

Executive Summary:

Council has received minutes from the Picton Oval Community Committee Meeting held 16 September 2019 for endorsement by Council.

Report:

As per Council's Section 355 Asset Committee Framework Manual and the Constitution of the Picton Oval Community 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 Picton Oval Community Committee has submitted minutes from its Committee Meeting held 16 September 2019 for Council's endorsement.

Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.4	Our built environment supports our quality of life
Strategy:	1.4.2	Maintain the serviceability of Council's assets at an appropriate condition level

Relevant Legislation:

The Picton Oval Community Committee operates under Council's S355 Asset Committee Framework Manual and Standard Constitution and the *Local Government Act, 1993* (Section 355).

Financial Implications:

Nil.

Attachments

1. [↓](#) Minutes of Picton Oval Community Committee Meeting 16 September 2019

ANTHONY MISAGH
CHIEF OPERATIONS OFFICER

JAY NANKIVELL
ACTING GENERAL MANAGER

PICTON OVAL MANAGEMENT COMMITTEE MEETING
MINUTES

TUESDAY, 16th SEPTEMBER 2019

Present: N. Hannigan, T. Rynne, P. Adams, C. Adams (Councillor), N. Davey.

Apologies: B. Licul (Councillor), Rebecca McLaughlin (Council).

Meeting Commenced: 5:30p.m.

Matters Arising:
Nil

Correspondence In:
Nil

Correspondence Out:
Nil

Financial Report:
Nil

General Business:

1. Noel and Christine met with the General Manager to discuss a number of issues relating to Picton Oval. General Manager has requested that the following items are acknowledged by Council and placed into the works program to ensure actions are undertaken.
Items that were discussed are as follow:
 - a) The electrical board at the canteen at Picton Oval is thought to be in dire need of upgrading as it may not pass a fire audit; perhaps we can have the Corporate Risk team inspect the electrical board from a safety perspective and render a view as to its urgency, and or, scheduling of the works;
 - b) Installation of doggy bag dispensers (request circa 2012) at Picton oval to assist with the obvious issues;
 - c) Some time ago council installed 20L wheelie bins at the oval and removed the old metal bins. However, the steel frames that held the metal bins have remained. Can they be removed?
 - d) There are two signs at Picton re the issues of dogs in the oval area. The signs contradict one another. Can we seek to standardise the signage at Picton Oval so it is consistent with other signage across the City for dog owners;
 - e) The committee are after a second water tank at the oval to avoid the issues of running out of water as per previous years. This has been discussed before;
 - f) Water control was also mentioned because of the uneven coverage of water that occurs;
 - g) The long jump pit at the oval needs a bit of work and would benefit from a tidy up and maintenance to the runway;
 - h) The issue of the gym equipment was raised with the preference for individual gym stations which the committee can add to as funds become available. The suggestion is that the soft fall does not need to be in place and it will be sufficient for grass to be under the equipment to save on money and get more individual stations. Council to check whether we have specific requirements we must adhere to when erecting this type of equipment.
2. Trip switch is quite sensitive and has to be set each time there is a power issue. Is there a better option as it has to be set manually for watering to continue its normal cycle?
3. Noel mentioned about the letter received from the Barrier Cricket Association regarding the installation of a cricket pitch at Picton. Discussion was held with representatives from the Cricket Association over 12 months ago but no contact from the Cricket Association has been made to Picton Oval Management Committee since.

4. Committee has been given approval to trim branches from the trees as required.

Meeting closed: 6:15p.m.

Next Meeting: Monday, 21st October 2019 @ 5:30p.m.

ORDINARY MEETING OF THE COUNCIL

October 4, 2019

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 179/19

SUBJECT: MEMBERSHIP OF SECTION 355 COMMITTEES 11/9

Recommendation

1. That Broken Hill City Council Report No. 179/19 dated October 4, 2019, be received.
2. That Council accepts the resignation from Mr. Eric McCormick as a community representative on the Broken Hill Heritage Committee, and thanks Mr. McCormick for his service on the Committee.
3. That Council appoints Ms Tracey Robinson as a user representative (Broken Hill Harness Racing Club) on the Memorial Oval Community Committee.
4. That Council notes that advertising is taking place during October in an attempt to fill all vacancies in community representative positions on Council's Section 355 Committees.

Executive Summary:

In accordance with the *Local Government Act 1993*, Section 355 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.

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.

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 accepts ongoing nominations throughout the current term of this Council for any vacancies remaining or arising on Section 355 Committees.

Council received a letter of resignation from Mr Eric McCormick dated 3 October 2019, for membership on the Broken Hill Heritage Committee, a Section 355 Advisory Committee of Council. As a consequence of Mr McCormick's resignation, the Committee now has two vacancies in community representative positions.

Council has also received a nomination from Ms Tracey Robinson (who is a representative of the Broken Hill Harness Racing Club) for representation on the Memorial Oval Community Committee. The Constitution of the Memorial Oval Community Committee allows for 12 members being made up of community representatives and user group representatives. Ms Robinson will replace the Racing Club's previous representative.

As per Council's resolution from the Ordinary Meeting held 25 September 2019, Council is undertaking advertising during the month of October in an attempt to fill vacancies in community representation positions on all of its Section 355 Asset and Advisory Committees.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

Section 355 of the *Local Government Act 1993*
Council's adopted S355 Asset Committee Framework

Financial Implications:

There are no financial implications.

Attachments

1. [↓](#) Correspondence from Mr McCormick dated 3 October 2019
2. [↓](#) Nomination Form from Ms Tracey Robinson

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAY NANKIVELL
ACTING GENERAL MANAGER

3 OCTOBER 2019

Chairperson Broken Hill Heritage Committee
Darriea Turley AM
Mayor Broken Hill City Council

Dear Darriea

Re Membership of the Broken Hill Heritage Committee
A Section 355 Advisory Committee

It is with regret that I advise you and fellow members my resignation from the subject Section 355 Committee. My nomination was approved at Council's Ordinary Meeting held 26 April 2018. Although a member for a relative short period, I believe the committee will grow in strength and play a very important and vital role in growing the City's brand as Australia's First Heritage City.

The heritage Festivals so far have been successful in growing community participation in heritage activities and will continue to foster the importance of the event to capture much needed tourist visitation.

Having resided in Broken Hill for some thirty-nine years the decision to move has not been easy but there has been a strong call to greener pastures.

It has been a pleasure to serve on the committee and I look forward to returning to Broken Hill on many occasions to indulge in the vast treasure chest of history and to tract future happenings.

With best wishes,

E A McCormick

BROKEN HILL
CITY COUNCILRECEIVED
06 OCT 2019
BY: J/C 1:54pm

355 committee nomination form

Please complete this form as accurately as possible and return to council@brokenhill.nsw.gov.au

SECTION 355 COMMITTEE

Name of Committee: **MEMORIAL OVAL COMMUNITY COMMITTEE.**

PERSONAL DETAILS

Name: Tracey RobinsonAddress: Broken HillContact Number: Home: - Mobile: -Email: -

COMMITTEE DETAILS

Please outline why you
would like to be a
member of this
committee:Representation of Broken Hill Harness
Racing ClubPlease outline details of
any relevant experience
to this committee:Correspondence via emails + phone
calls regarding BHHRC.What is your previous
experience with any
committee? Please list
name/s of committee/s
and period/s of service:Broken Hill Harness Racing Club
Committee member 2 years
President 7 yearsPlease 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 you nominate for a position on a committee, your name will be made publicly available via Council's Business Papers and on Council's website. Your contact details will not be made public on Council's website and will be removed from all applications and reports 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 via email

council@brokenhill.nsw.gov.au or addressed to Broken Hill City Council, 240 Blende Street.

Your information will be collected and stored by Broken Hill City Council, 240 Blende Street.

Signature

Date:

13.9.19

Printed Name

Tracey Robinson

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETINGS

1. QUESTIONS ON NOTICE NO. 10/19 - DATED OCTOBER 09, 2019 -
COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE AUGUST 2019
COUNCIL MEETING (11/249, 11/140).....275

ORDINARY MEETING OF THE COUNCIL

October 9, 2019

ITEM 1QUESTIONS ON NOTICE NO. 10/19

SUBJECT: COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE AUGUST 2019 COUNCIL MEETING 11/249, 11/140

Summary

The report provides a response to a question raised by a Councillor during the September 2019 Council Meeting, which was taken on notice.

Recommendation

1. That Questions On Notice No. 10/19 dated October 9, 2019, be received.

Background

Following is the response to a question raised by a Councillor which the Mayor and/or General Manager took on notice at the September 2019 Council Meeting.

Question:	<p><u>Meeting Procedures</u> 11/249</p> <p><i>Councillor Kennedy questioned why his Notice of Motion – Question on Notice Councillor Briefing was placed in confidential matters at this meeting, when only the answers to the questions contained in the Notice of Motion should have been placed in confidential matters? Councillor Kennedy requested that his Notice of Motion be considered in open session.</i></p> <p>The Mayor advised Councillor Kennedy that he could raise the matter of dealing with his Notice of Motion in open session when Council considered the item.</p>
Response:	Dealt with at the September Meeting, as per the above.
Question:	<p><u>Property on Barrier Highway owned by Boss Constructions Pty Ltd</u> 11/140</p> <p><i>Councillor Kennedy advised that he had been handed a file from Nick Bobos (owner of Boss Constructions Pty Ltd (with whom Councillors are aware is in litigation with Council) and the owner of the property on the Barrier Highway which incorporates the land on which Council's tourist information bay is erected) to ask Council the following questions. The Mayor took the following questions on notice:</i></p>

	<p><i>In 2005/2006 Council was pushing for a truck stop/roadhouse to be erected on the outskirts of the city; Bobos Engineering purchased the subject land on the Barrier Highway. In a meeting with a Council Officer to discuss expressions of interest to construct a truck stop/roadhouse on the land, the Council Officer showed Mr Bobos a Development Application previously approved which included zoning consistent for the development of a truck stop/roadhouse. In relation to this matter, Councillor Kennedy asked:</i></p> <p><i>When was the zoning changed?</i></p> <p><i>Response:</i> The zoning changed on 30.08.2013.</p> <p><i>Why did the zoning change so that the land could no longer be used for a truck stop/roadhouse?</i></p> <p><i>Response:</i> The former Broken Hill LEP 1996 was repealed on 29 August 2013 and replaced by the current Broken Hill LEP 2013 on 30 August 2013. All Councils across NSW were required to adopt a new LEP that complies with the Standard LEP Instrument 2006. The development of the new LEP took several years and was widely advertised, workshops were held with the community and a draft LEP was on public exhibition for 28 days for submissions and/or objections. Consultation was done in accordance with legislated requirements.</p> <p>The current zone of the subject land is B 2 - Local Centre. "Highway service centres" are listed as prohibited development.</p> <p>A "highway service centre" is defined as "a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:</p> <ul style="list-style-type: none"> (a) a restaurant or cafe, (b) take away food and drink premises, (c) service stations and facilities for emergency vehicle towing and repairs, (d) parking for vehicles, (e) rest areas and public amenities." <p>However, if development is listed as "prohibited development" it does not mean that no alternatives are available. A good planning proposal may obtain an additional permitted use as per schedule 1 of the <i>BH LEP 2013</i>. This process has been used on three occasions since the enactment of the current Local Environmental Plan 2013.</p> <p><i>Why was the \$700,000 government grant (for a truck wash) returned to the government?</i></p> <p><i>Response:</i> The original funding has been put on hold whilst additional avenues are sort for the construction of a truck wash. These include alternate designs and further top-up funding from the government. Council is currently working with Transport NSW to see if these alternate avenues are feasible for Council.</p> <p><i>Why was the \$900,000 government grant dedicated for drought programs then proposed by Council to be used for Brown Street road construction</i></p>
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	<p><i>when Council had dedicated money for Brown Street from somewhere else?; and why wasn't this \$900,000 grant used in conjunction with grant money for the truck wash to complete this project?; and why did Council not receive a report to consider this?</i></p> <p><i>Response: The drought funding conditions imposed that the project had to be completed by 30 June 2019. Neither the time frames for Brown Street or the Truck wash allowed this to happen. The drought funding was partially used for the reconstruction of Oxide Street. Funding applications are not typically resolved by Council, Council Officers seek funding pools to achieve the objectives within Councils Operational Plan, Delivery Plan, Community Strategic Plan and other Strategic Documents to ensure Council's objectives, deliverables and own-source funding is maximised.</i></p> <p><i>Was development approval of the truck stop/roadhouse and accommodation subject to Council removing the tourist information bay signage from the property?</i></p> <p><i>Response: No. The conditions of consent did not impose any conditions on the applicant and/or vendor to remove any tourist information bay signage from the property.</i></p> <p><i>Was this agreed to?; and why hasn't Council removed the tourist information bay signage?</i></p> <p><i>In the cross statement of claim submitted to the Parramatta Court in relation to this matter, the Judge made a statement that one might think that Council would have to pay the defendant for some kind of rent for the use of the sign due to the continuing collection of monies in rent for advertising on the sign.</i></p> <p><i>Is Council paying any rent for this sign? Is Council collecting money from people in rent for advertising on the sign? Does Council have a moral obligation to pay some sort of costs to Nick Bobos given the Judge's statement?</i></p>
Response:	Given ongoing legal matters it would be inappropriate for Council to comment further.

Attachments

There are no attachments for this report

JAY NANKIVELL
ACTING GENERAL MANAGER

CLOSED

Council Meeting to be held **Wednesday, October 30, 2019**

1. **BROKEN HILL CITY COUNCIL REPORT NO. 180/19 - DATED OCTOBER 21, 2019 - CONFIDENTIAL MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 SEPTEMBER 2019 - CONFIDENTIAL**

(General Manager's Note: This report considers confidential minutes of the Ordinary Council Meeting held 25 September 2019 which relates to various confidential matters and is deemed confidential under Section 10A(2) (b) (c) (e) (g) of the Local Government Act, 1993 which contains matters that will involve the discussion of the personal hardship of any resident or rate payer; AND 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; AND which provides for information that would, if disclosed, prejudice the maintenance of law; 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).