

April 22, 2020

ORDINARY MONTHLY MEETING

TO BE HELD

WEDNESDAY, APRIL 29, 2020

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

ABN 84 873 116 132

Dear Sir/Madam,

Your attendance is requested at the Ordinary Meeting of the Council of the City of Broken Hill to be held via videoconference on **Wednesday, April 29, 2020** commencing at 6:30p.m. to consider the following business:

- 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


JAMES RONCON
GENERAL MANAGER

RECORDING OF COUNCIL MEETINGS

PLEASE NOTE: This Council meeting is being recorded, and will be published online via Facebook. To those present in the meeting today, by 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 the recording if comments or debate are considered defamatory or otherwise inappropriate for publishing.
Participants 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, March 25, 2020.

Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held Wednesday, April 08, 2020.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MARCH 25, 2020

Meeting commenced at 6:30p.m.

PRESENT:

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

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

Media – nil, Members of the Public – nil.

Due to the COVID-19 pandemic and the government's protocol for social distancing and indoor gatherings, the meeting was closed to the public and media. Council advertised prior to the meeting to encourage members of the public and media to watch the livestreaming of the meeting on Council's Facebook page.

APOLOGIES:

Councillors B. Algate and D. Gallagher.

RESOLUTION

Minute No. 46206

Councillor R. Page moved
Councillor M. Clark seconded

) That the apologies submitted on behalf of
) Councillors Algate and Gallagher be accepted
and leave of absence granted.

CARRIED UNANIMOUSLY

PRAYER

Councillor Adams delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Adams delivered the Acknowledgment of Country.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 46207

Councillor M. Browne moved
Councillor J. Nolan seconded

) That the Minutes of the Ordinary Meeting of the
) Council of the City of Broken Hill held February
26, 2020 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Councillor Kennedy declared:

- a conflict of interest in Item 2 of confidential matters and advised that he will leave the Council Chambers whilst the item is considered.

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 4/20 - DATED MARCH 20, 2020 - CALL FOR ECONOMIC STIMULUS PACKAGE FOR NSW COUNCILS

11/175

Motion

Councillor D. Turley moved
Councillor M. Browne seconded

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1. That Mayoral Minute No. 4/20 dated March 20, 2020, be received.
2. That Council supports Local Government NSW's efforts in calling for Federal and State Governments to direct economic stimulus packages to local governments; and writes to its State and Federal Members and relevant State and Federal Ministers advocating for same.
3. That a media release be distributed outlining Council's support of Local Government NSW's initiative to seek government stimulus packages for local Councils in response to the global COVID-19 pandemic.

Amendment

Councillor T. Kennedy moved
Councillor R. Page seconded

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)

1. That Mayoral Minute No. 4/20 dated March 20, 2020, be received.
2. That Council supports Local Government NSW's efforts in calling for Federal and State Governments to direct economic stimulus packages to local governments; and writes to its State and Federal Members and relevant State and Federal Ministers emphasising the impact of the COVID-19 pandemic on local businesses and their ability to pay Council rates, and the need for Council's to receive the same stimulus packages that are being given to private businesses.

LOST

FOR: Councillors Kennedy and Page

AGAINST: Councillors Adams, Browne, Clark, Licul, Nolan and Turley

The original motion was put.

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RESOLUTION

Minute No. 46208

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

1. That Mayoral Minute No. 4/20 dated March 20, 2020, be received.
2. That Council supports Local Government NSW's efforts in calling for Federal and State Governments to direct economic stimulus packages to local governments; and writes to its State and Federal Members and relevant State and Federal Ministers advocating for same.
3. That a media release be distributed outlining Council's support of Local Government NSW's initiative to seek government stimulus packages for local Councils in response to the global COVID-19 pandemic.

CARRIED UNANIMOUSLY

ITEM 2 - MAYORAL MINUTE NO. 5/20 - DATED MARCH 25, 2020 - ENACTMENT OF COUNCIL'S BUSINESS CONTINUITY PLAN DUE TO THE COVID-19 PANDEMIC 16/165, 11/264

Motion

Councillor D. Turley moved)
Councillor C. Adams seconded)

1. That Mayoral Minute No. 5/20 dated March 25, 2020, be received.
2. That Council note the actions of the General Manager to enact the Business Continuity Plan and stand up the Continuity Management Team.
3. That Council make amendments to the Procurement Policy to allow for all purchases below \$5,000 to be purchased directly from local suppliers, where practicable.
4. That all purchases above \$5,000 will be awarded to local suppliers if they are the most competitive in monetary terms and/or if they fall within 10% of the most competitive quotation.
5. That Council updates its Statement of Business terms to reduce payment terms from 30 days to seven (7) days, to allow timely payments to businesses.
6. That Council amend its Debt Recovery Policy to freeze all debt recovery action on unpaid rates.
7. That Council amend its Statement of Revenue to reduce the overdue interest rate on unpaid rates from 7.5% to 0%.

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8. That resolution three, four, five and six be in place until 30 June 2020, with the view to review again as part of the 2020/21 Operational Plan.
9. That Council note the devastating impacts to Council's financial position due to COVID-19.

Amendment

Councillor T. Kennedy moved

)

1. That Mayoral Minute No. 5/20 dated March 25, 2020, be received.
2. That Council note the actions of the General Manager to enact the Business Continuity Plan and stand up the Continuity Management Team.
3. That Council make amendments to the Procurement Policy to allow for all purchases below \$5,000 to be purchased directly from local suppliers, where practicable.
4. That all purchases above \$5,000 will be awarded to local suppliers if they are the most competitive in monetary terms and/or if they fall within 10% of the most competitive quotation.
5. That Council updates its Statement of Business terms to reduce payment terms from 30 days to seven (7) days, to allow timely payments to businesses.
6. That Council amend its Debt Recovery Policy to freeze all debt recovery action on unpaid rates.
7. That Council amend its Statement of Revenue to reduce the overdue interest rate on unpaid rates from 7.5% to 0%.
8. That resolution three, four, five, six and ten be in place until 30 June 2020, with the view to review again as part of the 2020/21 Operational Plan.
9. That Council note the devastating impacts to Council's financial position due to COVID-19.
10. That Council defer business rates for businesses who have closed or been severely affected due to the COVID-19 pandemic and Council writes to the State and Federal Member and State and Federal Ministers to supply our Council with interest free loans or low interest loans to cover the

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short term cash flow problems caused by
enacting the deferral of business rates.

11. That Council writes to the State and Federal Member and State and Federal Ministers requesting that Council receives the same economic stimulus packages that are being offered to small and medium businesses in Australia, to protect Council's employees.

LAPSED
For want of a Seconder

The original motion was put.

RESOLUTION

Minute No. 46209

Councillor D. Turley moved)

Councillor C. Adams seconded)

1. That Mayoral Minute No. 5/20 dated March 25, 2020, be received.
2. That Council note the actions of the General Manager to enact the Business Continuity Plan and stand up the Continuity Management Team.
3. That Council make amendments to the Procurement Policy to allow for all purchases below \$5,000 to be purchased directly from local suppliers, where practicable.
4. That all purchases above \$5,000 will be awarded to local suppliers if they are the most competitive in monetary terms and/or if they fall within 10% of the most competitive quotation.
5. That Council updates its Statement of Business terms to reduce payment terms from 30 days to seven (7) days, to allow timely payments to businesses.
6. That Council amend its Debt Recovery Policy to freeze all debt recovery action on unpaid rates.
7. That Council amend its Statement of Revenue to reduce the overdue interest rate on unpaid rates from 7.5% to 0%.
8. That resolution three, four, five and six be in place until 30 June 2020, with the view to review again as part of the 2020/21 Operational Plan.
9. That Council note the devastating impacts to Council's financial position due to COVID-19.

CARRIED

FOR: Councillors Adams, Browne, Clark, Licul, Nolan, Page and Turley
AGAINST: Councillor Kennedy

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 31/20 - DATED MARCH 04, 2020 - OFFICE
OF LOCAL GOVERNMENT DISCUSSION PAPER - COUNCILLOR SUPERANNUATION** 11/20

Motion

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

1. That Broken Hill City Council Report No. 31/20 dated March 4, 2020, be received.
2. That Council notes Office of Local Government Circular 20-05 and Office of Local Government Discussion Paper – Councillor Superannuation.
3. That a media release be issued to the community and the community be encouraged to make submissions directly to the Office of Local Government prior to 8 May 2020.
4. That the General Manager seeks comments from staff to be included in Council's submission.
5. That Councillors be invited to forward their comments to the General Manager's Office by 5 May 2020 to be included in Council's submission to the Office of Local Government prior to 8 May 2020.
6. That a Councillor Workshop be held during April to explore the implications of the various options outlined in the Local Government Discussion Paper – Councillor Superannuation.

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Amendment

Councillor T. Kennedy moved

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1. That consideration of the report be deferred pending a Councillor Workshop on the matter.

LAPSED

For want of a Secunder

The original motion was put.

Motion

Councillor M. Browne moved

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Councillor M. Clark seconded

)

1. That Broken Hill City Council Report No. 31/20 dated March 4, 2020, be received.
2. That Council notes Office of Local Government Circular 20-05 and Office of Local Government Discussion Paper – Councillor Superannuation.
3. That a media release be issued to the community and the community be encouraged to make submissions directly to the Office of Local Government prior to 8 May 2020.
4. That the General Manager seeks comments from staff to be included in Council's submission.
5. That Councillors be invited to forward their comments to the General Manager's Office by 5 May 2020 to be included in Council's submission to the Office of Local Government prior to 8 May 2020.
6. That a Councillor Workshop be held during April to explore the implications of the various options outlined in the Local Government Discussion Paper – Councillor Superannuation.

Amendment

Councillor C. Adams moved

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Councillor T. Kennedy seconded

)

1. That consideration of the report be deferred indefinitely.

LOST

FOR: Councillors Adams and Kennedy

AGAINST: Councillors Browne, Clark, Licul, Nolan, Page and Turley

The original motion was put.

Motion

Councillor M. Browne moved

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Councillor M. Clark seconded

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1. That Broken Hill City Council Report No. 31/20 dated March 4, 2020, be received.
2. That Council notes Office of Local Government Circular 20-05 and Office of

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Local Government Discussion Paper –
Councillor Superannuation.

3. That a media release be issued to the community and the community be encouraged to make submissions directly to the Office of Local Government prior to 8 May 2020.
4. That the General Manager seeks comments from staff to be included in Council's submission.
5. That Councillors be invited to forward their comments to the General Manager's Office by 5 May 2020 to be included in Council's submission to the Office of Local Government prior to 8 May 2020.
6. That a Councillor Workshop be held during April to explore the implications of the various options outlined in the Local Government Discussion Paper – Councillor Superannuation.

Amendment

Councillor T. Kennedy moved)
Councillor C. Adams seconded)

1. That consideration of the report be deferred until the COVID-19 crisis has passed.

LOST

FOR: Councillors Adams and Kennedy

AGAINST: Councillors Browne, Clark, Licul, Nolan, Page and Turley

The original motion was put.

RESOLUTION

Minute No. 46210

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

1. That Broken Hill City Council Report No. 31/20 dated March 4, 2020, be received.
2. That Council notes Office of Local Government Circular 20-05 and Office of Local Government Discussion Paper – Councillor Superannuation.
3. That a media release be issued to the community and the community be encouraged to make submissions directly to the Office of Local Government prior to 8 May 2020.
4. That the General Manager seeks comments from staff to be included in Council's submission.

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5. That Councillors be invited to forward their comments to the General Manager's Office by 5 May 2020 to be included in Council's submission to the Office of Local Government prior to 8 May 2020.
6. That a Councillor Workshop be held during April to explore the implications of the various options outlined in the Local Government Discussion Paper – Councillor Superannuation.

CARRIED

FOR: Councillors Browne, Clark, Licul, Nolan, Page and Turley
AGAINST: Councillors Adams and Kennedy

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 32/20 - DATED MARCH 06, 2020 - 2020
NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS** 11/304

RESOLUTION

Minute No. 46211

Councillor M. Clark moved)
Councillor J. Nolan seconded)

1. That Broken Hill City Council Report No. 32/20 dated March 6, 2020, be received.
2. That the Federal Government investigate and prepare a public report into the need for the urgent approval and development of new long distance, multi-gigawatt transmission lines and a redesigned grid to cope with the rapid expansion of renewable energy sources feeding into it. The approval process for new transmission lines can average a decade and severely lags behind solar and wind developments which may take one to two years to be finalised. Such development is essential for Australia to reach its zero emission targets by 2050 and to significantly lower energy costs for Australian households and industry.

CARRIED UNANIMOUSLY

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 33/20 - DATED FEBRUARY 28, 2020 -
ADOPTION OF DRAFT ASSET MANAGEMENT POLICY, ASSET MANAGEMENT STRATEGY AND
BENCHMARKS FOR BUILDING ASSETS RATIONALISATION** 13/163

Motion

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

1. That Broken Hill City Council Report No. 33/20 dated February 28, 2020, be received.
2. That Council adopts the draft Asset Management Policy, draft Asset Management Strategy and draft Benchmarks for Building

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Asset Rationalisation, as strategic documents
of Council.

Amendment

Councillor T. Kennedy moved

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1. That Broken Hill City Council Report No. 33/20 dated February 28, 2020, be received.
2. That Council adopts the draft Asset Management Policy, draft Asset Management Strategy and draft Benchmarks for Building Asset Rationalisation, as strategic documents of Council.
3. That Council, at a time convenient, assess and determine the National Assessment Framework targets.

LAPSED
For want of a Seconder

The original motion was put.

RESOLUTION

Minute No. 46212

Councillor M. Browne moved

Councillor M. Clark seconded

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)

1. That Broken Hill City Council Report No. 33/20 dated February 28, 2020, be received.
2. That Council adopts the draft Asset Management Policy, draft Asset Management Strategy and draft Benchmarks for Building Asset Rationalisation, as strategic documents of Council.

CARRIED UNANIMOUSLY

ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 34/20 - DATED MARCH 11, 2020 - 2019-2021 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2019, INCLUSIVE OF OPERATIONAL PLAN 2019/2020 OUTCOMES

16/165

Resolved

1. That Broken Hill City Council Report No. 34/20 dated March 11, 2020, be received.
2. That Council adopt the 2019-2021 Delivery Program Key Performance Indicators Progress Report for period ending 31 December 2019, inclusive of Operational Plan 2019/2020 outcomes.

RESOLUTION

Minute No. 46213

Councillor T. Kennedy moved

Councillor M. Clark seconded

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CARRIED UNANIMOUSLY

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**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 35/20 - DATED MARCH 05, 2020 -
CORRESPONDENCE REPORT - SAVE OUR RECYCLING CAMPAIGN**

11/199

Resolved

1. That Broken Hill City Council Report No. 35/20 dated March 5, 2020, be received.
2. That reply correspondence dated 25 February 2020 from the Premier of NSW, The Hon Gladys Berejiklian MP, be received.
3. That reply correspondence dated 24 February 2020 from the Shadow Minister for Environment and Heritage, Kate Washington MP, be received.

RESOLUTION

Minute No. 46214

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

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 36/20 - DATED MARCH 09, 2020 -
MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 18
OCTOBER 2019**

13/19

Resolved

1. That Broken Hill City Council Report No. 36/20 dated March 9, 2020, be received.
2. That minutes of the Audit, Risk and Improvement Committee meeting held 20 February 2020 be received.

RESOLUTION

Minute No. 46215

Councillor J. Nolan moved)
Councillor M. Clark seconded)

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 37/20 - DATED MARCH 05, 2020 -
INVESTMENT REPORT FOR FEBRUARY 2020**

17/82

Resolved

1. That Broken Hill City Council Report No. 37/20 dated March 5, 2020, be received.

RESOLUTION

Minute No. 46216

Councillor T. Kennedy moved)
Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 38/20 - DATED MARCH 13, 2020 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 400 HELD TUESDAY, 10 MARCH
2020**

11/397

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

1. That Broken Hill City Council Report No. 38/20 dated March 13, 2020, be received.
2. That the minutes for the Local Traffic Committee Meeting No.400 held Tuesday, 10 March 2020 be received.
3. That the following Item 400.6.1 – 158 Argent Street – Request to change parking times – Sufi Books & Bakery, be approved that the 3 parallel parks in Bromide Street be changed to 15-minute parking during business hours only.
4. That the following Item 400.8.1 – New Information signs for the Animal Shelter – Airport Road, be approved as per attached design with frangible poles.
5. That the following Item 399.6.1 – Additional disabled parking request in Argent Street – Demo Club, be approved that the current disabled parking sign is moved and an additional sign installed as per attached design.

RESOLUTION

Minute No. 46217

Councillor M. Browne moved)
Councillor R. Page seconded)

CARRIED UNANIMOUSLY

ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 39/20 - DATED MARCH 13, 2020 - ACTION LIST REPORT 11/21

Resolved

1. That Broken Hill City Council Report No. 39/20 dated March 13, 2020, be received.

RESOLUTION

Minute No. 46218

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

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 1/20 - DATED MARCH 12, 2020 - SECTION 355 ET LAMB MEMORIAL OVAL COMMUNITY COMMITTEE - PROPOSED DISBANDING 12/50

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Motion

Councillor T. Kennedy moved)
Councillor R. Page seconded)

1. That Broken Hill City Council Report No. 1/20 dated March 12, 2020, be received.

LOST

Councillor Adams foreshadowed a motion (report recommendation) should the motion be lost.

FOR: Councillor Kennedy

AGAINST: Councillors Adams, Browne, Clark, Licul, Nolan, Page and Turley

The foreshadowed motion was put.

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

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

1. That Broken Hill City Council Report No. 1/20 dated March 12, 2020, be received.
2. That Council adopt to disband the Section 355 ET Lamb Memorial Oval Committee and brings its care, maintenance and management under the control of Council operations.
3. That Council write to the Chairperson and request that all relevant records and funds be returned to Council.
4. That major user groups of the ET Lamb Memorial Oval be encouraged to consider an interest in joining the community committee to allow the Section 355 Community Committee to be reestablished in accordance with Section 355 Asset Manual and Section 355 ET Lamb Oval Community Committee Constitution.
5. That the three committee members and Council delegate be notified in writing of Council's decision and acknowledge the important role Section 355 Community Committees play in the Broken Hill community and express Council's appreciation and gratitude for their contribution to the committee and the community.
6. That the recent nominee for membership of the Section 355 ET Lamb Memorial Oval Community Committee, Mr Wayne Turley be advised that his nomination has been placed on hold subject to the determination of future management of the ET Lamb Memorial Oval Community Committee; due to the committee failing to meet the required membership quota and governance requirements.

Amendment

Councillor T. Kennedy moved)
Councillor R. Page seconded)

1. That the report be deferred until Council's Delegate on the ET Lamb Oval Community Committee (Councillor Gallagher) can advise Council on the Committee's issues and solutions to assist the Committee to meet the governance requirements.

LOST

FOR: Councillors Kennedy and Page

AGAINST: Councillors Adams, Browne, Clark, Licul, Nolan and Turley

The foreshadowed motion was put.

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RESOLUTION

Minute No. 46219

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

1. That Broken Hill City Council Report No. 1/20 dated March 12, 2020, be received.
2. That Council adopt to disband the Section 355 ET Lamb Memorial Oval Committee and brings its care, maintenance and management under the control of Council operations.
3. That Council write to the Chairperson and request that all relevant records and funds be returned to Council.
4. That major user groups of the ET Lamb Memorial Oval be encouraged to consider an interest in joining the community committee to allow the Section 355 Community Committee to be reestablished in accordance with Section 355 Asset Manual and Section 355 ET Lamb Oval Community Committee Constitution.
5. That the three committee members and Council delegate be notified in writing of Council's decision and acknowledge the important role Section 355 Community Committees play in the Broken Hill community and express Council's appreciation and gratitude for their contribution to the committee and the community.
6. That the recent nominee for membership of the Section 355 ET Lamb Memorial Oval Community Committee, Mr Wayne Turley be advised that his nomination has been placed on hold subject to the determination of future management of the ET Lamb Memorial Oval Community Committee; due to the committee failing to meet the required membership quota and governance requirements.

CARRIED

FOR: Councillors Kennedy and Page

AGAINST: Councillors Adams, Browne, Clark, Licul, Nolan and Turley

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 41/20 - DATED MARCH 10, 2020 -
MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE
MEETINGS HELD TUESDAY, 18 FEBRUARY 2020

12/51

Resolved

1. That Broken Hill City Council Report No. 41/20 dated March 10, 2020, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held October 15, 2019 be received.

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**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 40/20 - DATED MARCH 17, 2020 -
MINUTES OF THE PICTON OVAL COMMUNITY COMMITTEE MEETING HELD 16 MARCH 2020**

11/53

Resolved

1. That Broken Hill City Council Report No. 40/20 dated March 17, 2020, be received.
2. That minutes of the Picton Oval Community Committee meeting held 16 March 2020 be received.

Minute No. 46220

Councillor C. Adams moved	)	That the recommendations of items 13 to 14 be
Councillor M. Clark seconded	)	adopted.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

**ITEM 15 - QUESTIONS ON NOTICE NO. 5/20 - DATED MARCH 04, 2020 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE FEBRUARY 2020 ORDINARY COUNCIL MEETING**

12/160, 11/141

Resolved

1. That Questions On Notice No. 5/20 dated March 4, 2020, be received.

RESOLUTION

Minute No. 46221

Councillor T. Kennedy moved)
Councillor M. Browne seconded)

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Council Chambers Public Toilets

Councillor Kennedy asked if the public toilets at the Council Chambers could be opened for use by the people queuing outside Centrelink.

Local Emergency Management Committee Meeting

Councillor Kennedy asked where tomorrow's Local Emergency Management Committee Meeting was being held?

The Mayor advised that it was being held via videoconference.

Councillor Kennedy indicated that he wished to move an urgent motion (of which he provided Councillors a hard copy just prior to the commencement of the meeting).

The Mayor ruled that the matter will be discussed at a meeting of Councillors to be held tomorrow (Thursday 26 March 2020) at 5:00pm.

Councillor Kennedy read his motion:

1. That Council supports effective isolation measures to protect from the Corona Virus for Broken Hill, Menindee, Wilcannia and all other population reliant on Broken Hill for services

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including health services.

2. That Council supports isolating the region under the same conditions that are currently in place in a number of states. This includes self-isolation for people entering the town, temperature testing at the airport and all access roads into Broken Hill including the Sydney road, before it reaches Wilcannia.
3. That the Mayor immediately contact via phone the State Health Minister Brad Hazzard, and the Federal Health Minister Greg Hunt informing them that we as a council and a community want to isolate using the same principles as a number of States.
4. That the Ministers be alerted to our unique circumstances. We have a high Aboriginal population in Broken Hill, Wilcannia and Menindee that will be gravely affected by an outbreak. The River communities will be particularly hard hit and this will quickly affect Broken Hill and the small number of ICU ventilators (maybe only five) and the health staff we have as a community. Broken Hill has a considerably older population than the rest of NSW and this will also impact the number of critically ill patients that will need ICU care.
5. That Council via the Mayor inform the appropriate NSW Minister that we need the Local Emergency Management Committee in consultation with the District Emergency Management Committee, the governing body of Council, the Central Darling Shire, the local health, the local education sector, business and all other key stakeholders to formulate a plan and to deliver that plan and effectively isolate the local region from the Corona Virus. And that the Mayor ensures once we have approval from the appropriate Minister to implement restrictions that the meeting with the above mentioned stakeholders and LEMC take place at the earliest possible time.
6. That Council via the Mayor contact the District Emergency Management Officer Kel Wise for advice on managing city isolation.
7. That Council ask the Chair of the LEMC Mr James Roncon to facilitate a meeting with Council and key stakeholders including those stated above and for the General Manager Mr Roncon give an overview of the operations and the latest actions of the LEMC at this meeting or at the next available time.

Motion of Dissent

Councillor T. Kennedy moved	)	On the ruling of the Mayor that this matter not
Councillor R. Page seconded	)	be dealt with at this meeting.

LOST

FOR: Councillors Kennedy and Page
AGAINST: Councillors Adams, Browne, Clark, Licul, Nolan and Turley

RESOLUTION

Minute No. 46222 - Motion

Councillor M. Browne moved	)	That Councillor Kennedy's late motion be
Councillor M. Clark seconded	)	referred to a meeting of Councillors to be held
		Thursday 26 March at 5:00pm.

CARRIED

FOR: Councillors Adams, Browne, Clark, Licul, Nolan and Turley
AGAINST: Councillors Kennedy and Page

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MARCH 25, 2020

RESOLUTION

Minute No. 46223 - Motion

Councillor M. Clark moved)

Councillor C. Adams seconded)

That the meeting be closed to the public in accordance with Section 10(A)2 of the *Local Government Act 1993* whilst the confidential matters are considered.

CARRIED

The livestreaming of the meeting ceased at 8:19pm.

CONFIDENTIAL MATTERS

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 42/20 - DATED FEBRUARY 28, 2020 - CONFIDENTIAL MINUTES FOR CONFIRMATION - ORDINARY COUNCIL MEETING HELD 26 FEBRUARY 2020 - CONFIDENTIAL

20/82

(General Manager's Note: This report considers confidential minutes for confirmation that relate to a matters and is deemed confidential under Section 10A(2) (a) (d) (i) of the Local Government Act, 1993 which contains matters that will involve the discussion of personnel matters concerning a particular individual; 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; AND which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

Resolved

1. That Broken Hill City Council Report No. 42/20 dated February 28, 2020, be received.
2. That the confidential minutes of the Ordinary Council Meeting held 26 February 2020 be confirmed.

RESOLUTION

Minute No. 46224

Councillor M. Browne moved)

Councillor C. Adams seconded)

CARRIED UNANIMOUSLY

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 43/20 - DATED MARCH 13, 2020 - CORRESPONDENCE REPORT - CODE OF CONDUCT NO. BHC20190528 AND BHC20190628 - CONFIDENTIAL

CC19/1

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

RESOLUTION

Minute No. 46226

Councillor J. Nolan moved)

Councillor M. Browne seconded)

1. That Broken Hill City Council Report No. 43/20 dated March 13, 2020, be received.
2. That correspondence received from the Office of Local Government regarding Code of Conduct matter BHC20190528 be received and noted

CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
MARCH 25, 2020

**ITEM 18 - BROKEN HILL CITY COUNCIL REPORT NO. 44/20 - DATED MARCH 13, 2020 - T19/9 -
SUPPLY OF AN ARTICULATED LANDFILL COMPACTOR - **CONFIDENTIAL****

(General Manager's Note: This report considers Tender for an articulated landfill compactor 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. 44/20 dated March 13, 2020, be received.
2. That Cavpower CAT be awarded the contract for supply of an articulated landfill compactor, model 826K Compactor for \$838,027.19 Inc GST.

RESOLUTION

Minute No. 46227

Councillor B. Licul moved)

Councillor J. Nolan seconded)

CARRIED UNANIMOUSLY

**ITEM 19 - BROKEN HILL CITY COUNCIL REPORT NO. 45/20 - DATED MARCH 24, 2020 -
REDUCTION IN REGIONAL EXPRESS' (REX) HEAD TAX FROM 1 APRIL 2020 TO 31 DECEMBER
2020 - **CONFIDENTIAL****

19/69

(General Manager's Note: This report considers REX Head Tax Reduction and is deemed confidential under Section 10A(2) (d) of the Local Government Act, 1993 which provides for commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).

Resolved

1. That Broken Hill City Council Report No. 45/20 dated March 24, 2020, be received.
2. That Council agree to the discounted head tax requested by REX for the period of 1 April 2020 to 31 December 2020 as detailed in the report.
3. That Council work with REX to reinstate the current 5 Year Partnership Agreement post 31 December 2020 or earlier as necessary.
4. That Council note the financial impacts this reduction will have on both the revised 2019/20 Budget and the upcoming 2020/21 Budget.

RESOLUTION

Minute No. 46228

Councillor C. Adams moved)

Councillor M. Clark seconded)

CARRIED UNANIMOUSLY

The livestream was re-established at 8:31p.m.

At the Mayor's invitation, the General Manager read the resolutions of the items considered in closed session.

There being no further business the Mayor closed the meeting at 8:34p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 29 APRIL 2020.)

CHAIRPERSON

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 08, 2020

Meeting commenced at 6:44pm

PRESENT:

Councillor D. Turley (Mayor) Councillor C. Adams (Deputy Mayor),
Councillors B. Algate, M. Browne, M. Clark, D. Gallagher, T. Kennedy,
B. Licul (part of meeting), J. Nolan and R. Page.

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

Media – nil, members of the public – nil.

APOLOGIES:

Nil.

Due to the COVID-19 pandemic and the government's protocol for social distancing and indoor gatherings, the meeting was closed to the public and media. The meeting was held via videoconference.

PURPOSE OF THE MEETING

To consider the following matter:

1. The implementation of border restrictions in and around Far West NSW.

DISCLOSURE OF INTEREST

Nil.

NOTICES OF MOTION

**ITEM 1 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 4/20 - DATED APRIL 06, 2020 -
THE IMPLEMENTATION OF BORDER RESTRICTIONS IN AND AROUND FAR WEST NSW 11/161**

Motion

Moved Councillor T. Kennedy)
Seconded Councillor B. Algate)

1. That Council supports effective isolation measures to protect the community from the Corona Virus for Broken Hill, Menindee, Wilcannia, Ivanhoe and all other population reliant on Broken Hill for services including health services.
2. That Council supports imposing travel restrictions for the region.
3. That the Mayor immediately contact via phone and by all other means the State Health Minister Brad Hazzard and the Federal Health Minister Greg Hunt informing them that we as a council and a community want to impose travelling restrictions for Broken Hill and region.

4. That Council supports the communities of Wilcannia, Menindee and Ivanhoe for their appeal to restrict travel to their communities.
5. That those that live in the region be exempt from the additional local travel restrictions and only be restricted by the current NSW COVID-19 legalisation.
6. That we request that the NSW Health Minister instruct the Local Emergency Management Committee (LEMC) to implement travel restrictions to Broken Hill and region; and that the LEMC liaise with the Governing body of the Broken Hill City Council and other key stake holders about what travel restrictions are to be imposed and how; and that the LEMC be instructed to brief the governing body of Broken Hill City Council weekly on actions they are taking in regards to the corona virus outbreak.

Councillor Clark suggested an addendum to the motion: That the motion be presented to the Local Emergency Management Committee meeting to be held Thursday 9 April 2020.

The addendum was not accepted by the mover of the motion.

Amendment:

Moved Councillor M. Clark)
Seconded Councillor C. Adams)

1. That Council supports effective isolation measures to protect the community from the Corona Virus for Broken Hill, Menindee, Wilcannia, Ivanhoe and all other population reliant on Broken Hill for services including health services.
2. That Council supports imposing travel restrictions for the region.
3. That the Mayor immediately contact via phone and by all other means the State Health Minister Brad Hazzard and the Federal Health Minister Greg Hunt informing them that we as a council and a community want to impose travelling restrictions for Broken Hill and region.
4. That Council supports the communities of Wilcannia, Menindee and Ivanhoe for their appeal to restrict travel to their communities.
5. That those that live in the region be exempt from the additional local travel restrictions and only be restricted by the current NSW COVID-19 legalisation.
6. That we request that the NSW Health Minister instruct the Local Emergency Management Committee (LEMC) to implement travel restrictions to Broken Hill and region; and that the LEMC liaise with the Governing body of the

Broken Hill City Council and other key stake holders about what travel restrictions are to be imposed and how; and that the LEMC be instructed to brief the governing body of Broken Hill City Council weekly on actions they are taking in regards to the corona virus outbreak.

7. That this motion be presented to the LEMC at their meeting to be held Thursday 9 April 2020.

CARRIED UNANIMOUSLY

Councillor Licul had exited the meeting prior to the vote taking place due to technical issues.

The amendment becomes the motion.

RESOLUTION

Minute No. 46230

Moved Councillor M. Clark

Seconded Councillor C. Adams

- | | | |
|---|----|---|
|) | 1. | That Council supports effective isolation measures to protect the community from the Corona Virus for Broken Hill, Menindee, Wilcannia, Ivanhoe and all other population reliant on Broken Hill for services including health services. |
|) | 2. | That Council supports imposing travel restrictions for the region. |
| | 3. | That the Mayor immediately contact via phone and by all other means the State Health Minister Brad Hazzard and the Federal Health Minister Greg Hunt informing them that we as a council and a community want to impose travelling restrictions for Broken Hill and region. |
| | 4. | That Council supports the communities of Wilcannia, Menindee and Ivanhoe for their appeal to restrict travel to their communities. |
| | 5. | That those that live in the region be exempt from the additional local travel restrictions and only be restricted by the current NSW COVID-19 legalisation. |
| | 6. | That we request that the NSW Health Minister instruct the Local Emergency Management Committee (LEMC) to implement travel restrictions to Broken Hill and region; and that the LEMC liaise with the Governing body of the Broken Hill City Council and other key stake holders about what travel restrictions are to be imposed and how; and that the LEMC be instructed to brief the governing body of Broken Hill City Council weekly on actions they are taking in regards to the corona virus outbreak. |
| | 7. | That Council offers assistance to the LEMC with the implementation of any measures to help protect the community from the spread of the Coronavirus COVID-19, including signage on the |

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
APRIL 08, 2020

highway routes into Broken Hill and the
introduction of any sanitary measures at local
service stations.

8. That this motion be presented to the LEMC at
their meeting to be held Thursday 9 April 2020.

CARRIED UNANIMOUSLY

There being no further business the Mayor closed the meeting at 7:23p.m.

THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON 29 APRIL 2020.

)
)
)
)

CHAIRPERSON

NOTICES OF MOTION

1. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 5/20 - DATED
APRIL 17, 2020 - HOLDING ORDINARY MONTHLY COUNCIL
MEETINGS IN THE COUNCIL CHAMBERS (20/81).....26
2. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 6/20 - DATED
APRIL 17, 2020 - DEFER EXPENDITURE AND WORKS ON THE NEW
LIBRARY HUB (16/89).....29
3. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 7/20 - DATED
APRIL 17, 2020 - REOPENING OF COUNCIL'S WASTE FACILITY (20/8)
.....32
4. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 8/20 - DATED
APRIL 17, 2020 - NSW LOCAL GOVERNMENT ELECTIONS (15/23).....35

ORDINARY MEETING OF THE COUNCIL

April 17, 2020

ITEM 1MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 5/20

SUBJECT: HOLDING ORDINARY MONTHLY COUNCIL MEETINGS IN THE COUNCIL CHAMBERS 20/81

Notice of Motion

1. That Motions of Which Notice has been Given No. 5/20 dated April 17, 2020, be received.
2. That Broken Hill City Council has its ordinary monthly council meetings in the council chambers and that those councillors who do not want to attend in person be able to video link into the meeting.
3. That BHCC acknowledges the importance of in person council meetings and also acknowledges the many people in Broken Hill that continue to work and provide in person services in this time of COVID-19 crisis.

Summary

Council has received a Notice of Motion submitted by Councillor Kennedy on 17 April 2020 regarding holding of Ordinary Monthly Council meetings in the Council Chambers.

The Notice of Motion reads:

“That Broken Hill City Council has its ordinary monthly council meetings in the council chambers and that those Councillors who do not want to attend in person be able to video link into the meeting.

That BHCC acknowledges the importance of in person council meetings and also acknowledges the many people in Broken Hill that continue to work and provide in person services in this time of COVID-19 crisis.”

Councillor Kennedy’s Notice of Motions is attached to this report.

General Manager’s Comment

- The Minister for Health and Medical Research, the Hon. Brad Hazzard MP, issued the Public Health (COVID-19 Gatherings) Order 2020 (the Public Health Order), restricting gatherings in indoor spaces.
- Meetings of councils and committees of councils are not exempted from the order as “essential gatherings”, and **councils must comply with the order.**
- Amendments have been made to the *Local Government Act 1993* (the Act) allowing councils to meet remotely to assist them to manage the risk of transmission of the COVID-19 virus at their meetings and to ensure compliance with the Public Health Order. The amendments take effect immediately.

- The amendments will operate for a period of six months but may be extended to 12 months by regulation if required.

Attachments

1. [↓](#) Holding Ordinary Monthly Council meeting in the Council Chambers

T. KENNEDY
COUNCILLOR

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held April 2020

From Councillor Tom Kennedy

1. That Broken Hill City Council has its ordinary monthly council meetings in the council chambers and that those councillors who do not want to attend in person be able to video link into the meeting.

2. That BHCC acknowledges the importance of in person council meetings and also acknowledges the many people in Broken Hill that continue to work and provide in person services in this time of COVID-19 crisis.

Councillor Tom Kennedy

ORDINARY MEETING OF THE COUNCIL

April 17, 2020

ITEM 2MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 6/20

SUBJECT: DEFER EXPENDITURE AND WORKS ON THE NEW LIBRARY
HUB 16/89

Recommendation

1. That Motions of Which Notice has been Given No. 6/20 dated April 17, 2020, be received.
2. That Broken Hill City Council defer all expenditure and work on the new Library Hub until after the COVID-19 crisis has passed and all social distancing restrictions are lifted.
3. That BHCC note the advice from council management that the COVID-19 crisis has caused stress to council's financial position and the deferment of the new library hub continue until council's financial position recovers.

Summary

Council has received a Notice of Motion submitted by Councillor Kennedy on 17 April 2020 regarding deferring all expenditure and work on the new Library Hub until after the COVID-19 crisis has passed.

The Notice of Motion reads:

"That Broken Hill City Council defer all expenditure and work on the new Library Hub until after the COVID-19 crisis has passed and all social distancing restrictions are lifted.

That BHCC note the advice from council management that the COVID-19 crisis has caused stress to council's financial position and the deferment of the new library hub continue until council's financial position recovers."

Councillor Kennedy's Notice of Motions is attached to this report.

General Manager's Comment

This type of approach is very short sighted and does not consider the positive impacts that infrastructure construction and expenditure will have on the City as it rebuilds from the COVID-19 pandemic.

Total job creation through the construction period for this project is estimated at 83.18 with indirect job creation at 250.38.

The direct addition of 83 jobs in the Broken Hill building and construction sector is estimated to lead to a corresponding direct addition of \$28.70m in output from the local Building Construction sector. Flow on effects into other related intermediate industries, would create

a further increase of \$8.81m in output. This represents a Type 1 employment multiplier of 1.31.

There would be an additional contribution through consumption effects as correspondingly more wages and salaries are spent in the local economy. It is estimated that this would result in a further increase in Output of \$2.07m. The combination of all direct, industrial and consumption effects would result in total estimated rise in output of \$39.58m in Broken Hill economy, representing a Type 2 Output multiplier of 1.38.

Industrial and consumption effects would flow outside the region to the wider Australian economy to the tune of \$20.44m in output. The combined effect of economic multipliers in Broken Hill and the wider Australian economy is estimated to be \$60.03m added to Australia's output. Other impacts include:

- The combination of all direct, industrial and consumption effects would result in an estimated increase of 126 jobs located in Broken Hill representing a Type 2 Employment multiplier of 1.52 and a further 88 jobs in the Australian economy.
- The combination of all direct, industrial and consumption effects would result in an estimated addition in value added of \$11.16m in Broken Hill, representing a Type 2 value added multiplier of 1.57 and \$9.84m in value added in the Australian economy.
- The GRP in Broken Hill is estimated to increase by \$11.16m and the effect on the Australian economy (including Broken Hill) is estimated to be a growth in Gross Domestic Product (GDP) of \$20.99m.

The development application for the Broken Hill Cultural Precinct and Library & Archive was approved by the Western Regional Planning Panel (WRPP) which signals another major milestone in the project. Council's efforts to secure funding for the new facility's continue.

The Executive Leadership Team (ELT) has commenced the 'plan-ahead' phase of the recovery of Broken Hill City Council with significant focus on ensuring a suite of 'shovel ready' projects and grant applications that will be ready for submission when the grant pools re-open. The ELT is working to ensure that the City has every opportunity to prosper, post COVID-19.

Attachments

1. [!\[\]\(c33cb967c8fc4f5e27188a389b621c8e_img.jpg\)](#) Notice of Motion - Defer all expenditure and works on the new Library Hub.

T. KENNEDY
COUNCILLOR

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held April 2020

From Councillor Tom Kennedy

1. That Broken Hill City Council defer all expenditure and work on the new Library Hub until after the COVID-19 crisis has passed and all social distancing restrictions are lifted.
2. That BHCC note the advice from council management that the COVID-19 crisis has caused stress to council's financial position and the deferment of the new library hub continue until council's financial position recovers.

Councillor Tom Kennedy

ORDINARY MEETING OF THE COUNCIL

April 17, 2020

ITEM 3MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 7/20

SUBJECT: REOPENING OF COUNCIL'S WASTE FACILITY 20/8

Notice of Motion

1. That Motions of Which Notice has been Given No. 7/20 dated April 17, 2020, be received.
2. That Broken Hill City Council acknowledge information from the NSW Environment protection authority that NSW councils are to keep waste facilities open to provide household waste needs and that people are able to drive to the facility without risk of penalty.
3. That Broken Hill City Council open the Broken Hill waste facility to the general public the morning following this council meeting.
4. That Broken Hill City Council immediately open the waste facility to normal operating hours.
5. That Broken Hill City Council prepares a report for the May meeting explaining why and on whose authority the waste facility was closed to the public
6. That Broken Hill City Council to implement processes to help mitigate the potential for harm from the COVID-19 virus

Summary

Council has received a Notice of Motion submitted by Councillor Kennedy on 17 April 2020 regarding reopening of Council's Waste Facility.

The Notice of Motion reads:

"That Broken Hill City Council acknowledge information from the NSW Environment protection authority that NSW councils are to keep waste facilities open to provide household waste needs and that people are able to drive to the facility without risk of penalty.

That Broken Hill City Council open the Broken Hill waste facility to the general public the morning following this council meeting.

That Broken Hill City Council immediately open the waste facility to normal operating hours.

That Broken Hill City Council prepares a report for the May meeting explaining why and on whose authority the waste facility was closed to the public.

That Broken Hill City Council to implement processes to help mitigate the potential for harm from the COVID-19 virus."

Councillor Kennedy's Notice of Motions is attached to this report.

General Manager's Comment

At the time of writing, the Waste Facility is scheduled to be reopened on Monday 27 April 2020 on restricted hours. The discussion around this is well understood by Council and has been the subject of Continuity Management Team (CMT) updates to Councillors, along with media releases. It is also noted that many Councillors have sought to contact the General Manager directly to discuss matters as they relate to Councils COVID-19 response to ensure they remain fully aware and informed when responding to enquiries they might receive.

Attachments

1. [↓](#) REOPENING COUNCIL'S WASTE FACILITY

T. KENNEDY
COUNCILLOR

Schipanski, Louise

From: Kennedy, Tom
Sent: Thursday, 16 April 2020 10:10 PM
To: Roncon, James; Turley, Darriea; Schipanski, Louise; Bartlett, Leisa
Subject: notice of motion

Hi Darriea, Leisa, Louise, James

Notice of motion for April meeting

Notice of motion

Ordinary meeting of the Broken Hill City Council To be held April 2020 From Councillor Tom Kennedy

1. That Broken Hill City Council acknowledge information from the NSW Environment protection authority that NSW councils are to keep waste facilities open to provide household waste needs and that people are able to drive to the facility without risk of penalty.

2. That Broken Hill City Council open the Broken Hill waste facility to the general public the morning following this council meeting.

3. That Broken Hill City Council immediately open the waste facility to normal operating hours.

4. That Broken Hill City Council prepares a report for the May meeting explaining why and on whose authority the waste facility was closed to the public.

5. That Broken Hill City Council to implement processes to help mitigate the potential for harm from the COVID-19 virus

Councillor Tom Kennedy

Sent from my iPad

ORDINARY MEETING OF THE COUNCIL

April 17, 2020

ITEM 4MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 8/20

SUBJECT: NSW LOCAL GOVERNMENT ELECTIONS 15/23

Notice of Motion

1. That Motions of Which Notice has been Given No. 8/20 dated April 17, 2020, be received.
2. That Broken Hill City Council sends correspondence to our local member Roy Butler and the minister for Local Government informing them that as council we believe that the NSW Local Government Elections should not be delayed until September 2021 and that the NSW local government elections should be held in September 2020 or as soon as social distancing restrictions are eased.
3. That BHCC supports democracy and the right of our community to choose who they want to lead the city coming out of the COVID-19 crisis and supports doing all we can as a council to ensure Local Government elections are held in September 2020 or as soon as possible after that date.

Summary

Council has received a Notice of Motion submitted by Councillor Kennedy on 17 April 2020 regarding the NSW Local Government elections not be delayed until September 2021.

The Notice of Motion reads:

“That Broken Hill City Council sends correspondence to our local member Roy Butler and the minister for Local Government informing them that as council we believe that the NSW Local Government Elections should not be delayed until September 2021 and that the NSW local government elections should be held in September 2020 or as soon as social distancing restrictions are eased.

That BHCC supports democracy and the right of our community to choose who they want to lead the city coming out of the COVID-19 crisis and supports doing all we can as a council to ensure Local Government elections are held in September 2020 or as soon as possible after that date.”

Councillor Kennedy's Notice of Motion is attached to this report.

General Manager's Comment

- Following the passage of legislation on Tuesday, 24 March 2020, the Minister for Local Government has announced that the September 2020 local government elections will be postponed addressing the risks posed by the COVID-19 virus.
- The *Local Government Act 1993* (the Act) has been amended to confer on the Minister, a time-limited power to postpone council elections.
- The amendment, which operates for only a limited period of 12 months, allows the Minister by an order published in the Gazette, to postpone elections for 12 months from the date of the order. The order may be extended for an additional period to 31 December in the year after the order is made.
- The postponement of the next election will not change the future schedule of council elections, and the subsequent election will still proceed in September 2024.

Attachments

1. [↓](#) NSW Local Government Elections

T. KENNEDY
COUNCILLOR

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held April 2020

From Councillor Tom Kennedy

1. That Broken Hill City Council sends correspondence to our local member Roy Butler and the minister for Local Government informing them that as council we believe that the NSW Local Government Elections should not be delayed until September 2021 and that the NSW local government elections should be held in September 2020 or as soon as social distancing restrictions are eased.

2. That BHCC supports democracy and the right of our community to choose who they want to lead the city coming out of the COVID-19 crisis and supports doing all we can as a council to ensure Local Government elections are held in September 2020 or as soon as possible after that date.

Councillor Tom Kennedy

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 46/20 - DATED APRIL 03, 2020 - CORRESPONDENCE REPORT - MENINDEE LAKES SYSTEM (11/426).....39
2. BROKEN HILL CITY COUNCIL REPORT NO. 47/20 - DATED APRIL 03, 2020 - AMENDMENT TO COUNCIL'S CODE OF MEETING PRACTICE POLICY (12/14).....42
3. BROKEN HILL CITY COUNCIL REPORT NO. 48/20 - DATED APRIL 20, 2020 - COVID-19 IMPACTS - BUSINESS AND BUDGETARY (16/165) ...82
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5. BROKEN HILL CITY COUNCIL REPORT NO. 50/20 - DATED APRIL 07, 2020 - INVESTMENT REPORT FOR MARCH 2020 (17/82).....100
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7. BROKEN HILL CITY COUNCIL REPORT NO. 52/20 - DATED APRIL 20, 2020 - ACTION LIST REPORT (11/21)125

ORDINARY MEETING OF THE COUNCIL

April 3, 2020

ITEM 1

BROKEN HILL CITY COUNCIL REPORT NO. 46/20

SUBJECT: CORRESPONDENCE REPORT - MENINDEE LAKES SYSTEM
11/426

Recommendation

1. That Broken Hill City Council Report No. 46/20 dated April 3, 2020, be received.
2. That correspondence dated 2 April 2020 from the Minister for Water, Property and Housing the Hon Melinda Pavey MP regarding evaporation and/or transmission losses being recognised as a contribution towards the environmental target of water being returned to the environment under the Murray Darling Basin Plan, be received and noted.

Executive Summary:

Council has received correspondence from the Minister for Water, Property and Housing, the Hon Melinda Pavey MP, regarding evaporation and/or transmission losses being recognized as a contribution towards the environmental target of water being returned to the environment under the Murray Darling Basin Plan.

This correspondence is in reply to Council's representations made as a result of consideration of a Delegate's Report from Councillor Browne (at the December 2019 Council Meeting) following her attendance at the Murray Darling Association National Conference held in Toowoomba from 22-24 October 2019.

Council resolved:

ITEM 2 - REPORTS FROM DELEGATES NO. 4/19 - DATED DECEMBER 02, 2019 - ATTENDANCE AT MURRAY DARLING ASSOCIATION NATIONAL CONFERENCE HELD IN TOOWOOMBA FROM 22-24 OCTOBER 2019
11/501

RESOLUTION

Minute No. 46146

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

1. That Reports from Delegates No. 4/19 dated December 2, 2019, be received.
2. That Council writes to the Premier of NSW, the NSW Water Minister and the Local Member regarding the Murray Darling Basin Plan and their proposal to include evaporation as an environmental asset. The correspondence advises that Council supports natural storages including Menindee Lakes and the

Darling River as a natural storage; and that the evaporation losses be counted towards the 2700gl of environmental water flow to return as part of the Murray Darling Basin Plan.

CARRIED UNANIMOUSLY

The reply correspondence from Minister Pavey is attached for Council's consideration.

Attachments

1. [↓](#) Correspondence received from Minister Pavey

JAMES RONCON
GENERAL MANAGER



The Hon. Melinda Pavey MP
Minister for Water, Property and Housing

- 2 APR 2020

IM20/2904

Mr James Roncon
General Manager
Broken Hill City Council
240 Blende Street
BROKEN HILL NSW 2880

25 MAR 2020

Dear Mr Roncon

I refer to your letter of 29 January 2020 to the Premier, the Hon Gladys Berejiklian MP, concerning Broken Hill Council's resolution to seek the NSW Government position on evaporation and/or transmission losses to be recognised as a contribution towards the environmental target of water being returned to the environment. Your letter has been referred to me as the issue raised falls within my area of responsibility.

At the meeting of the Murray-Darling Basin Ministerial Council in December 2019, I advised my Ministerial colleagues that NSW would continue to pursue changes that would see transmission losses classified as environmental water across the Basin.

I wrote to the newly appointed Commonwealth Water Minister the Hon Keith Pitt MP in February, advising that NSW seeks greater transparency around transmission losses. In my view, more information on the amount of these losses is needed, to provide context to water users in light of our changing climate and high temperatures, which are causing an upward pressure on transmission losses. I also advised of the importance of acknowledging the environmental benefit of these losses and accounting for these against environmental water targets.

During this time of intense drought we are facing, the health of the Darling River system is of great importance to the NSW Government. We are committed to working to support our Basin communities, local businesses, farmers and the environment. I have been closely following the progress of the flows down the Darling River and understand that water is forecast to begin flowing into the Menindee Lakes system during March.

Thank you for your interest in this matter. If you require additional information or wish to discuss this matter further, please contact Mitchell Isaacs, Director, Office of the Deputy and Strategic Relations, in the Department of Planning, Industry and Environment, on 0403 103 823.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Melinda Pavey', written over a large, stylized blue ink flourish.

Melinda Pavey MP
Minister for Water, Property and Housing

ORDINARY MEETING OF THE COUNCIL

April 3, 2020

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 47/20

SUBJECT: AMENDMENT TO COUNCIL'S CODE OF MEETING PRACTICE
POLICY 12/14

Recommendation

1. That Broken Hill City Council Report No. 47/20 dated April 3, 2020, be received.
2. That Council notes that the amendments outlined in the report are consistent with the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020* which amends a number of Acts in response to the COVID-19 pandemic, one of which is the *Local Government Act 1993* to allow for Council Meetings to be held via videoconference. They are also consistent with government protocols around social distancing, gatherings and non-essential travel which have been implemented under the *Biosecurity Act 2015*.
3. That the temporary amendments to Council's Code of Meeting Practice will remain until the NSW Government lifts the social distancing, gatherings and non-essential travel requirements under the *Biosecurity Act 2015* in response to the Coronavirus (COVID-19) pandemic.
4. That Council's Code of Meeting Practice Policy be amended at clause 3.2 to clarify that a request for an Extraordinary Meeting must be accompanied by the item/s of business to be included in the Agenda for the Extraordinary Meeting, which will include the motion to be debated and the argument in support of the motion. This would apply for example, to a Mayoral Minute; a Notice of Motion; a Rescission Motion; a Delegate's Report or an item of correspondence.

Executive Summary:

As a result of the social distancing requirements that have been implemented by the NSW Government in response to the Coronavirus (COVID-19) pandemic, Council can no longer conduct its Council Meetings in the usual face-to-face manner.

Although the social distancing requirements and restrictions on gatherings and non-essential travel etc. are mandated by legislation, Council is also required to review any policies that may be affected by these restrictions.

Report:

Council adopted the Model Code of Meeting Practice for Local Councils in NSW at its Ordinary Council Meeting held 29 May 2019. The Code of Meeting Practice Policy is made under section 360 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Council's Code of Meeting Practice Policy relates to all meetings of Council and Committees of Council of which all the members are Councillors. Council Committees whose members include persons other than Councillors may adopt their own rules for meetings unless the council determines otherwise.

A Council's Code of Meeting Practice Policy must incorporate the mandatory provisions of the Model Meeting Code and may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

A Council and a Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by the Council.

On 18 March 2020, in response to the Coronavirus (COVID-19) outbreak in Australia, a human biosecurity emergency was declared by the Governor-General of Australia. This declaration gives the Government through the Minister for Health expansive powers to issue directions and set requirements in order to combat the virus outbreak. This is the first time that these powers have been used. The Minister's powers relate to Sections 477 and 478 of the *Biosecurity Act 2015* in order to do the following:

- Set requirements to regulate or restrict the movement of persons, goods, or conveyances
- Require that places be evacuated
- Make directions to close premises.

In addition to the enactment of this Section of the *Biosecurity Act 2015*, the NSW Government has passed the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020*. This Bill amends a number of Acts in response to the COVID-19 pandemic, one of which is the *Local Government Act 1993*. Following are the amendments that relate to the manner in which NSW Councils must conduct Council and Committee Meetings during the COVID-19 pandemic:

Chapter 18, Part 1A

Insert after Part 1 –

747A COVID-19 pandemic – special provisions

- (1) For the prescribed period –
 - (a) A requirement in the Act or the regulations that members of a council or other persons attending a meeting is satisfied if the meeting is held in whole or in part –
 - (i) Remotely using audio visual links, or
 - (ii) In any other manner approved by the Minister but only if audio and visual links are not reasonably available, and
 - (b) A requirement in the Act or the regulations that a meeting be open to members of the public is satisfied if –
 - (i) A webcast of the meeting is made public, or
 - (ii) Members of the public are informed of what occurred at the meeting in any other manner approved by the Minister but only if a webcast is not practicable in the circumstances.
- (2) The regulations may prescribe that subsection (1) does not apply to –
 - (a) A particular council, or
 - (b) A particular class of meeting.
- (3) In this section –

prescribed period means the period -

 - (a) Starting on the commencement of this section, and
 - (b) Ending on –
 - (i) The day that is 6 months after the commencement, or
 - (ii) The later day, not more than 12 months after the commencement, prescribed by the regulations.

747B COVID-19 pandemic – regulation-making power

- (1) The regulations under this Act may modify the application of this Act for the purposes of responding to the public health emergency caused by the COVID-19 pandemic.
- (2) The Minister may recommend to the Governor that regulations be made under this section only if –
 - (a) Parliament is not currently sitting and is not likely to sit within 2 weeks after the day the regulations are made, and
 - (b) In the Minister's opinion –
 - (i) The arrangements made by the provisions of the regulations are in accordance with advice issued by the Minister for Health and Medical Research or the Chief Health Officer, and
 - (ii) The regulations are reasonable to protect the health, safety and welfare of persons.
- (3) Regulations made under this section –
 - (a) Are not limited by the regulation-making power in this Act, and
 - (b) May override the provisions of this Act.
- (4) Regulations made under this section expire on –
 - (a) The day that is 6 months after the day on which the regulation commences, or
 - (b) The earlier day decided by Parliament by resolution of either House of Parliament.
- (5) This section is repealed –
 - (a) On the day that is 6 months after its commencement, or
 - (b) On a later day, not more than 12 months after its commencement, prescribed by the regulation.

Therefore, in order to comply with government protocols in place for social distancing, gatherings and non-essential travel under the *Biosecurity Act 2015* and the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020* with regards to the conduct of Ordinary and Extraordinary Council Meetings, Council's Code of Meeting Practice was reviewed and the following temporary amendments are proposed:

- That the Council Meetings will be held via videoconference and will be closed to the public.
- That in order for Councillors to be classed as attending a meeting, Councillors must have both a video and audio connection to the meeting.
- That hard copies of the Business Papers will not be available for public inspection or for taking away. The Business Paper is available on Council's website for viewing by the public.
- That Council does not hold face to face Public Forum Sessions prior to each Ordinary and Extraordinary Council Meeting for the purpose of hearing submissions from members of the public on items of business to be considered. There will still be the opportunity for members of the public to email submissions to Council up until 4:00pm the day before the Council Meeting. The submissions will then be circulated to Councillors and the Mayor will read the submissions during the Public Forum Session.
- That the videoconference is recorded and uploaded to Council's website/facebook as soon as practicable after the meeting.
- That should a Chairperson need to be elected due to the absence of the Mayor and Deputy Mayor, the election is carried out by electronic means.

In order to clarify the requirements for Councillors to request that an Extraordinary Council Meeting be held, the following amendment is proposed for clause 3.2 to read:

Extraordinary meetings

3.2 *"If the Mayor receives a request in writing, signed by at least two (2) Councillors and accompanied by the item of business (Mayoral Minute or Notice of Motion) the Mayor must call an Extraordinary Meeting of the Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting.*

a) If the item of business is a Mayoral Minute then clauses 9.6-9.10 applies.

b) If the item of business is a Notice of Motion then clauses 3.11-3.12b applies.

Including the above underlined amendments to clause 3.2 in Council's Code of Meeting Practice Policy, will ensure that all Councillors are provided with the item/s of business, in the form of an Agenda, prior to the Extraordinary Council Meeting as per Section 3, clauses 3.6-3.8.

This report is presented to Council to formally note some temporary amendments that are to apply to the Council's Code of Meeting Practice Policy in order to meet Office of Local Government requirements and also to meet the social distancing requirements, and restrictions on gatherings and non-essential travel under the *Biosecurity Act 2015* and the amendments made to the *Local Government Act 1993* by the introduction of the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020*. The report also deals with a further amendment to clarify the requirements for requesting an Extraordinary Council Meeting.

Community Engagement:

- Advertisement in the Barrier Daily Truth prior to the March and April Council Meetings.
- Website/Facebook notifications prior to the April Extraordinary Meeting and all future Extraordinary and Ordinary Council Meetings.

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:

Biosecurity Act 2015

COVID-19 Legislation Amendment (Emergency Measures) Bill 2020

Local Government Act 1993

Financial Implications:

Zoom Professional videoconference annual licence \$840.00

Attachments

1. [↓](#) Code of Meeting Practice Policy

JAMES RONCON
GENERAL MANAGER



CODE OF MEETING PRACTICE POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 - D19/21935		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	Within 12 months after each ordinary election	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
27 March 2019	Public Exhibition	46029	
29 May 2019	Adoption	46070	

1. INTRODUCTION

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) adopted by Broken Hill City Council on 29/05/2019 and known as Council's Code of Meeting Practice Policy is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of council and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

The code of meeting practice incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

2. MEETING PRINCIPLES

2.1 Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3. BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Ordinary meetings of the council will be held on the following occasions:

Ordinary Council Meetings will be held on the last Wednesday of each month for the months of February to November each year. The meeting will commence at 6:30p.m. and be held in the Council Chambers. A Public Forum Session will be held prior to meetings commencing at 6:15pm and held in the Council Chambers.

An Ordinary Council Meeting will not be held in January each year and the December Council Meeting will be set by Council Resolution each year.

Should an urgent matter/s arise in January, an Extraordinary Council Meeting will be held to deal with such urgent matter/s.

Note: Clause 3.1 reflects section 365 of the Act.

Extraordinary meetings

3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.2 reflects section 366 of the Act.

Notice to the public of council meetings

- 3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.3 reflects section 9(1) of the Act.

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.6 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.6 reflects section 367(1) of the Act.

- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.7 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.8 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.8 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted to the General Manager's Office by 5:00pm two Friday's prior to the Council Meeting.
- a. Councillors can submit up to 5 notices of motion per ordinary meeting, in order that Council Meetings conclude at a reasonable time, as per clause 18.1.
- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

- 3.11 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- a. prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - b. by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.13 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.16 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.17 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- a. all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - b. if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - c. all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - d. any business of which due notice has been given under clause 3.10.

- 3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.19 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- a. identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - b. states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.20 reflects section 9(2A)(a) of the Act.

- 3.21 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.22 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.22 reflects section 9(2) and (4) of the Act.

- 3.23 Clause 3.22 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.23 reflects section 9(2A)(b) of the Act.

- 3.24 For the purposes of clause 3.22, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.24 reflects section 9(3) of the Act.

- 3.25 A copy of an agenda, or of an associated business paper made available under clause 3.22, may in addition be given or made available in electronic form.

Note: Clause 3.25 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.26 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.27 Despite clause 3.26, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- a. a motion is passed to have the business considered at the meeting, and
 - b. the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.28 A motion moved under clause 3.27(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.29 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.31 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.32 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.33 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.34 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.35 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4. PUBLIC FORUMS

- 4.1 That Council holds a public forum prior to each ordinary meeting of the council (commencing at 6:15pm) for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums will also be held prior to extraordinary council meetings and meetings of committees of the council.

4.2 Public forums are to be chaired by the mayor or their nominee.

4.3 To speak at a public forum, a person is encouraged to make an application to the council in the approved form. Applications to speak at the public forum should be delivered to Council's Administrative Centre, Customer Relations Staff, up to 4:00pm on the day of the meeting or handed to a Council staff member 15 minutes prior to the commencement of the Public Forum Session, and must identify the item of business on the agenda of the council meeting the person wishes to speak upon.

The Chairperson will invite members of the public present at the Public Forum to speak. Members of the public will be asked to state their name and verbally identify the item of business on the agenda of the meeting in which they are speaking, and whether they wish to speak 'for' or 'against' the item.

Members of the public will be invited to speak in the following order:

1. Members of the public who have registered to speak either 'for' or 'against' items listed in the meeting agenda.
2. Members of the public who have registered to speak on general matters.
3. Then if time permits, members of the public who have not registered but wish to speak either 'for' or 'against' items listed in the meeting agenda; or who wish to speak on general matters.

4.4 A person may apply to speak on no more than 2 items of business on the agenda of the council meeting.

4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.6 The Chairperson may refuse an application to speak at a public forum. The Chairperson must state reasons for a decision to refuse an application.

4.7 No more than 2 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chairperson may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the Chairperson or their delegate is to determine who will address the council at the public forum.

4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chairperson may increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.

4.10 Speakers at the public forum are to register with the council any written material to be presented in support of their address to the council at the public forum no less than one (1) day before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

- a. Members of the public may submit a petition on a matter of direct relevance to the City of Broken Hill during the Public Forum Session at an Ordinary Council Meeting.
 - b. Prior notice to Council is not required.
 - c. One person may speak to the petition for no longer than two (2) minutes.
 - d. Receipt of the petition will be noted in the record of the Public Forum in the minutes of the Council meeting and the petition will be recorded as inwards correspondence and directed to the appropriate Council officer.
 - e. Response to petitions will be by way of normal Council correspondence procedures.
- 4.11 The Chairperson is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have requested to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to 1 minute.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to 2 minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the Chairperson may refuse further requests from that person to speak at public forums for such a period as the Chairperson considers appropriate.
- 4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

5. COMING TOGETHER

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.
- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - within half an hour after the time designated for the holding of the meeting, or
 - at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- by the chairperson, or
 - in the chairperson's absence, by the majority of the councillors present, or
 - failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

- 5.15 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.15 reflects section 10(1) of the Act.

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- a. by a resolution of the meeting, or
 - b. by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.17 reflects section 10(2) of the Act.

Webcasting of meetings

- 5.18 All meetings of the council and committees of the council are to be webcast on the council's website.
- a. Meetings are to be livestreamed on Council's Facebook page with a link available on Council's website.
- 5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for the previous and current financial year. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 5.22 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.22 reflects section 376(1) of the Act.

- 5.23 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.23 reflects section 376(2) of the Act.

- 5.24 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.24 reflects section 376(3) of the Act.

- 5.25 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

6. THE CHAIRPERSON

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- a. by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- b. by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- a. arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- b. then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:

- a. any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- b. every councillor present must be silent to enable the chairperson to be heard without interruption.

7. MODES OF ADDRESS

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 The general order of business for an ordinary meeting of the council shall be:
- 01 Opening Meeting
 - 02 Apologies and applications for leave of absence by councillors
 - 03 Prayer
 - 04 Acknowledgement of Country
 - 05 Confirmation of Minutes
 - 06 Disclosures of Interests
 - 07 Mayoral Minute(s)
 - 08 Notices of Motion
 - 09 Notices of Rescission
 - 10 Reports from Delegates
 - 11 Reports
 - 12 Committee Reports
 - 13 Questions on Notice
 - 14 Questions for Next Meeting
 - 15 Confidential Matters
 - 16 Conclusion of the meeting
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- a. unless a councillor has given notice of the business, as required by clause 3.9, and

- b. unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
 - a. is already before, or directly relates to, a matter that is already before the council, or
 - b. is the election of a chairperson to preside at the meeting, or
 - c. subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - d. is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
 - a. a motion is passed to have the business considered at the meeting, and
 - b. the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already

provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff Reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10. RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- a. any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - b. the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- a. if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - b. if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11. VOTING

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

- 11.7 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.8 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.9 Clauses 11.7–11.8 apply also to meetings that are closed to the public.

Note: Clauses 11.7–11.9 reflect section 375A of the Act.

12. COMMITTEE OF THE WHOLE

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13. DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- a. personnel matters concerning particular individuals (other than councillors),
 - b. the personal hardship of any resident or ratepayer,
 - c. information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - d. 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,

- e. information that would, if disclosed, prejudice the maintenance of law,
- f. matters affecting the security of the council, councillors, council staff or council property,
- g. advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- h. information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- i. alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- a. except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - b. if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- a. are substantial issues relating to a matter in which the council or committee is involved, and
 - b. are clearly identified in the advice, and
 - c. are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- a. a person may misinterpret or misunderstand the discussion, or
 - b. the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- a. it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - b. the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 5:00pm 3 days before the meeting at which the matter is to be considered.

- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than 2 speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than 2 speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed 2 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- a. the relevant provision of section 10A(2) of the Act,
 - b. the matter that is to be discussed during the closed part of the meeting,

- c. the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

15. KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- a. contravenes the Act or any regulation in force under the Act or this code, or
 - b. assaults or threatens to assault another councillor or person present at the meeting, or
 - c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
 - d. insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 15.12 The chairperson may require a councillor:
- a. to apologise without reservation for an act of disorder referred to in clauses 15.11 (a) or (b), or
 - b. to withdraw a motion or an amendment referred to in clause 15.11 (c) and, where appropriate, to apologise without reservation, or
 - c. to retract and apologise without reservation for an act of disorder referred to in clauses 15.11 (d) and (e).

How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

- 15.15 Clause 15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.22 Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16. CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

17. DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager's Office no later than 5:00pm 2 business days after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- a. a notice of motion signed by three councillors is submitted to the chairperson, and
 - b. a motion to have the motion considered at the meeting is passed, and
 - c. the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- a. to correct any error, ambiguity or imprecision in the council's resolution, or
 - b. to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18. TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than 9:00pm.
- 18.2 If the business of the meeting is unfinished at 9:00pm, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 9:00pm, and the council does not resolve to extend the meeting, the chairperson must either:
- a. defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - b. adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- a. individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - b. publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19. AFTER THE MEETING

Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.
- Note: Clause 19.1 reflects section 375(1) of the Act.**
- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- a. details of each motion moved at a council meeting and of any amendments moved to it,
 - b. the names of the mover and seconder of the motion or amendment,

- c. whether the motion or amendment was passed or lost, and
- d. such other matters specifically required under this code.

19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20. COUNCIL COMMITTEES

Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- a. such number of members as the council decides, or
 - b. if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- a. the time, date and place of the meeting, and
 - b. the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- a. has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - b. has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- a. to give notice of business for inclusion in the agenda for the meeting, or
 - b. to move or second a motion at the meeting, or
 - c. to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- a. the mayor, or
 - b. if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - c. if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- a. details of each motion moved at a meeting and of any amendments moved to it,
 - b. the names of the mover and seconder of the motion or amendment,
 - c. whether the motion or amendment was passed or lost, and
 - d. such other matters specifically required under this code.
- 20.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21. IRREGULARITIES

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- a. a vacancy in a civic office, or
 - b. a failure to give notice of the meeting to any councillor or committee member, or
 - c. any defect in the election or appointment of a councillor or committee member, or
 - d. a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - e. a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22. DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment

foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

ORDINARY MEETING OF THE COUNCIL

April 20, 2020

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 48/20SUBJECT: COVID-19 IMPACTS - BUSINESS AND BUDGETARY 16/165**Recommendation**

1. That Broken Hill City Council Report No. 48/20 dated April 20, 2020, be received.
2. That Council note the business disruption created by COVID-19 and the requirement to review, change and improve business practices to ensure long-term sustainability.
3. That Council note the current 19/20 budget implications and review process put in place due to COVID-19.
4. That Council note the updated timeline for the 20/21 budget & Operational Plan due to COVID-19 impacts.

Executive Summary:

At this time of year, Broken Hill City Council would normally put its draft budget out for community comment. It would include things like upgrades to local parks, roads, playgrounds and buildings, and an outline of the rates, fees, and charges for the next financial year. COVID-19 has changed our environment dramatically with most businesses and organisations, local government included, likely to never operate in the same way again.

The purpose of this report is to provide an update on the current financial year budget, the process and timeline for the 2020/21 budget due to the impacts of COVID-19 and the resulting changes/opportunities for Council's operations, and the way it will conduct business now and into the future.

It is also important in this time for Council to review and update existing strategies and business plans to reflect the short-term economic impact of COVID-19 and changes to the organisations operating environment, especially changes around customer demand, any supply chain issues/security and workforce issues. In many cases the operating model has been challenged with the disruption to usual business operations both exposing weaknesses in existing models and highlighting opportunities in modifying business practices.

Staff will review these documents in conjunction with the budget for Council consideration in the May 2020 meeting cycle.

Report:

When Council began planning the Budget in October 2019, no one had heard the term 'Coronavirus'. Staff had set in place a normal budget process and asked the Councillors for their wish list and priorities, held budget workshops with Councillors in early March 2020 to finalise the budget, prioritise capital and special projects and set the rates for the draft budget to be considered at the April 2020 Ordinary Council Meeting.

Since the initial planning process the world has suffered the effects of COVID-19, with economic impacts hitting businesses and communities hard with forced closures, alterations

to operations and loss of jobs and income. Broken Hill City Council has not been immune to these effects and is being challenged by the effects of COVID-19.

As per the Mayoral Minute of March 2020, Council is expecting an additional operational loss of \$2 million for the 2019/20 financial year and is anticipating operating impacts of an additional \$3.2 million for the 2020/21 financial year. These operational financial impacts require major budgetary overhaul to try and limit the impact for the remainder of this financial year, but more importantly a revised and reduced operating budget for 20/21 to ensure Council's continued financial sustainability.

Without significant operating cuts or funding intervention, Council's planned return to surplus expectations for the 2022 budget year, will be push through to 2030, this will reduce cash reserves by more than \$6 million over the planning period; that outcome will put Council in a precarious cash position. This will mean that all of the hard work Council has done over the past four years, will be undone

Once restrictions are lifted it will take a further 18-24 months before Council could expect revenue to be restored to pre-COVID-19 levels, and the manner in which Councils' conduct business will be changed forever.

Like most regional Councils, Broken Hill relies heavily on rates revenue as a primary source of income, and whilst rates revenue isn't technically affected due to COVID-19, the community's ability to pay is greatly impacted. Council has acknowledged this and put a freeze on debt recovery and a pause on overdue interest until at least 30 June 2020.

Whilst this will provide some relief to the Community it will put an even greater burden on Council as the level of cashflow Council is used to receiving will be greatly reduced. With over 50% of the population on minimum income, and Council's rates outstanding being already in the vicinity of 13%; this is expected to grow significantly over the remainder of the year as the economic impact of COVID-19 begins to be realised.

The impact Council is facing due to COVID-19 is primarily a reduction in operating revenue with a minor impact to operating expenditure and therefore Council's response needs to be in the form of a revised operating budget which is currently being prepared for Council consideration.

It is very easy to lose sight of the difference between an operating budget and capital budget and focus in on removing large capital items in the hope of saving some cash and assisting the immediate cashflow. This is a short-term solution and will not solve Council's longer-term operating deficit issue. Any saving that Council makes by cutting capital investment will quickly be absorbed operationally and it is not an infinite source of funding. To follow this course of action, Council will find itself back in a similar position that it was in 2012/13; with no capital budget, a \$7.5m operating deficit, and not enough cash to cover its legislated cash restrictions.

To put it in simple terms it is like trying to live normally without a recurrent income and relying on the sale of personal assets to meet commitments and living expenses. It will work for a while but in the long run you will still be in the same position, without anything more to sell.

Council needs to work smarter, find efficiencies in processes, rationalise ineffective service delivery and assets, and ensure opportunities in process improvements and gains as a result of this forced operating environment, are not lost when restrictions are eased.

It is also critical to consolidate the organisations financial position during times of crisis and this requires consolidation around cashflows, revenue, liquidity, existing finance, availability of future finance (grants/loans) and ensuring it has an appropriate finance structure for Local Government.

Staff are currently working through multiple options for both years budgets and these will be presented to Council for consideration during the May meeting cycle. The budget that will be presented to Council will include a revised operational budget to ensure the deficit created by COVID-19 is as financially sustainable as possible without major reductions in service

delivery to the community, whilst noting that the way Councils operate and conduct business has been, and will be, changed forever.

While Council's budget process needs careful and prudent management, it is also important for Council to acknowledge the important economic stimulus role it will play in revitalising and reinvigorating the local economy. Council plays this role best, not by waiving or deferring rates or charges to the community; but by delivering large capital projects to the community to ensure money is returned to the local economy resulting in job retention and creation across all primary and secondary industries; projects such as the development of the Broken Hill Cultural Precinct and Library + Archive, Queen Elizabeth Park Revitalisation Project, Skate Park Upgrade, CBD Revitalisation (including tree, signage and banners) and road reconstructions, will be paramount to stimulate. This is the important role that this Council can readily and easily deliver.

With Council being proactive and adopting to commence an asset rationalisation strategy through the budget process at the 2019 June Ordinary Council Meeting and further adopting a revised Asset Management Policy, Strategy and setting Rationalisation benchmarks at the 2020 February Ordinary Council Meeting, it has placed the Council in good stead for the upcoming revised 20/21 Operating and Capital budget, as it can ensure funds are directed toward priority assets and enabling community conversations around under utilised assets.

Further to this by Council taking the approach to have shovel ready projects and plans inclusive of whole of life costing; Council is now in a position to submit funding applications as soon as funding is made available by both tiers of Government allowing for a streamlined procurement and construction process.

State Government is already beginning to release stimulus packages for road works and solar installations, which we are currently preparing submissions for to maximise the amount of grant money we have for planned capital works. These stimulus packages will only increase in the coming months and staff are currently preparing to ensure we can capitalise on all funding opportunities.

Council has worked extremely hard over this Council term to ensure long term financial sustainability, project management and project delivery is a high priority and at front of mind, to assist in overcoming a long period of infrastructure and budgetary neglect the Council had experienced. This period of time, ensuring governance frameworks, processes and long-term plans are in place, has positioned Broken Hill City Council well for a strong return, albeit a long and hard road for the short term.

Community Engagement:

N/A

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

Local Government (General) Regulations 2005

Financial Implications:

\$2 million reduction in operating revenue for 2019/20 and an expected \$3.2 million reduction in operating revenue for the proposed 20/21 operating budget. A revised 2019/20 and 20/21 draft budget will be presented to Council during the May meeting cycle.

Attachments

There are no attachments for this report.

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

April 14, 2020

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 49/20

SUBJECT: MODIFICATION TO DEVELOPMENT APPLICATION 34/2012 -
ALTERATION TO BUSINESS HOURS - 407 CRYSTAL STREET,
BROKEN HILL 11/467

Recommendation

1. That Broken Hill City Council Report No. 49/20 dated April 14, 2020, be received.
2. That modified Development Application 34/2012 be approved, by modifying Condition number 8 (operation hours) and replacing condition number 10 (noise). Therefore, modified Development application 34/2012, shall be approved subject to the following conditions:

(1) Compliance with Building Code of Australia

That all building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason for Imposition of Condition: Statutory condition being clause 98(1)a & 145 of the Environmental Planning and Assessment Regulation 2000.

(2) Extensions/Alterations

That all necessary alterations and or extensions to services shall be carried out in accordance with the requirements of the appropriate Supply Authorities.

Reason for imposition of condition: The need to ensure that supply services are provided in accordance with the Authorities requirements.

(3) Injury to Amenity

That immediate remedial measures shall be taken if in the opinion of Council, injury is being caused to the amenity of the neighbourhood due to any nuisance, traffic hazard or otherwise and that the use shall cease if it is considered that the use can no longer be tolerated.

Reason for imposition of condition: The need to provide Council with the ability to mitigate injurious activities on the neighbourhood.

(4) Wastes

That the site shall be maintained in a clean and tidy state at all times and all waste shall be stored in an approved waste storage area screened from view.

Reasons for imposition of condition: The need to ensure that the site is clean and tidy and that wastes are properly stored.

(5) Signs

That separate application shall be made at the appropriate time for the erection of any advertising signs, including details of colour, size, height and method of

illumination.

Reason for imposition of condition: *The need to provide acceptable signage.*

(6) Loading/Unloading

That all loading and unloading of goods shall be carried out wholly upon the site.

Reason for imposition of condition: *The need to ensure that any loading and unloading, associated with the business does not cause any nuisance to surrounding properties.*

(7) Internal Access Driveways

That the internal access driveways, parking, loading and unloading areas shall be all weather surfaces constructed of bitumen sealed pavement or equivalent to ensure that stormwater drains off the surface without interference to adjoining or neighbouring properties.

Reason for imposition of condition: *The need to ensure that access is available at all times, that dust generation is reduced.*

(8) Operation Hours

That the hours of operation shall be restricted to 7am to 7pm Monday to Sunday. Public opening hours shall be restricted to within the hours of 7am to 5:30pm Monday to Friday.

Reason for imposition of condition: *The need to limit the hours of operation of a business so that its effect on the surrounding properties is minimised.*

(9) Carparking

That carparking facilities clearly signposted shall be provided onsite. The number of spaces to be provided shall be a minimum of 20, each being a minimum of 2.5 x 5.4 metres.

Carparking design shall comply with AS 2890.

Reason for imposition of condition: *The need to ensure that adequate carparking facilities are provided on site.*

(10) Noise

The applicant shall ensure that all ongoing activities comply with the requirements of the Environmental Protection Authority's Noise Policy for Industry (2017) and shall not give rise to the transmission of intrusive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

Reason for imposition of condition: *The need to ensure that activities comply with relevant legislative requirements.*

(11) Stormwater

Post development stormwater runoff levels are not to exceed pre-development levels. Stormwater calculations will be necessary to prove post stormwater levels.

Reason for imposition of condition: *To prevent stormwater nuisance to surrounding buildings.*

(12) Roadworks

That all existing unused dishcrossings along the Crystal Street frontage shall be removed and matching kerbing be replaced to the design and requirements of Council's Infrastructure Department. All costs associated with these works shall be borne by the developer.

Reason for imposition of condition: *The need to provide acceptable street frontages.*

(13) Landscaping

That appropriate landscaping shall be provided as shown in plan 012015 (HPO) and Drawing no. 012015.

Reason for imposition of condition: *The need to maintain visual street appeal.*

(14) Excavations and backfilling

That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason for the imposition of condition: *Statutory condition being clause 161 of the Environmental Planning and Assessment Regulation 2000*

(15) Signs to be erected on building and demolition sites

- a) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i Stating that unauthorised entry to the work site is prohibited, and
 - ii Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- b) That any such sign is to be removed when the work has been completed.

Reason for imposition of condition: *Statutory condition being Clause 161 of the Environmental Planning and Assessment Regulation 2000*

(16) Method of Demolition

That the demolition of the building strictly comply with the requirements of AS 2601 and any requirements of the Work Cover Authority of NSW.

Reason for imposition of condition: *Statutory requirement of the Work Health and Safety Act 2011*

(17) Signs to be erected on building and demolition sites

- b) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - iii Stating that unauthorised entry to the work site is prohibited, and
 - iv Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

- c) That any such sign is to be removed when the work has been completed.

Reason for imposition of condition: Statutory condition being Clause 161 of the Environmental Planning and Assessment Regulation 2000

(18) **Driveways**

That full concrete or equivalent commercial standard driveways be provided in the following locations:

- i. From the existing bitumen formation in Iodide Street to the boundary of the site and main delivery entrance:
- ii. From the existing remaining dishcrossing in Crystal Street to the boundary of the site.

Reason for Imposition of Condition: The need to ensure that access is available at all times and that dust generation is reduced.

(19) **Fire Safety Certificate**

That a **FIRE SAFETY CERTIFICATE** in relation to the following essential fire and other safety measures be presented to Council on the completion of the construction works, **prior** to the occupation of the building.

MEASURE	STANDARD OF PERFORMANCE
a) Exit and Emergency Lighting	AS2293
b) Fire Hydrant	AS2419
c) Fire Hose Reel	AS2441
d) Fire Extinguishers	AS2444

This certificate shall be completed in triplicate as follows:

THE ORIGINAL is to be returned to Council.

ONE COPY is to be sent to the Manager of Fire Safety, New South Wales Fire Brigades, Fire Safety Division.

A FURTHER COPY is to be prominently displayed in the building immediately adjacent to the main entrance doors to the building.

Reason for imposition of condition: To ensure that the fire safety and other measures are designed and installed in accordance with the required Australian Standard.

(20) **Lead Safe Work Practices**

That all building/demolition works and waste removal procedures comply with standards in Council's Development Control Plan 2016. (DCP available for purchase from Council or download from Council's website www.brokenhill.nsw.gov.au).

Reason for Imposition of Condition: The need to ensure that the impact of nuisance and lead containing dusts is minimised.

Executive Summary:

Council has received a request to modify Development consent 34/2012, to alter business hours at "Nejaim Steel Supplies", 407 Crystal Street, Broken Hill. The modification of hours relate to the future use of the near-completed workshop that has been under construction for many months.

The current approved hours are:

- 8am to 5:30pm Mondays to Fridays and 8am to 12:30pm Saturdays. No work on Sundays or Public Holidays.

The requested modified hours are:

- Public opening hours – 7am to 5:30pm Mondays to Fridays. No public opening on weekends or Public holidays, and
- 7am to 7pm, 7 days per week to permit staff to carry out mine maintenance activities.

Consideration is only to be given to the requested increase in hours as this is the matter to be determined, rather than considering the whole overall construction/use of the site.

Report:

In February 2020, a modification of Development consent 34/2012 was submitted to Council, under the provisions of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. An application under section 4.55 (1A) relates to modifications involving minimal environmental impact. The modification is to alter a condition of the consent which relates to the hours that the business can operate. The business type and use will remain the same as approved.

The business relates to “Nejaims Steel Supplies” at 407 Crystal Street (formerly part of 405 Crystal Street). The business operations are a steel fabrication business.

Proposed modification

The current approved hours are:

- 8am to 5:30pm Mondays to Fridays and 8am to 12:30pm Saturdays. No work on Sundays or Public Holidays.

The requested modified hours are:

- Public opening hours – 7am to 5:30pm Mondays to Fridays. No public opening on weekends or Public holidays, and
- 7am to 7pm, 7 days per week to permit staff to carry out mine maintenance activities.

The applicant has advised that flexibility in operational hours is needed to maintain the current business activities as carried on at their existing site, 2 Iodide Street. The business currently operates on a 7 day a week basis, with 60% of staff deployed from the business site to the various mine sites at the beginning of each day. The contracts with the mines require 12 hour shifts to be worked to coincide with mining operations.

The staff employed in these operations start at 7am at the Nejaims business premises, and travel to the various job sites, and then return at 7pm to Nejaims premises.

Also, during scheduled shut down periods the majority of Nejaim staff are deployed for a 3 day period on the mine sites. This shut down currently occurs once per month, but the applicant has advised that it may revert to fortnightly as had been previously the case.

The use of the building for fabrication would generally occur between 7am and 5pm, however the applicant advised that urgent repairs may sometimes need to be carried out at other times, however this is infrequent.

The hours for opening to the public are requested to be 7am to 5pm Mondays to Fridays. (this is one hour earlier start than currently approved, however there will be no opening on weekends).

Background information

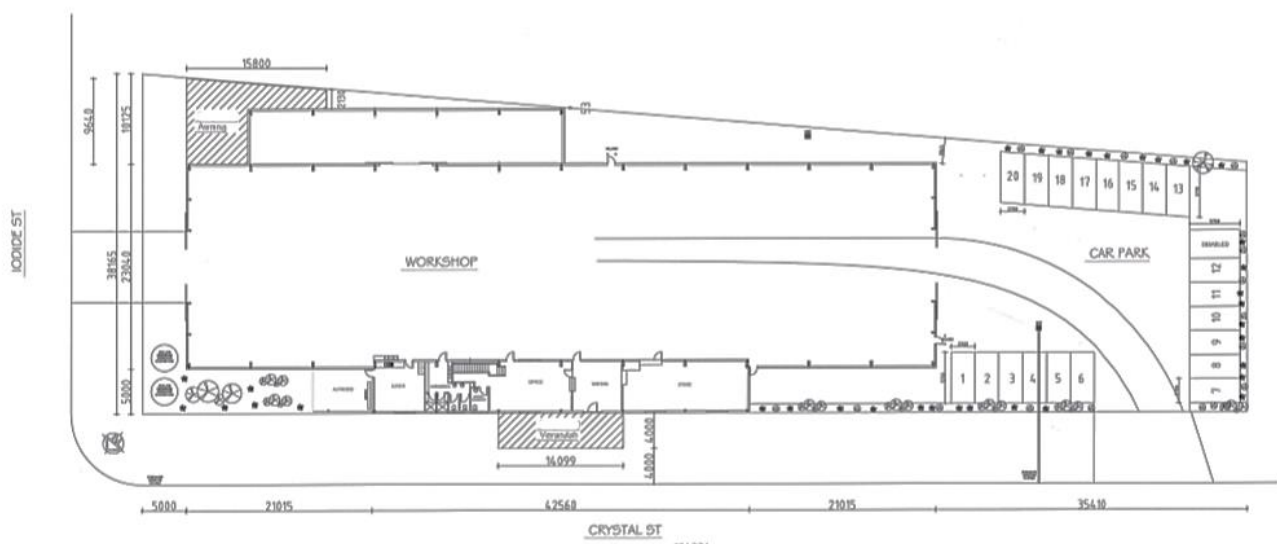
As background, the Development application was originally approved in March 2012, for industrial workshop buildings. At the time of approval, the provisions of Council's previous Local Environmental Plan (*Broken Hill Local Environmental Plan 1996*) were applicable. The zoning of the site at the time was 2C City zone. This was a flexible zone, in that a vast range of commercial, industrial or residential uses were permissible, subject to Development consent.

Since the original consent, the Development application has been modified for minor purposes including adding an awning and verandah etc.

The workshop has been constructed with acoustic insulation installed to all the walls and the roof of the building. The paint and blast booth are fully EPA and Safe Work NSW compliant and self-contained within the workshop. A car parking of 20 spaces has been provided onsite. The site has been fully fenced.

At this stage, a final Occupation Certificate has not been issued by Council to allow for the future use of the premises to occur.

Below is a site plan showing the layout of the premises. Not vehicle access points on Iodide and Crystal Street. Car park is located to the west part of the site (right of plan).



The following Photograph is a view along Crystal Street, looking in an easterly direction, and shows the premises (on the right). Note residential properties on the left of the photograph. Note the high fencing around the site.



Photograph below is a view along Crystal Street, looking in a westerly direction, and shows the premises (on the left). Note the vehicle access into the shed from Iodide Street, allowing for loading/unloading within the workshop. Car parking area is located at this end of the premises.

**Assessment:****Environmental Planning and Assessment Act 1979**

In NSW, the relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the NSW Department of Planning and Environment. The objects of the EP&A Act are:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment*

Section 4.15 Assessment

Section 4.15 of the *EP&A Act 1979* requires an evaluation of the relevant matters for consideration listed in this section. The provisions of Section 4.15 have been repeated in full below:

4.15 Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

The following sections address the matters for consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Section 4.15(1) Assessment

S4.15(1)(a)(i) The provisions of any environmental planning instrument

Local Environmental Plan:

Broken Hill Local Environmental Plan 2013. Zoning of the site is IN1 General Industrial.

Objectives of zone

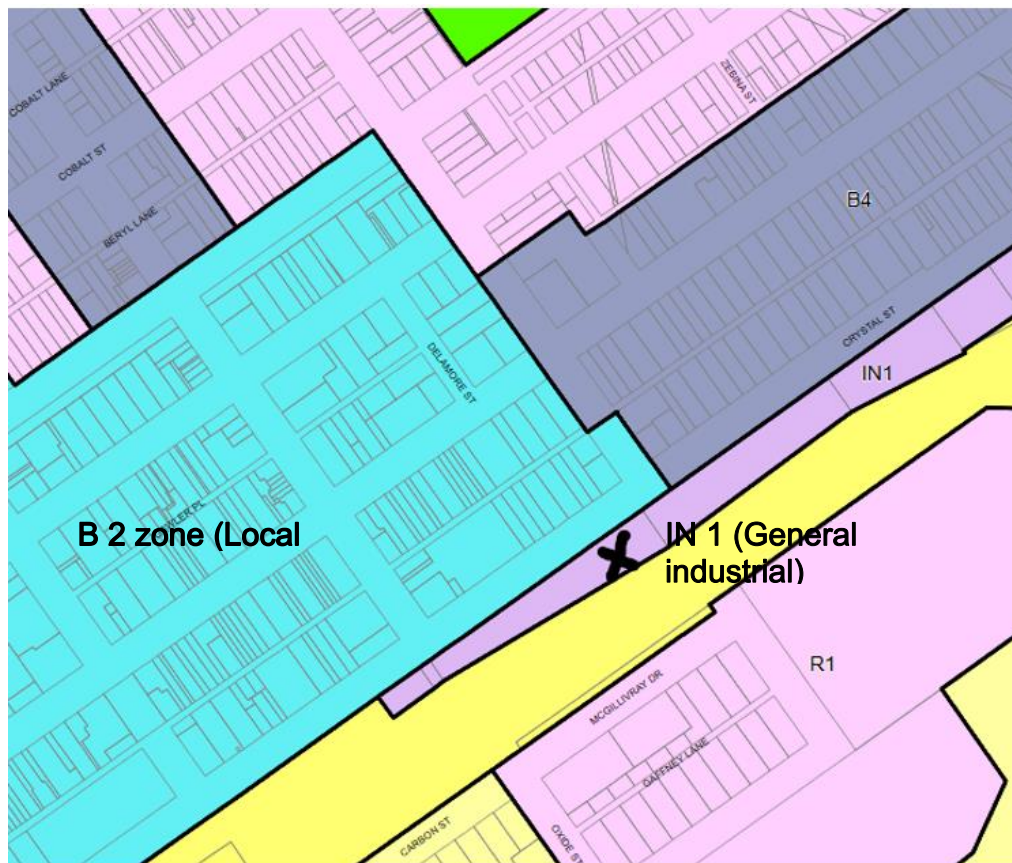
- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

The modification proposal is not inconsistent with the objectives of the zone, particularly when considering the proposal does not relate to approving a new use, but rather a modification to the already-approved use.

State Environmental Planning Policies:

N/A - There are no State Environmental Planning Instruments (SEPPs) applying to the Broken Hill City Local Government Area that are relevant to the proposal.

Below image shows the zoning of the subject site, and surrounding zones. The subject site is marked with a **X** (zone IN1 – General Industrial). Directly across the road from the site is zone B2 (Local centre zone). Zone B2 is a business zone which covers the Central Business area of the city, and includes primarily commercial and some residential properties.



S4.15(1)(a)(ii) The provisions of any proposed environmental planning instrument

N/A - There are no draft LEPs or draft SEPPs that apply to the subject land.

S4.15(1)(a)(iii) The provisions of any development control plan

Broken Hill Development Control Plan 2016 (DCP).

The main purpose of a DCP is to provide guidance to applicants proposing to carry out a development and to guide development to achieve the aims of planning instruments such as the Local Environmental Plan. The provisions of a DCP are not statutory requirements.

The relevant provisions of the DCP are:

Chapter 1 – 1.4 – Advertising and Notification.

Notification of neighbours was undertaken in accordance with the provisions of the DCP. As a result three submissions were received. An overview of the submission is provided later in this report.

Chapter 3 – 3.4 – Industrial development.

The provisions in this chapter relate primarily to building design and site layout – which are not applicable to this modification request as the building and layout has already been approved, and is not subject to this current assessment.

There are provisions in this chapter which relate to noise and pollution. This includes ensuring that buildings should be designed to prevent the emission of noise and machinery should be housed or installed so that intrusive noise is not generated. All industrial activity is to be conducted so as to avoid unreasonable noise.

The DCP provisions also state that where necessary control equipment shall be installed so as to ensure that there are no adverse discharges of gas, dust or other material to the atmosphere and that any emissions are within limits set by regulations.

As noted earlier, the workshop has been constructed with acoustic insulation installed to all the walls and the roof of the building. The paint and blast booth are fully EPA and Safe Work NSW compliant and self-contained within the workshop.

There are no other DCP provisions which are relevant to this modification proposal.

S4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

N/A - There are no planning agreements relating to the site.

S4.15(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph

Division 8 of Part 6 of the Environmental Planning and Assessment Regulation 2000 specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is included below:

Clause	Comment
<i>Clause 92 - Government Coastal Policy</i>	Not applicable to the Broken Hill Local Government Area.
<i>Clause 92 - Building Demolition</i>	No demolition works are proposed.
<i>Clauses 93 - Change of Use Fire Safety and Structural Capacity Considerations</i>	Not relevant to the proposal.
<i>Clauses 94 - Fire Safety Upgrades</i>	Not relevant to the proposal.
<i>Clause 94A - Temporary Structures</i>	Not relevant to the proposal.
<i>Clause 95 - Deferred Commencement</i>	Not relevant to the proposal.
<i>Clause 96 - Ancillary aspects of development</i>	Not relevant to the proposal.
<i>Clause 97 - Modification or surrender of development consent or existing use</i>	The proposal is a modification to a development consent.
<i>Clause 97A - Fulfilment of BASIX commitments</i>	The proposal is not a BASIX affected development.

S4.15(1)(b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality

Land Use Conflict – the zoning of the site is IN1 General Industrial, and nearby zonings include B2 Local Centre, Special Purpose (Railway Infrastructure) and B4 Mixed Use. The area has for many years, been a mix of commercial, residential and light industrial uses, located on a main road. The subject business, Nejaim's has operated at its current location

at 2 Iodide Street (the corner of Crystal Street). This site is approximately 100 metres from the location of the near-complete new workshop.

Access and Traffic – access to the new workshop is via the east and west ends of the building. This allows for entry (from Iodide Street) into the workshop for loading/unloading to occur inside, and then exit out via Crystal Street. A car park with 20 spaces is provided onsite. The modification proposal does not alter the vehicle access layout.

Noise - noise generated from a commercial or industrial business is often (and understandably) an issue of concern for residents near to such businesses. The issue to be considered here is whether an increase in hours will cause an unacceptable noise impact.

The applicant states that they believe there will be minimal impact caused by the proposed new operational hours. They note that “various other activities in the area have a greater potential for impact including the rail corridor and truck movements along the highway”.

The applicant further provided details including that the whole workshop has sound installation installed; loading/unloading will occur within the building (not on the street); the double-insulated offices are located between the workshop and the street offering further shielding, and off-street parking is provided for staff.

Of interest, the *Protection of the Environment Operations (Noise Control) Regulation 2017* sets times from which noise from residential properties is restricted. This includes times when noise should not be heard from a habitable room at a neighbours property. For use of power tools, the times are not before 7am or after 8pm any day (other than Sunday which is not before 8am or after 8pm). Note this is noise generated from a residence, which most people would assume should be much tougher restrictions than from a business. In the case of Nejaim's Steel supplies, it is an approved business in a mixed use area that is requesting operating hours not much different than the times noted in the Regulations for a residential property/area.

Attention is drawn to one condition of the existing Development consent 34/2012 for the Nejaim's premises, which relates to noise – and states *“That the noise generated from the development shall not exceed 5db(A) above the background noise level at the most sensitive point i.e. the nearest dwelling/boundary of site. Care should be taken to ensure that this level is obtainable prior to commencing the development. Note: The assistance of an acoustic engineer may be required”*.

If approval is granted to this modification application, this noise condition noted above, should be replaced with the following condition (which better reflects current noise legislation) –

“The applicant shall ensure that all ongoing activities comply with the requirements of the Environmental Protection Authority's Noise Policy for Industry (2017) and shall not give rise to the transmission of intrusive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).”

This condition of consent would assist in ensuring that Council has compliance powers should it be proven that the business operations ever proceed intrusive noise, as defined in the relevant legislation.

Economic and Social Impact in the Locality – NSW Land and Environment Court has considered numerous cases which have established a general principle that the consent authority (Council) is not to have regard to issues of direct commercial competition between individual businesses. Consideration of the viability of existing and future businesses are valid considerations.

S4.15(1)(c) the suitability of the site for the development

This consideration relates to whether the site attributes are conducive to the development. It should be kept in mind that this modification to consent relates to the hours of a business, and not the actual use or construction of a new development.

Site attributes includes such matters as bushfire risk, flooding, land subsidence, and layout of the site. There are no such risks that apply to this modification proposal.

S4.15(1)(d) any submissions made in accordance with this Act or the regulations

As noted previously in this report, neighbours were notified of the modification Development application in accordance with Development Control Plan 2016.

Three submissions were received by Council from neighbours.

Issues raised in the neighbor submissions were:

- My house is directly opposite one of the doors and “I will be impacted by noise exiting from the door if it is not closed and gate is open”.
- There will be additional noise to the other activities in the area already.
- Weekends are generally known to be days for rest and recreation and Sunday for quiet times, which will not occur if the operating times are changed.
- Don't agree that hours should go out of normal working hours, as the noise, smells and dust that are from trucks go past 12 hours per day, 7 days per week.
- Health issues already, including being sleep deprived.
- Current noise levels, at times, are already excessive to the point I can hear operations over the TV.
- Vehicles coming and going outside of hours already.
- Employee vehicles are parked on footpaths.
- One submissions raised “other concerns in the area” including the street is used as a heavy vehicle route and trucks park at the front of houses, to allow other heavy vehicles to use the corner of Iodide/Crystal Streets.
- The neighbourhood now feels like an industrial area in a residential section of town.

It is acknowledged that neighbour issues that have been raised are understandable concerns, considering the location and nature of a number of premises in the area. Council must consider whether a portion of these concerns stem from a range of issues they experience in the neighbourhood, including the location along a highway, heavy vehicle movements, noise from existing activities and so on. Whilst cumulative impacts from other developments in an area is somewhat a relevant consideration, Council must be mindful that this does not necessarily override this specific request for the modification of hours.

“Other concerns in the area” are not directly related to this modification application.

Employee vehicles parked on footpaths may refer to the existing Nejaim's operations. The new development will provide for staff parking on-site and this issue is therefore expected to be alleviated.

As noted, the location is on a highway with heavy vehicle traffic, and this does operate 7 days per week. Much of the heavy vehicle traffic is mine related traffic, however being a State designated heavy vehicle route, this allows for other trucks to use the route also at any time. A Council is aware, the Land and Environment Court NSW approved the use of that section of the highway for the mine transportation route.

The area is a mixed use type area, and therefore the location could not be described as being of a normal residential nature. The zoning in the area is a mix of Business, Industrial, Mixed use, and Residential. Previous zonings in the area were City zone (a flexible zone which allowed for vast variety of uses). The zoning of City zone was in force between the years of 1996 and 2013. Prior to that Interim Development Order was in force between 1969 and 1996. The zonings in the area during that time were Business (where neighbour

residences are located in Crystal Street), and Special Uses – Railways (where Nejaim’s workshop is being constructed).

Issues raised by neighbours regarding noise impacts have been discussed elsewhere in this report.

The NSW Land and Environment Court has ruled in various cases, that whilst the views of those who have made submissions are to be taken into consideration, there must be evidence that could be objectively assessed before a finding could be made of an adverse effect on an area. A fear or concern without rational foundation was not a matter that, by itself, could be considered as an amenity or social impact (*Telstra Corporation Ltd v Hornsby Shire Council* 2006) and (*Newton v Wyong Shire Council* 1983).

S4.15(1)(e) the public interest

The concept of “public interest” is wide ranging, and covers many facets such as overall consideration of planning legislation and controls; considering public submissions; considering the overall ultimate use of the land and generally the greater public interest.

When considering public interest, the NSW Land and Environment Court has held that a consent authority (Council) must balance any potential public detriment against the overall public interest.

In other words, Council must weigh up any negatives against positives (or pros v cons). It is up to Council how much “weight” they give to each of the “matters for consideration”.

Community Engagement:

As noted previously in this report, the proposal was notified to neighbours in accordance with Development Control Plan 2016.

Strategic Direction:

Key Direction:		
Objective:		
Strategy:		

Relevant Legislation:

Environmental Planning and Assessment Act 1979

Financial Implications:

Nil

Attachments

There are no attachments for this report.

FRANCOIS VANDERBERG
MANAGER PLANNING, DEVELOPMENT & COMPLIANCE

JAMES RONCON
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

April 7, 2020

ITEM 5BROKEN HILL CITY COUNCIL REPORT NO. 50/20SUBJECT: INVESTMENT REPORT FOR MARCH 202017/82**Recommendation**

1. That Broken Hill City Council Report No. 50/20 dated April 7, 2020, 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 31 March 2020, Council's Investment Portfolio had a current market valuation of \$18,048,116 or principal value (face value) of \$18,016,050 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 31 March 2020 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**

The anticipated human and economic toll of the Covid-19 virus has resulted in sharp sell offs across financial markets around the world. While the drop in share markets garner most of the headlines, many bond markets including Australia's have also suffered setbacks as large investors move funds to cash and/or perceived 'safer' locations. Large scale fiscal stimulus actions by governments around the world are providing occasional reprieves in the downward trend in market prices, but it is widely expected that only news of a viable vaccine will help the markets establish a bottom and start a meaningful recovery. Even with the aggressive fiscal stimulus initiatives by governments, the economic impact of the virus is being predicted to be a drop in GDP of up to 10% across the US, Europe and Australia and

a surge in jobless claims. As the US is now recording the most virus cases in the world, with known cases doubling every 4 days and the worst still expected, many of China's factories are now up and running again with manufacturing expanding in March and even Italy is expecting new daily cases to peak during the first week in April, providing some hope that these countries will soon be on the road to economic recovery.

Domestic issues

In Australia, like most countries, steps being taken to protect citizens' health are causing sharp economic pain with many businesses forced to close and others to cut back staff as trade dries up. The poor outlook for business earnings resulted in the ASX 200 dropping over 20% for the month and 30% off its peak in mid-February. Meanwhile, the AUD/USD ended the month at 61.7c, up from a mid-month low of 55.06c, a level last reached in 2001. The Australian Government's wide-ranging fiscal stimulus measures, including wage subsidies and aid for small and medium sized businesses, are intended to be complementary to measures by the banks to provide temporary loan repayment reductions. Despite the strains expected to be imposed on the economy, Australia's banking system is still regarded as very sound as steps taken post-GFC have put the banks in a much stronger position than they were leading into the GFC.

Interest rates

During March, the RBA cut the official cash rate to 0.50%pa at its regular monthly meeting, then in a move not seen in over 20 years, the central bank cut rates a further 25bps following a mid-month emergency meeting, taking the official cash rate to 0.25%pa. Having made it clear it has no appetite for a negative interest rate environment here in Australia, the RBA introduced extensive alternative measures to provide liquidity to the financial markets and support for small and medium term

Investment Portfolio Commentary

Council's investment portfolio posted a return of -29.32%pa for the month of March versus the bank bill index benchmark return of 1.18%pa.

For the past 12 months, the investment portfolio returned 0.40%pa, underperforming the bank bill index benchmark's 1.23%pa by 0.83%pa. During March, Council's investment portfolio had \$1.5m in 3, 6- & 7-month term deposits mature with a weighted average rate of approximately 1.83%pa. Council invested \$1.5m in a 4, 6- & 9-month TDs at an average rate of 1.73%pa.

The TCorpIM MT and LT Growth funds were down 5.8% and 9.5% respectively during March. The funds' diversification among a wide range of asset classes resulted in better returns than the widely reported drop in domestic and most international share markets. Australian shares fell -20.9% with Energy (-37.6%) and IT (-35.2%) leading the falls. Consumer staples was the best performing sector (-3.5%) as the grocery chains stood to benefit in the short term from the stockpiling of day to day goods. Overseas markets were all weaker with the US S&P 500 (-12.4%), European S&P350 (-14.1%), Japanese S&P 500 (-6.5%), and the Chinese S&P 300 (-6.3%) all falling.

Council's Portfolio by Source of Funds – March 2020

As at 31 March 2020, Council's Investment Portfolio had a current market valuation of \$18,016,050 or principal value (face value) of \$18,048,116 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$12,121,050
	Royalties Reserve	\$650,000
	Domestic Waste Management Reserve	\$3,342,000
	Grants	\$1,903,000
	TOTAL PORTFOLIO	\$18,016,050

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.

Community Engagement:

Nil

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. [Download](#) March 2020 Investment Report

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER



Investment Summary Report March 2020



Broken Hill City Council

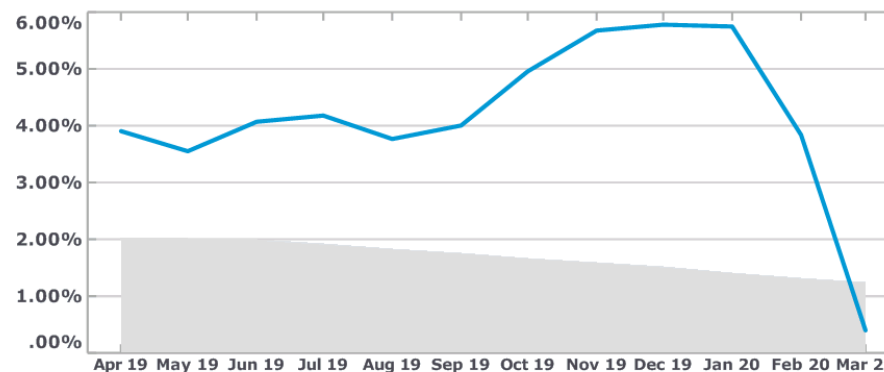
Executive Summary



Investment Holdings

	Face Value (\$)	Current Value (\$)
Cash	6,970,979.62	6,970,979.62
Managed Funds	4,545,070.70	4,545,070.70
Term Deposit	6,500,000.00	6,532,065.76
	18,016,050.32	18,048,116.08

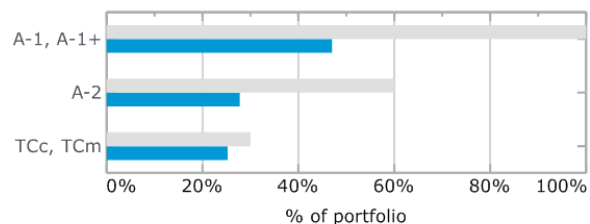
Investment Performance



AusBond BB Index Rolling 12 month Return Portfolio Rolling 12 month return

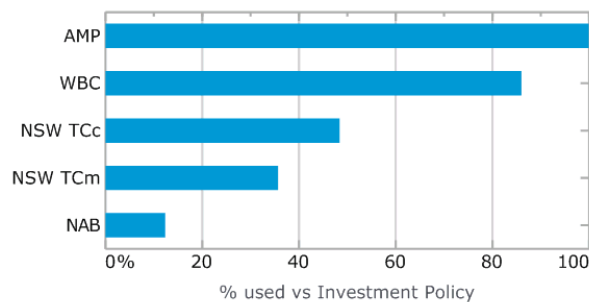
Investment Policy Compliance

Total Credit Exposure



Portfolio Exposure Investment Policy Limit

Highest Individual Exposures



Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	18,016,050	100% 100%
	18,016,050	

Broken Hill City Council
Investment Holdings Report



Cash Accounts							
Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference	
604,690.06	0.0300%	Westpac Group	A-1+	604,690.06	473409	Cheque	
6,366,289.56	1.7698%	Westpac Group	A-1+	6,366,289.56	535442	90d Notice	
6,970,979.62	1.6189%			6,970,979.62			

Managed Funds							
Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
2,616,554.67	-0.6180%	NSW T-Corp (Cash)	TCc	Cash Fund	2,616,554.67	535329	
1,928,516.03	-5.8458%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	1,928,516.03	536441	
4,545,070.70					4,545,070.70		

Term Deposits										
Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
8-Apr-20	500,000.00	1.7500%	National Australia Bank	A-1+	500,000.00	8-Aug-19	505,681.51	538377	5,681.51	At Maturity
22-Apr-20	500,000.00	1.7500%	AMP Bank	A-2	500,000.00	23-Oct-19	503,859.59	538624	3,859.59	At Maturity
6-May-20	500,000.00	1.7500%	AMP Bank	A-2	500,000.00	6-Nov-19	503,523.97	538655	3,523.97	At Maturity
20-May-20	500,000.00	1.6000%	National Australia Bank	A-1+	500,000.00	8-Jan-20	501,841.10	539014	1,841.10	At Maturity
27-May-20	500,000.00	1.8500%	AMP Bank	A-2	500,000.00	26-Feb-20	500,886.99	539488	886.99	At Maturity
10-Jun-20	500,000.00	1.9000%	AMP Bank	A-2	500,000.00	4-Dec-19	503,097.26	538878	3,097.26	At Maturity
15-Jul-20	500,000.00	1.6500%	Credit Union Australia	A-2	500,000.00	11-Dec-19	502,531.51	538901	2,531.51	At Maturity
15-Jul-20	500,000.00	1.6000%	Macquarie Bank	A-1	500,000.00	11-Mar-20	500,460.27	539566	460.27	At Maturity
5-Aug-20	500,000.00	2.0000%	AMP Bank	A-2	500,000.00	7-Aug-19	506,520.55	538375	6,520.55	At Maturity
12-Aug-20	500,000.00	1.8000%	AMP Bank	A-2	500,000.00	12-Feb-20	501,208.22	539452	1,208.22	At Maturity
19-Aug-20	500,000.00	1.9000%	AMP Bank	A-2	500,000.00	19-Feb-20	501,093.15	539467	1,093.15	At Maturity
2-Sep-20	500,000.00	1.8500%	AMP Bank	A-2	500,000.00	4-Mar-20	500,709.59	539525	709.59	At Maturity
2-Dec-20	500,000.00	1.7000%	AMP Bank	A-2	500,000.00	4-Mar-20	500,652.05	539526	652.05	At Maturity

Broken Hill City Council

Investment Holdings Report



Term Deposits										
Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
	6,500,000.00	1.7769%			6,500,000.00		6,532,065.76		32,065.76	

Broken Hill City Council
Accrued Interest Report - March 2020



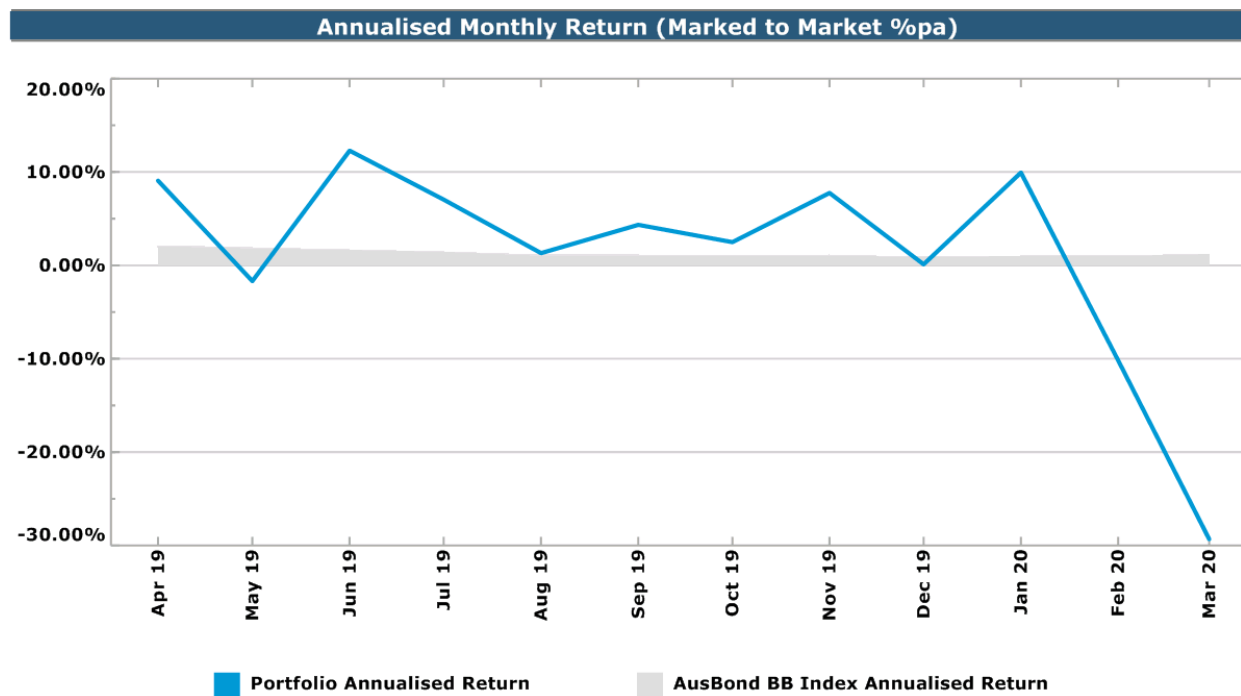
Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Cash									
Westpac Group	473409	Cheque	604,690.06			214.84	31	214.84	.22%
Westpac Group	535442	90d Notice	6,366,289.56			9,862.83	31	9,862.83	1.77%
Cash Total						10,077.67		10,077.67	1.54%
Managed Funds									
Cash Fund	535329		2,616,554.67	29-May-17			31	-3,333.35	-7.04%
Medium Term Growth Fund	536441		1,928,516.03	12-Feb-18			31	-119,735.96	-50.80%
Long Term Growth Fund	536442		0.00	09-Feb-18			31	-534,565.56	-80.24%
Managed Funds Total								-657,634.87	-69.28%
Term Deposits									
AMP Bank	538829		500,000.00	27-Nov-19	04-Mar-20	2,215.07	3	67.81	1.65%
National Australia Bank	538376		500,000.00	08-Aug-19	11-Mar-20	5,237.26	10	242.47	1.77%
AMP Bank	538527		500,000.00	13-Sep-19	18-Mar-20	4,867.12	17	442.46	1.90%
National Australia Bank	538377		500,000.00	08-Aug-19	08-Apr-20		31	743.15	1.75%
AMP Bank	538624		500,000.00	23-Oct-19	22-Apr-20		31	743.15	1.75%
AMP Bank	538655		500,000.00	06-Nov-19	06-May-20		31	743.15	1.75%
National Australia Bank	539014		500,000.00	08-Jan-20	20-May-20		31	679.46	1.60%
AMP Bank	539488		500,000.00	26-Feb-20	27-May-20		31	785.62	1.85%
AMP Bank	538878		500,000.00	04-Dec-19	10-Jun-20		31	806.85	1.90%
Credit Union Australia	538901		500,000.00	11-Dec-19	15-Jul-20		31	700.69	1.65%
Macquarie Bank	539566		500,000.00	11-Mar-20	15-Jul-20		21	460.27	1.60%
AMP Bank	538375		500,000.00	07-Aug-19	05-Aug-20		31	849.32	2.00%
AMP Bank	539452		500,000.00	12-Feb-20	12-Aug-20		31	764.38	1.80%

Broken Hill City Council
Accrued Interest Report - March 2020



Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
AMP Bank	539467		500,000.00	19-Feb-20	19-Aug-20		31	806.85	1.90%
AMP Bank	539525		500,000.00	04-Mar-20	02-Sep-20		28	709.59	1.85%
AMP Bank	539526		500,000.00	04-Mar-20	02-Dec-20		28	652.05	1.70%
Term Deposits Total						12,319.45		10,197.27	1.79%
						22,397.12		-637,359.93	-29.32%

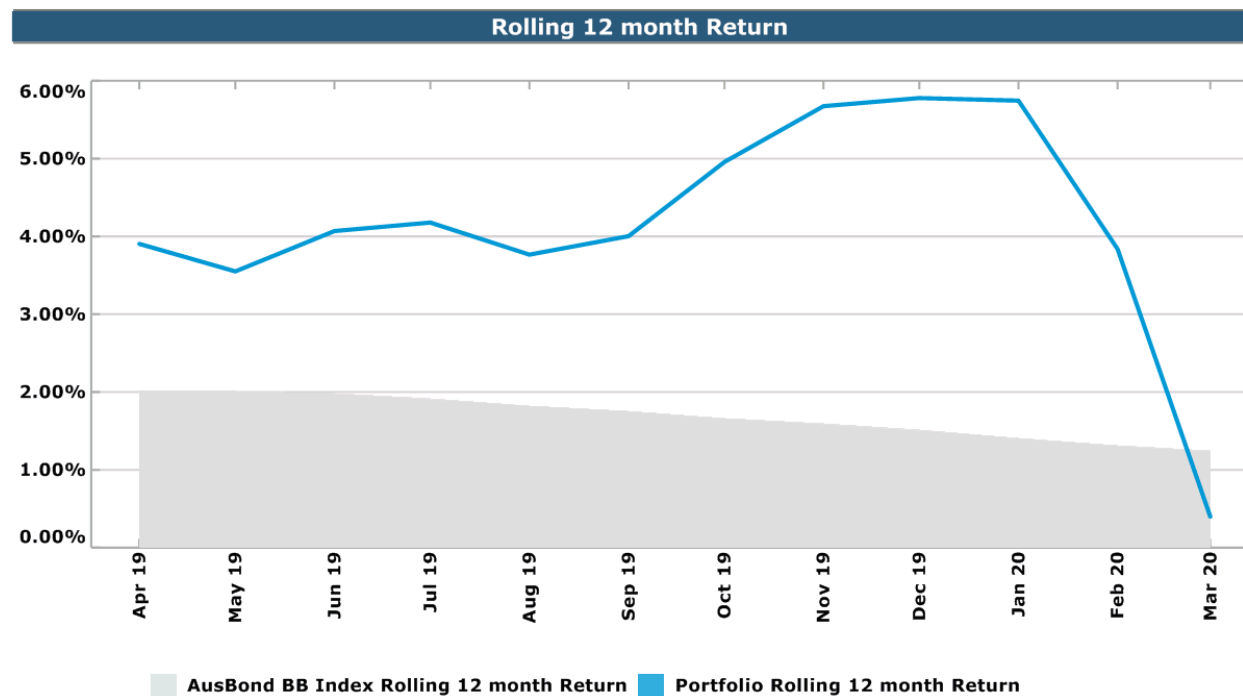
Broken Hill City Council
Investment Performance Report



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Mar 2020	-29.32%	1.18%	-30.50%
Last 3 Months	-11.32%	1.03%	-12.35%
Last 6 Months	-4.22%	0.98%	-5.20%
Financial Year to Date	-1.48%	1.04%	-2.52%
Last 12 months	0.40%	1.23%	-0.83%

Broken Hill City Council

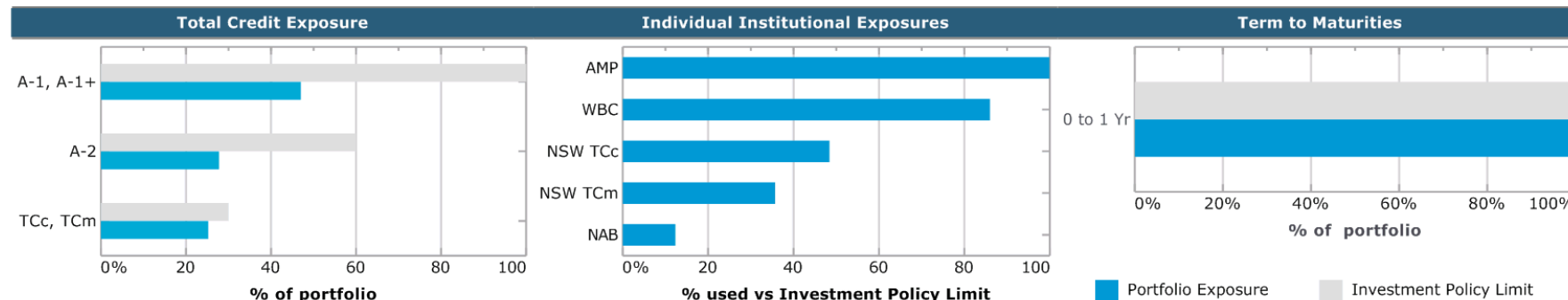
Investment Performance Report



Historical Performance Summary (actual)			
	Portfolio	AusBond BB Index	Outperformance
Mar 2020	-2.90%	0.10%	-3.00%
Last 3 Months	-2.95%	0.26%	-3.21%
Last 6 Months	-2.14%	0.49%	-2.63%
Financial Year to Date	-1.12%	0.78%	-1.90%
Last 12 months	0.40%	1.23%	-0.83%

Broken Hill City Council

Investment Policy Compliance Report



	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1	500,000	
Short Term	A-1+	7,970,980	
		8,470,980	47% 100% ✓
Short Term	A-2	5,000,000	
		5,000,000	28% 60% ✓
Short Term	TCc	2,616,555	
Short Term	TCm	1,928,516	
		4,545,071	25% 30% ✓
		18,016,050	100%

✓ = compliant
✗ = non-compliant

	% used vs Investment Policy Limit
AMP Bank (A-2, BBB+)	100% ✓
Westpac Group (A-1+, AA-)	86% ✓
NSW T-Corp (Cash) (TCc)	48% ✓
NSW T-Corp (MT) (TCm)	36% ✓
National Australia Bank (A-1+, AA-)	12% ✓
Credit Union Australia (A-2, BBB)	11% ✓
Macquarie Bank (A-1, A+)	7% ✓

	Face Value (\$)	Policy Max
Between 0 and 1 Year	18,016,050	100% 100% ✓
	18,016,050	
Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	11,516,050	64%
01. Less Than 30 Days	1,000,000	6%
02. Between 30 Days and 60 Days	1,500,000	8%
03. Between 60 Days and 90 Days	500,000	3%
04. Between 90 Days and 180 Days	3,000,000	17%
05. Between 180 Days and 365 Days	500,000	3%
	18,016,050	

Broken Hill City Council

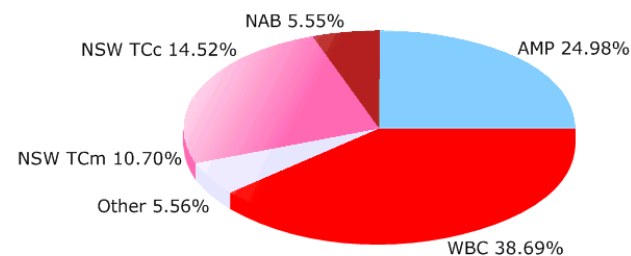
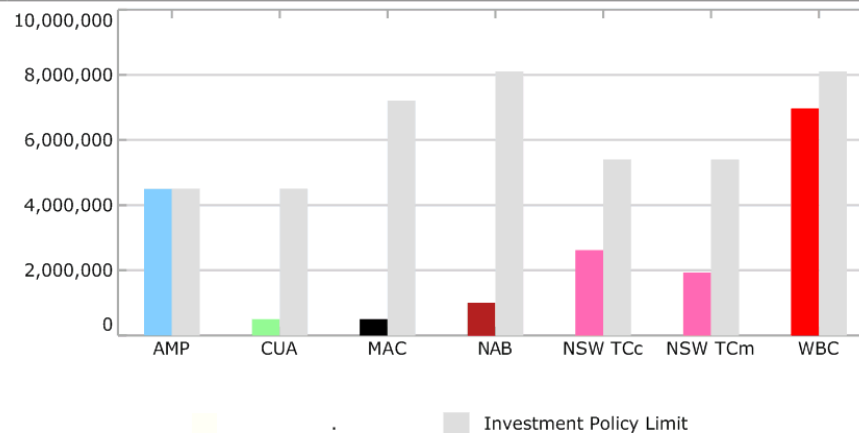
Individual Institutional Exposures Report



Individual Institutional Exposures

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
AMP Bank	A-2, BBB+	4,500,000	4,504,013
Credit Union Australia	A-2, BBB	500,000	4,504,013
Macquarie Bank	A-1, A+	500,000	7,206,420
National Australia Bank	A-1+, AA-	1,000,000	8,107,223
NSW T-Corp (Cash)	TCc	2,616,555	5,404,815
NSW T-Corp (MT)	TCm	1,928,516	5,404,815
Westpac Group	A-1+, AA-	6,970,980	8,107,223
		18,016,050	

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-Mar-20	538829	AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposits	Interest - Received	2,215.07
		Deal Total			502,215.07
	539525	AMP Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
		Deal Total			-500,000.00
		539526	AMP Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
Deal Total			-500,000.00		
Day Total				-497,784.93	
11-Mar-20	538376	National Australia Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		National Australia Bank	Term Deposits	Interest - Received	5,237.26
		Deal Total			505,237.26
	539566	Macquarie Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
		Deal Total			-500,000.00
		Day Total				5,237.26
18-Mar-20	538527	AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposits	Interest - Received	4,867.12
		Deal Total			504,867.12
Day Total				504,867.12	
Net Cash Movement for Period				12,319.45	

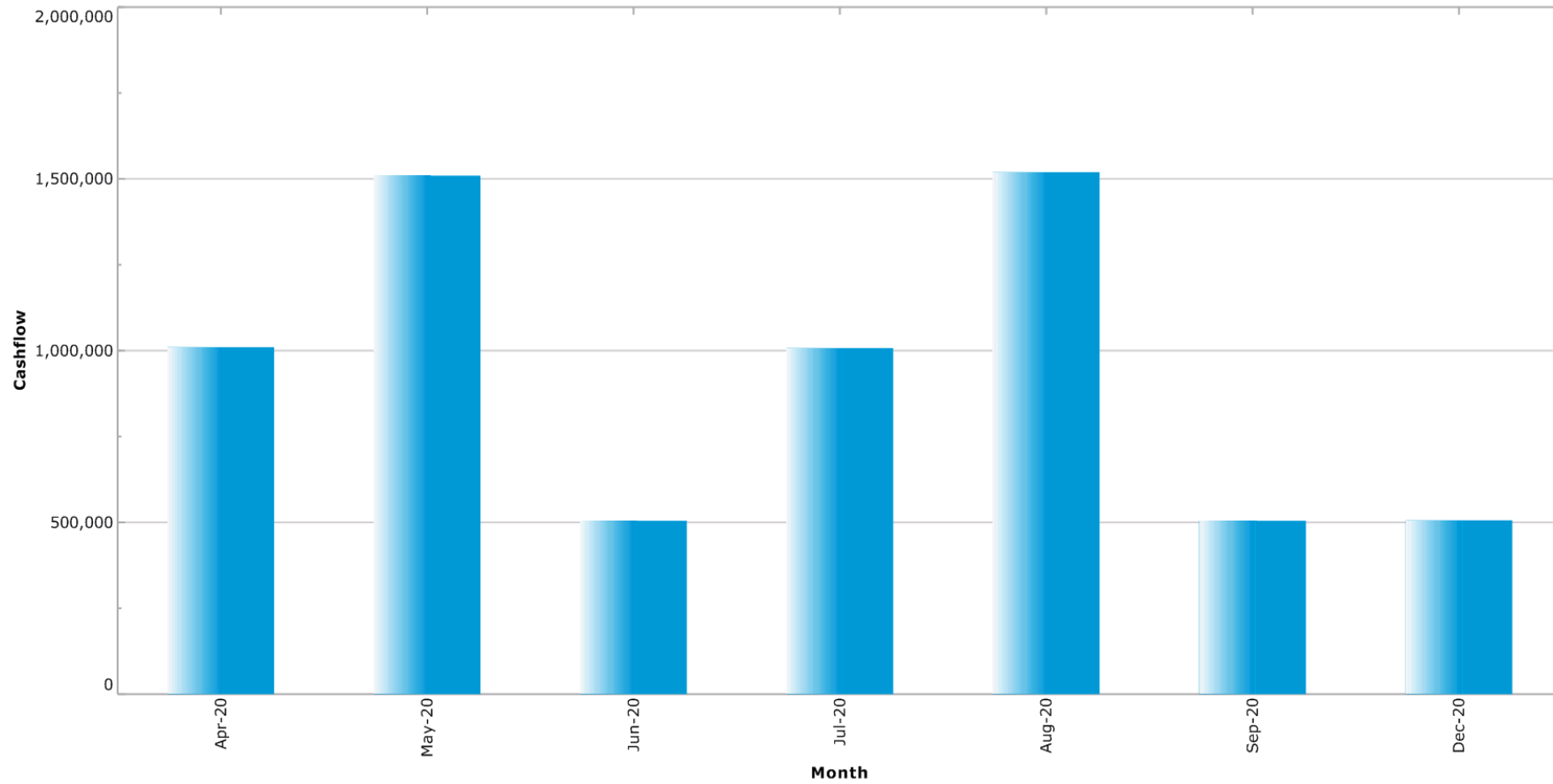
Next Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
8-Apr-20	538377	National Australia Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		National Australia Bank	Term Deposit	Interest - Received	5,849.32
				Deal Total	505,849.32
Day Total					505,849.32
22-Apr-20	538624	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposit	Interest - Received	4,363.01

Broken Hill City Council
Cash Flows Report



Next Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
				Deal Total	504,363.01
				Day Total	504,363.01
				Net Cash Movement for Period	1,010,212.33

Broken Hill City Council
Cash Flows Report

ORDINARY MEETING OF THE COUNCIL

April 14, 2020

ITEM 6BROKEN HILL CITY COUNCIL REPORT NO. 51/20

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO
401 HELD TUESDAY, 7 APRIL 2020 11/397

Recommendation

1. That Broken Hill City Council Report No. 51/20 dated April 14, 2020, be received.
2. That the minutes for the Local Traffic Committee Meeting No.400 held Tuesday, 7 April 2020 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 Tuesday, 7 April 2020 which details recommendations to Council for consideration and adoption.

Community Engagement:

Nil

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. [↓](#) Minutes - Local Traffic Committee - Meeting No 407, 7 April 2020

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER

LOCAL TRAFFIC COMMITTEE

MINUTES OF MEETING NO 401

Held 2pm Tuesday, 7 April 2020

Video conference/teleconference via BlueJeans

Chairperson Rajkumari Navis, Strategic Asset Manager opened the meeting at 2.05pm and welcomed all representatives present.

401.1 Present

Raji Navis	Chairperson/Strategic Asset Manager
Marion Browne	Councillor
David Vant	Roads and Maritime Services (RMS) Representative
Peter Bevan	Local Member's Representative
Emily Bogucki	Minute Secretary/Administration Officer
Biebek Bhattarai	Infrastructure Projects Engineer
Inspector Yvette Smith	NSW Police

401.2 Apologies

401.3 Disclosure of interest – NIL

401.4 Adoption of previous minutes

Previous minutes of meeting No 400 held 10 March 2020 were confirmed via online voting as follows:

All in favour: Moved: Peter Bevan Seconded: David Vant

401.5 Council Resolutions

The following Committee Recommendations were adopted by Council at its meeting held March 2020.

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 38/20 - DATED MARCH 13, 2020 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 400 HELD TUESDAY, 10 MARCH 2020 11/397

Resolved

1. That Broken Hill City Council Report No. 38/20 dated March 13, 2020, be received.
2. That the minutes for the Local Traffic Committee Meeting No.400 held Tuesday, 10 March 2020 be received.
3. That the following Item 400.6.1 – 158 Argent Street – Request to change parking times – Sufi Books & Bakery, be approved that the 3 parallel parks in Bromide Street be changed to 15-minute parking during business hours only.
4. That the following Item 400.8.1 – New Information signs for the Animal Shelter – Airport Road, be approved as per attached design with frangible poles.
5. That the following Item 399.6.1 – Additional disabled parking request in Argent Street – Demo Club, be approved that the current disabled parking sign is moved and an additional sign installed as per attached design.

RESOLUTION

Minute No. 1

Councillor M. Browne moved)
Councillor R. Page seconded)

CARRIED UNANIMOUSLY

401.6 Correspondence In

Item No.	EDRMS No.	Details
401.6.1	D20/11773	475 Argent Street – Request to change parking zone – LiveBetter
Discussion Notes		<p>Discussion around this matter being raised a few years ago through Traffic and a determination already being made however nothing was ever implemented. Nothing about previous request could be found in the system with reference to changes in Argent Street.</p> <p>LiveBetter are requesting a disabled parking zone, if installed buses will be unable to park in the disabled zone. Alternatively, if a timed bus zone is installed then disabled parking will not be allowed in the bus zone. There cannot be a 'dual purpose'.</p> <p>If disabled parking is installed it will need to be built to Australia Standards which will included widening the area, lay backs in the kerb and signage. Conversation around costs which is to be handled by Council.</p> <p>If timed restricted parking is installed it does not limit the parking to LiveBetter and therefore anyone can park there.</p> <p>Buses need to park out front in the morning shift and the afternoon shift. Overnight they are parked in the shed via the back lane. The buses used are an 8-seater bus and two 23-seater buses.</p> <p>Concerns that LiveBetter have requested a disabled parking zone but do not understand the implications i.e. buses not being able to park in this area.</p> <p>Do LiveBetter have the required permit for the bus to park in a disabled zone?</p> <p>Possible options:</p> <ul style="list-style-type: none"> - Exemption parking permit; - Disabled parking; - Bus parking; - Leave as is
Recommendation		Chairperson, Raji to follow up with LiveBetter and clarify exactly what they are requesting and report back to the Committee.
401.6.2	D20/14924	93 Wolfram Street – Denis Pridham
Discussion Notes		<p>There is no driveway (solid kerb) therefore cars parking are not obstructing access.</p> <p>Reference being made to the concrete walkway on the footpath which vehicles are parking in front of which is allowed.</p> <p>Access is not blocked at all.</p>
Recommendation		All in favour of a letter being sent stating that there is nothing LTC can do as there is no driveway, therefore no access is being blocked.

401.6.3	D20/14368	234 Eyre Street - Parking Concerns – Preston
Discussion Notes		<p>Cars parking across driveway and blocking access.</p> <p>Due to the Nursing Home across the street, this would be an issue for most houses along this section of the road. If a 'No Parking Zone' sign is installed – it is going to open a can of worms.</p> <p>Discussion around this being an enforcement issue.</p> <p>Recommendation is for Mr Preston to phone the Police or Council's Rangers at the time a vehicle is parked across the driveway for a ticket to be issued.</p> <p>There have not been any car accidents along this street therefore timed parking or restrictions are not justified.</p> <p>Police Officer card included in attachment was not for vehicles parking on the street but due to Mr Preston placing cones on the road to stop people from parking on the street.</p>
Recommendation		All in favour of a letter being sent recommending Police or Council Rangers to be contacted when driveway is being blocked for a ticket to be issued.
401.6.4	D20/15050	Review of Angle Parking 401 - 403 Mica Street - Dario Licul
Discussion Notes		<p>Committee previously agreed to put angle parking in this section of the Street but the recommendation and approval from Council cannot be found.</p> <p>Angled parking including signage was installed however the lines were not marked on the road.</p> <p>Confusion around where the request is in relation to. Are they referring to Broken Hill Supplies or to Fred J Potter?</p> <p>There was a complaint from the neighbouring property as the child that lives next door has a learning disability and stepping out onto the road caused great distressed. The parallel parking was less stressful as the child could step straight onto the footpath. Due to this the angled parking was removed from this section of the Street.</p> <p>401-403 Mica Street – does the Committee agree to extending the existing 45-degree angled parking? Agreed that the parallel parking must remain for the neighbouring property – this is why the original request was revoked.</p> <p>Need to explain to Dario Licul that the request was originally approved however due to concerns raised by the neighbouring property the request was revoked.</p> <p>Emily to look at previous minutes and provide to Raji.</p>
Recommendation		Chairperson, Raji to explain to Dario why this decision was revoked.

401.7 Correspondence Out

Item No.	EDRMS No.	Details
401.7.1	D20/11710	158 Argent Street – Request to change parking times – Sufi books & Bakery – Page 7
401.7.2	D20/11743	Heritage Festival Road Closure Permit
401.7.3	D20/11459	Response - Stop signs corner of sulphide and blende street - Angell
401.7.4	D20/11455	Argent Street - Parking time changes - Broken Hill St Patrick's Race Club Inc
401.7.5	D20/13782	New information signs for the New Animal Shelter – Airport Road

401.8 General Business

Item No.	EDRMS No.	Details
401.8.1		Wright Street and Warnock Street
Discussion Notes		Wright Street and Warnock Street A collision with the footbridge – someone has come around the corner to quickly from Warnock Street and knocked the edge of footbridge.
Recommendation		Council to follow up and fix footbridge.

401.9 Action Item List

Item No.	397.6.1	
EDRMS No.	D19/43779	
CRM No.		
Responsible Officer	Council's Chief Operations Officer, Anthony Misagh	
Current Status	Pending	
Date	Item Details	

October 2019 Angle parking at taxi rank outside the Theatre Royal Hotel – Point to Point
Transport Commission

Date	Committee Recommendation/s
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Action Date	Running Actions
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October 2019	<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 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>
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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.

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.

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.

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.

Suggestion to utilise a space near town square for a taxi bay.

LTC discussed the possible of a night-time inspection to see how busy the area actually is.

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.

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?

RMS, David Vant advised that if the issue goes through the LTC formal process including investigations and collation of data, Council would be unblameworthy.

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.

November 2019	Develop a Traffic Management Plan to be provided at the next LTC. Report to be provided by Chief Operations Officer, Anthony Misagh regarding consultation with Taxi companies, The Theatre Royal Hotel and the Police.
December 2019	Committee meeting cancelled
February 2020	Point to Point Transport Commissioner, Jenny and Chairperson, Raji have had a discussion regarding the issue at the Theatre Royal Hotel. Raji has also spoken to Orange and Dubbo Council's regarding the proposal as it has already been implemented at these sites. Current proposal is to change the 5 angled parks to 2 parallel parks only during taxi times. Parallel parking signs within the taxi zone sign including times would need to be installed. Raji has had a discussion with the Theatre Royal Hotel and Independent Taxi regarding the concerns raised and the proposal. Both have confirmed they do not have any issues with how the taxi bay currently operates. A discussion between Raji and Yellow Cabs has also occurred. It was identified that Yellow Cabs are the ones who have raised this issue with the

Point to Point Transport Commissioner. Yellow cabs are in favour of the parallel parking.

Raji raised the issue with Yellow Cabs on where the taxi's waiting to pick up passengers would park if the taxi zone was being utilised. The response provided was the normal carparking spaces further down which is actually illegal. Otherwise they will have to go around two blocks until taxi zone is free.

Yellow Cabs also mentioned that the Demo Club have the same issue and parallel parking is required. Demo Club have an exit through the back door into a one-way laneway, this could be an option for taxi's to park/pick up out the back of the Club. Customers would just need to be made aware this is an option. There is no disabled access at the rear of the Club which could be an issue.

As Police were not in attendance at the LTC meeting, notification of proposed changes in front of Theatre Royal Hotel to be supplied.

Committee were all in favour of an interim trial period of 2 months with parallel parking at theatre Royal Hotel. Consultation with the Demo Club to happen when RMS, David Vant is in Broken Hill Tuesday, 10 March 2020.

Council report to be created with the above recommendation.

March 2020

Ongoing – signs to be installed beginning of April 2020.

April 2020

Signs have been installed – item to stay open until next Local Traffic Meeting on Tuesday, 5 May 2020 for review. Council, Raji to follow up with Theatre Royal Hotel and Taxi companies.

Next Meeting Date – Tuesday, 5 May 2020 (2pm to 3.30pm).

401.11 Meeting Closed – 3.03pm

ORDINARY MEETING OF THE COUNCIL

April 20, 2020

ITEM 7BROKEN HILL CITY COUNCIL REPORT NO. 52/20SUBJECT: ACTION LIST REPORT11/21**Recommendation**

1. That Broken Hill City Council Report No. 52/20 dated April 20, 2020, 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 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.

Community Engagement:

Nil.

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. [↓](#) Action List - Ordinary Council Meetings
2. [↓](#) Action List - Extraordinary Council Meetings

JAMES RONCON
GENERAL MANAGER

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020 Printed: Monday, 20 April 2020 10:00:33 AM
Action Sheets Report		

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/04/2018	VanDerBerg, Francois Roncon, James	Reports	COMPULSORY ACQUISITION OF WARNOCK GOSSAN STREET ROAD RESERVE
Resolved:			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 59/18 dated April 6, 2018, be received. 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 <i>Roads Act 1993</i> and Section 186 of the <i>Local Government Act 1993</i>. That the acquisition be undertaken in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. 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 <i>Roads Act 1993</i>. 			
<p>16 May 2018 - 9:45 AM - Leisa Bartlett In progress.</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>11 Sep 2018 - 4:40 PM - Leisa Bartlett No change, still awaiting advice from OLG.</p> <p>9 Oct 2018 - 5:08 PM - Leisa Bartlett Awaiting OLG advice</p> <p>13 Nov 2018 - 9:26 AM - Leisa Bartlett Still awaiting OLG advice due to Native Title.</p> <p>6 Feb 2019 - 1:51 PM - Leisa Bartlett In discussions with Crown Lands regarding Native Title.</p> <p>7 Mar 2019 - 1:55 PM - Leisa Bartlett No change, still awaiting response from Crown Lands.</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>14 Jun 2019 - 3:27 PM - Leisa Bartlett no change in status</p> <p>4 Jul 2019 - 1:51 PM - Leisa Bartlett no change in status</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>17 Oct 2019 - 9:54 AM - Leisa Bartlett Discussions being held with month with the Department of Crown Lands.</p> <p>14 Nov 2019 - 4:35 PM - Leisa Bartlett Seeking legal advice from Council's Solicitors</p> <p>12 Feb 2020 - 12:12 PM - Leisa Bartlett Legal advice received. Matter in progress.</p> <p>7 Apr 2020 - 10:14 AM - Leisa Bartlett 11/03/2020 - Matter still in progress.</p> <p>8 Apr 2020 - 11:16 AM - Leisa Bartlett In progress.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/10/2018	VanDerBerg, Francois Roncon, James	Confidential Matters	SALE OF PROPERTY - LOT 2 IN DEPOSITED PLAN 1067380

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020
Action Sheets Report		Printed: Monday, 20 April 2020 10:00:33 AM

RESOLUTION

Minute No. 45947

Councillor M. Browne moved)

Councillor C. Adams seconded)

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

CARRIED

16 Nov 2018 - 2:13 PM - Leisa Bartlett

New lease being discussed with tenant.

7 Mar 2019 - 2:55 PM - Leisa Bartlett

in progress

17 May 2019 - 3:31 PM - Leisa Bartlett

Draft lease being prepared.

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.

4 Jul 2019 - 1:51 PM - Leisa Bartlett

Solicitor finalising draft lease

20 Aug 2019 - 3:42 PM - Anthony Misagh

In progress with Solicitors

13 Sep 2019 - 12:00 PM - Leisa Bartlett

Agreed changes made to lease which is with the West Darling Machinery Preservation Society to review.

17 Oct 2019 - 9:55 AM - Leisa Bartlett

The lease documents are still with the West Darling Machinery Preservation Society to review and sign.

14 Nov 2019 - 4:36 PM - Leisa Bartlett

no change in status

12 Feb 2020 - 12:12 PM - Leisa Bartlett

Lease still with West Darling Machinery Preservation Society for signing.

7 Apr 2020 - 10:15 AM - Leisa Bartlett

11/03/2020 - Awaiting signed lease from West Darling Machinery Preservation Society

8 Apr 2020 - 11:17 AM - Leisa Bartlett**Correction to last status - the lease was with Council's Solicitors for final amendments to be made. Council's Solicitors have now mailed the updated lease to be signed by both parties.**

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/05/2019	Misagh, Anthony Roncon, James	Confidential Matters	FAR WEST HACC TRANSFER OF NORTH MINE HALL LEASE TO LIVEBETTER SERVICES
<u>Resolved</u>			
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.			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020 Printed: Monday, 20 April 2020 10:00:33 AM
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5. That the Mayor and General Manager be authorised to sign the transfer of lease documents under the Common Seal of Council.

12 Jun 2019 - 10:52 AM - Georgina Falkner

Transfer documents being finalised

4 Jul 2019 - 1:54 PM - Leisa Bartlett

Transfer documents with Livebetter for execution.

20 Aug 2019 - 3:14 PM - Anthony Misagh

No update

10 Sep 2019 - 10:44 AM - Georgina Falkner

Still awaiting signed documents from Livebetter, have followed up on progress.

17 Oct 2019 - 9:57 AM - Leisa Bartlett

Contact will be made again with Livebetter seeking the return of signed documents.

14 Nov 2019 - 4:00 PM - Leisa Bartlett

No change in status

12 Feb 2020 - 12:13 PM - Leisa Bartlett

Lease still with Livebetter for signature.

8 Apr 2020 - 11:18 AM - Leisa Bartlett

LiveBetter have been contacted as Council is still awaiting a signed copy of the lease.

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/05/2019	Misagh, Anthony Roncon, James	Confidential Matters	RENEWAL OF LEASE AT THE AIRPORT TO THE AERO CLUB OF BROKEN HILL
<u>Resolved</u>			
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.			
12 Jun 2019 - 10:53 AM - Georgina Falkner			
Renewal documents being drafted by Council's solicitors.			
4 Jul 2019 - 1:55 PM - Leisa Bartlett			
Lease documents with the Aero Club for signature.			
20 Aug 2019 - 3:15 PM - Anthony Misagh			
Currently with AERO club for signing.			
11 Sep 2019 - 4:06 PM - Leisa Bartlett			
lease still with Aero Club for signature.			
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.			
14 Nov 2019 - 4:01 PM - Leisa Bartlett			
No change in status.			
12 Feb 2020 - 12:14 PM - Leisa Bartlett			
Lease still with the Aero Club for signature.			
7 Apr 2020 - 10:36 AM - Leisa Bartlett			
11/03/2020 - Awaiting signed lease from Aero Club.			
8 Apr 2020 - 11:19 AM - Leisa Bartlett			
Lease signed by both parties.			
COMPLETE			

Overdue For Action	Division: Committee: Ordinary Council	Date From: 20/04/2018 Date To: 20/04/2020
Action Sheets Report	Officer: Further Report Required: Including Further Reports	Printed: Monday, 20 April 2020 10:00:33 AM

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/07/2019	Misagh, Anthony Roncon, James	Mayoral Minute	Landcare Broken Hill Partnership proposal to Broken Hill City Council
RESOLUTION			
Minute No. 46024			
Councillor D. Turley moved)			
Councillor M. Browne seconded)			
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			
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.			
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.			
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.			
14 Nov 2019 - 4:01 PM - Leisa Bartlett			
No change in status			
7 Apr 2020 - 10:38 AM - Leisa Bartlett			
12/03/2020 - Backyard Bush Nursery project completed for 2019/20, will look into including this project again as part of the 2020 Tree Giveaway. University Lakes Regen BHLEP and BHCC project progressing with works to commence April-June. Selecting for Carbon in the Rangelands project, BHCC successful, working through Deed of Agreement with DPI and mapping for soil testing areas.			
20 Apr 2020 - 8:43 AM - Leisa Bartlett			
Backyard Bush Nursery - will be included in August 2020 Planting Day.			
University Lakes Regen BHLEP and BHCC project - on hold due to COVID-19.			
Selecting for Carbon in the Rangelands project - on hold due to COVID-19.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/07/2019	Misagh, Anthony Roncon, James	Confidential Matters	LICENCE OF PART MEMORIAL OVAL TO BROKEN HILL SOCCER ASSOCIATION
<u>Resolved</u>			
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.			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020 Printed: Monday, 20 April 2020 10:00:33 AM
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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.
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.
5. That the Mayor and General Manager be authorised to sign and execute the licence agreement under the Common Seal of Council.

19 Aug 2019 - 3:21 PM - Lacey Butcher

Finalisation of licence progressing

20 Aug 2019 - 3:17 PM - Anthony Misagh

finalising draft, in progress

10 Sep 2019 - 10:19 AM - Georgina Falkner

Draft licence with Soccer Association.

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.

14 Nov 2019 - 4:02 PM - Leisa Bartlett

Still awaiting return of signed licence.

12 Feb 2020 - 12:15 PM - Leisa Bartlett

Still awaiting return of signed licence.

7 Apr 2020 - 10:41 AM - Leisa Bartlett

11/03/2020 - Awaiting signed lease

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/07/2019	Nankivell, Jay Roncon, James	Confidential Matters	Sale of part lot 5893 Deposited Plan 241855 otherwise known as Part 51 Bromide Street.
<u>Resolved</u>			
<ol style="list-style-type: none"> 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. 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. 4. That the Mayor and General Manager be authorised to sign the sale of land contracts and transfers under the Common Seal of Council. 			
19 Aug 2019 - 4:08 PM - Lacey Butcher			
Police currently doing due diligence. Contracts to be prepared following advice from the Police.			
11 Sep 2019 - 3:24 PM - Leisa Bartlett			
CFO advised: A Memorandum of Understanding with the Police is being drawn up for signature by both parties.			
17 Oct 2019 - 12:09 PM - Leisa Bartlett			
Memorandum of Understanding has been signed by both parties. Sale Contract being prepared.			
14 Nov 2019 - 4:07 PM - Leisa Bartlett			
Subdivision documents lodged.			
7 Apr 2020 - 10:43 AM - Leisa Bartlett			
11/02/2020 - Subdivision complete and work with LTO for registering. contract is with NSW Police and the next step is them signing it and contract exchange to finalise the transaction.			
7 Apr 2020 - 10:44 AM - Leisa Bartlett			
12/03/2020 - Contracts exchanged. Awaiting sub-division for settlement.			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020 Printed: Monday, 20 April 2020 10:00:33 AM
Action Sheets Report		

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/08/2019	Schipanski, Louise Roncon, James	Question On Notice	COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE JULY 2019 COUNCIL MEETING
RESOLUTION			
Minute No. 46060			
Councillor T. Kennedy moved)			
Councillor B. Algate seconded)			
1. That Questions On Notice No. 8/19 dated August 7, 2019, be received.			
2. That the Mayor and Councillors be given training in meeting procedures and regulations.			
CARRIED UNANIMOUSLY			
13 Sep 2019 - 11:52 AM - Leisa Bartlett			
Quotes are being sourced for training sessions to be held in Broken Hill.			
14 Nov 2019 - 4:30 PM - Leisa Bartlett			
Contact made with CEO of Far West Joint Organisation to seek interest from Councillors of member Councils to attend the training in Broken Hill also.			
12 Feb 2020 - 12:16 PM - Leisa Bartlett			
OLG is liaising with training provider to supply suitable dates for training.			
9 Apr 2020 - 1:20 PM - Leisa Bartlett			
Another email sent to OLG on 31 March asking if training can be carried out via videoconference - no response to date.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/09/2019	Nu'man, Razija Roncon, James	Mayoral Minute	DECLARATION OF CLIMATE EMERGENCY
<u>Resolved</u>			
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.			
17 Oct 2019 - 12:11 PM - Leisa Bartlett			
being incorporated in the 2021 Community Strategic Plan.			
20 Apr 2020 - 1:22 PM - Leisa Bartlett			
Climate change considerations were included the Community Strategic Plan workshops.			
COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/11/2019	VanDerBerg, Francois Roncon, James	Reports	ACQUISITION OF FEDERATION WAY
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 194/19 dated October 21, 2019, be received.			
2. That Council make an application to the Minister and Governor to compulsorily acquire Federation Way, otherwise known as part lots 11-14 Section 57 DP 759092, part lots 1-8 Section 58 DP 759092, part lots 7428-7431 DP 1178911 and part lot 7421 DP 1183597 (as identified in the plan of acquisition).			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020 Printed: Monday, 20 April 2020 10:00:33 AM
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3. That the acquisition be undertaken in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*, under Section 186 of the *Local Government Act 1993* and for the purposes of a public road under Section 177 of the *Roads Act 1993*.
4. That upon acquisition, Council undertake the required actions to open the subject road by registration of a plan in accordance with Section 7 of the *Roads Act 1993*.
5. That the Mayor and General Manager be authorised to sign and execute any documents related to the acquisition or road opening under the Common Seal of Council.

12 Feb 2020 - 12:21 PM - Leisa Bartlett

In progress.

7 Apr 2020 - 10:46 AM - Leisa Bartlett

11/03/2020 - Still in progress

8 Apr 2020 - 11:20 AM - Leisa Bartlett
in progress.

Meeting	Officer/Director	Section	Subject
Ordinary Council 11/12/2019	Nu'man, Razija Roncon, James	Reports	DRAFT BROKEN HILL REGIONAL ART GALLERY POLICIES FOR PUBLIC EXHIBITION
RESOLUTION			
Minute No. 46151			
Councillor D. Gallagher moved)			
Councillor R. Page seconded)			
1. That consideration of Broken Hill City Council Report No. 208/			
2. That the draft Broken Hill Regional Art Gallery Exhibition Policy			
Collection Management Policy be referred to the Broken Hill R			
Community Key Direction Working Group to review the draft po			
accessioning of artworks and provides a report to the February			
12 Feb 2020 - 12:25 PM - Leisa Bartlett			
Staff met with Councillor Kennedy to discuss changes to draft policies. These policies will now go to the Art Gallery			
Advisory Committee prior to being re-presented to Council.			
7 Apr 2020 - 10:48 AM - Leisa Bartlett			
11/03/2020 - Policies have been re-drafted. Still with Art Gallery Advisory Committee for endorsement.			
20 Apr 2020 - 9:23 AM - Leisa Bartlett			
Ongoing email discussions occurring among S355 members clarifying the draft policy in order to deal with the			
specific elements within Council's original resolution regarding this matter.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/02/2020	Nankivell, Jay Roncon, James	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 399 HELD WEDNESDAY, 4 FEBRUARY 2020

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020 Printed: Monday, 20 April 2020 10:00:33 AM
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Resolved

1. That Broken Hill City Council Report No. 21/20 dated February 13, 2020, be received.
2. That the minutes for the Local Traffic Committee Meeting No.399 held 4 February, 2020 be received.
3. That the following Item 399.6.1 – Additional accessible parking request – Demo Club, be approved that the accessible ramp is upgraded and consultation is held with the Demo Club regarding additional accessible parks (design attached).
4. That the following Item 397.6.2 – Request for Installation of a speed bump in Iodide Lane, be approved to install additional speed bumps in Iodide Lane as per attached design.
5. That the following Item 392.6.4 – Broken Hill Aquatic Centre accessible Parking be approved, that parking arrangements at the Aquatic Centre carpark are changed as per the attached design to extend the bus zone, remove park in front of emergency entrance, install a new accessible ramp and adjoining accessible parks either side.
6. That the following Item 397.6.1 – Angle parking at Taxi rank outside the Theatre Royal Hotel, be approved that for a 2-month trial period the Taxi zone in front of the Theatre Royal Hotel be changed to parallel parking with new signs to be installed (design attached).
7. That the following Item 397.6.3 – Crystal Street parking sign time modification, be approved that 15 car parking spots in Crystal Street be changed to 4-hour parking. New signs to be installed (design attached).

7 Apr 2020 - 10:55 AM - Leisa Bartlett

10/03/2020 - Actions in progress.

20 Apr 2020 - 8:45 AM - Leisa Bartlett

All listed items completed.

COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/02/2020	Nu'man, Razija Roncon, James	Confidential Matters	GENERAL MANAGER'S PERFORMANCE REVIEW
Resolved			
<ol style="list-style-type: none"> 1. That Mayoral Minute No. 3/20 dated February 18, 2020, be received. 2. That Council note that the General Manager's Performance Appraisal Committee met on Tuesday 14 January 2020 to review the performance of the General Manager. 3. That the outcomes of the General Manager Performance review for the period November 2018 to November 2019, be affirmed as 'above satisfactory' based on the assessment of the General Manager Performance Review Committee meeting held 14 January 2020. 4. That as per clause 8.3 of the General Manager Employment Contract the General Manager's salary package be increased by one and a half percent (1.5%) to reflect market movement and peer relativity within the sector. 5. That the adjustment be backdated to the anniversary date of 4 April 2019 and General Manager Mr. James Roncon be formally advised of the outcome of his annual review. 6. That the General Manager Review Committee meet to establish and finalise a set of agreed benchmark data metrics to become part of the General Manager performance document. 			
7 Apr 2020 - 10:56 AM - Leisa Bartlett			
13/03/2020 - In progress.			
7 Apr 2020 - 10:56 AM - Leisa Bartlett			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020
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HR department have been advised and have updated salary. Letter sent to General Manager formally advising of outcome of Performance Review. Meeting scheduled for the General Manager's Review Committee to establish benchmark data metrics.
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/03/2020	Schipanski, Louise Roncon, James	Mayoral Minute	CALL FOR ECONOMIC STIMULUS PACKAGE FOR NSW COUNCILS
RESOLUTION Minute No. 46208 Councillor D. Turley moved) Councillor M. Browne seconded)			
1. That Mayoral Minute No. 4/20 dated March 20, 2020, be received. 2. That Council supports Local Government NSW's efforts in calling for Federal and State Governments to direct economic stimulus packages to local governments; and writes to its State and Federal Members and relevant State and Federal Ministers advocating for same. 3. That a media release be distributed outlining Council's support of Local Government NSW's initiative to seek government stimulus packages for local Councils in response to the global COVID-19 pandemic. CARRIED UNANIMOUSLY			
7 Apr 2020 - 9:42 AM - Leisa Bartlett Letters sent 01/04/2020. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/03/2020	Nankivell, Jay Roncon, James	Mayoral Minute	ENACTMENT OF COUNCIL'S BUSINESS CONTINUITY PLAN DUE TO THE COVID-19 PANDEMIC
RESOLUTION Minute No. 46209 Councillor D. Turley moved) Councillor C. Adams seconded)			
1. That Mayoral Minute No. 5/20 dated March 25, 2020, be received. 2. That Council note the actions of the General Manager to enact the Business Continuity Plan and stand up the Continuity Management Team. 3. That Council make amendments to the Procurement Policy to allow for all purchases below \$5,000 to be purchased directly from local suppliers, where practicable. 4. That all purchases above \$5,000 will be awarded to local suppliers if they are the most competitive in monetary terms and/or if they fall within 10% of the most competitive quotation. 5. That Council updates its Statement of Business terms to reduce payment terms from 30 days to seven (7) days, to allow timely payments to businesses.			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020 Printed: Monday, 20 April 2020 10:00:33 AM
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	6. That Council amend its Debt Recovery Policy to freeze all debt recovery action on unpaid rates. 7. That Council amend its Statement of Revenue to reduce the overdue interest rate on unpaid rates from 7.5% to 0%. 8. That resolution three, four, five and six be in place until 30 June 2020, with the view to review again as part of the 2020/21 Operational Plan. 9. That Council note the devastating impacts to Council's financial position due to COVID-19.
	CARRIED

7 Apr 2020 - 10:11 AM - Leisa Bartlett
Amendments made to Council's policies and procurement procedures.
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/03/2020	Manuel, Darrin Roncon, James	Reports	OFFICE OF LOCAL GOVERNMENT DISCUSSION PAPER - COUNCILLOR SUPERANNUATION
RESOLUTION Minute No 46210 Councillor M. Browne moved) Councillor M. Clark seconded)			1. That Broken Hill City Council Report No. 31/20 dated March 4, 2020, be received. 2. That Council notes Office of Local Government Circular 20-05 and Office of Local Government Discussion Paper – Councillor Superannuation. 3. That a media release be issued to the community and the community be encouraged to make submissions directly to the Office of Local Government prior to 8 May 2020. 4. That the General Manager seeks comments from staff to be included in Council's submission. 5. That Councillors be invited to forward their comments to the General Manager's Office by 5 May 2020 to be included in Council's submission to the Office of Local Government prior to 8 May 2020. 6. That a Councillor Workshop be held during April to explore the implications of the various options outlined in the Local Government Discussion Paper – Councillor Superannuation.
			CARRIED
7 Apr 2020 - 9:47 AM - Leisa Bartlett Matter included in the Wrap-Up of March Council Meeting published on Council's website and sent to staff. Email sent to Councillors with financial details of options rather than holding a workshop. COMPLETE			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020 Printed: Monday, 20 April 2020 10:00:33 AM
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Meeting	Officer/Director	Section	Subject
Ordinary Council 25/03/2020	Bartlett, Leisa Roncon, James	Reports	2020 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS
RESOLUTION Minute No. 46211 Councillor M. Clark moved) Councillor J. Nolan seconded)			
		1. That Broken Hill City Council Report No. 32/20 dated March 6, 2020, be received.	
		2. That the Federal Government investigate and prepare a public report into the need for the urgent approval and development of new long distance, multi-gigawatt transmission lines and a redesigned grid to cope with the rapid expansion of renewable energy sources feeding into it. The approval process for new transmission lines can average a decade and severely lags behind solar and wind developments which may take one to two years to be finalised. Such development is essential for Australia to reach its zero emission targets by 2050 and to significantly lower energy costs for Australian households and industry.	
		CARRIED UNANIMOUSLY	
7 Apr 2020 - 10:04 AM - Leisa Bartlett Motion uploaded to ALGA website prior to the due date. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/03/2020	Bartlett, Leisa Roncon, James	Reports	ADOPTION OF DRAFT ASSET MANAGEMENT POLICY, ASSET MANAGEMENT STRATEGY AND BENCHMARKS FOR BUILDING ASSETS RATIONALISATION
RESOLUTION <u>Minute No. 46212</u> Councillor M. Browne moved) Councillor M. Clark seconded)		1. That Broken Hill City Council Report No. 33/20 dated February 28, 2020, be received. 2. That Council adopts the draft Asset Management Policy, draft Asset Management Strategy and draft Benchmarks for Building Asset Rationalisation, as strategic documents of Council. CARRIED UNANIMOUSLY	
.			
7 Apr 2020 - 10:04 AM - Leisa Bartlett All processes complete to adopt Policy, Strategy and Benchmarks, and placed on Council's website. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/03/2020	Nankivell, Jay Roncon, James	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 400 HELD TUESDAY, 10 MARCH 2020

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020 Printed: Monday, 20 April 2020 10:00:33 AM
Action Sheets Report		

Resolved

1. That Broken Hill City Council Report No. 38/20 dated March 13, 2020, be received.
2. That the minutes for the Local Traffic Committee Meeting No.400 held Tuesday, 10 March 2020 be received.
3. That the following Item 400.6.1 – 158 Argent Street – Request to change parking times – Sufi Books & Bakery, be approved that the 3 parallel parks in Bromide Street be changed to 15-minute parking during business hours only.
4. That the following Item 400.8.1 – New Information signs for the Animal Shelter – Airport Road, be approved as per attached design with frangible poles.
5. That the following Item 399.6.1 – Additional disabled parking request in Argent Street – Demo Club, be approved that the current disabled parking sign is moved and an additional sign installed as per attached design.

20 Apr 2020 - 8:46 AM - Leisa Bartlett
Actions in progress.

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/03/2020	Nu'man, Razija Roncon, James	Committee Reports	SECTION 355 ET LAMB MEMORIAL OVAL COMMUNITY COMMITTEE - PROPOSED DISBANDING
RESOLUTION Minute No. 46219 Councillor C. Adams moved) Councillor M. Browne seconded)			
			<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 1/20 dated March 12, 2020, be received. 2. That Council adopt to disband the Section 355 ET Lamb Memorial Oval Committee and brings its care, maintenance and management under the control of Council operations. 3. That Council write to the Chairperson and request that all relevant records and funds be returned to Council. 4. That major user groups of the ET Lamb Memorial Oval be encouraged to consider an interest in joining the community committee to allow the Section 355 Community Committee to be reestablished in accordance with Section 355 Asset Manual and Section 355 ET Lamb Oval Community Committee Constitution. 5. That the three committee members and Council delegate be notified in writing of Council's decision and acknowledge the important role Section 355 Community Committees play in the Broken Hill community and express Council's appreciation and gratitude for their contribution to the committee and the community. 6. That the recent nominee for membership of the Section 355 ET Lamb Memorial Oval Community Committee, Mr Wayne Turley be advised that his nomination has been placed on hold subject to the determination of future management of the ET Lamb Memorial Oval Community Committee; due to the committee failing to meet the required membership quota and governance requirements.
			CARRIED

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/04/2018 Date To: 20/04/2020 Printed: Monday, 20 April 2020 10:00:33 AM
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20 Apr 2020 - 9:24 AM - Leisa Bartlett
Follow-up letters/emails advising of Council's resolution sent 20 April.

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/03/2020	Roncon, James	Confidential Matters	<u>CORRESPONDENCE REPORT - CODE OF CONDUCT NO. BHC20190528 AND BHC20190628</u>
RESOLUTION <u>Minute No. 46225</u>			
Councillor T. Kennedy moved Councillor C. Adams seconded		) )	That correspondence relating to the Code of Conduct matter BHC20190628 be referred to the next Council Meeting. <div>CARRIED UNANIMOUSLY</div>
7 April 2020 – Leisa Bartlett The matter has been referred to the April Council Meeting. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/03/2020	Nankivell, Jay Roncon, James	Confidential Matters	T19/9 - SUPPLY OF AN ARTICULATED LANDFILL COMPACTOR
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 44/20 dated March 13, 2020, be received.			
2. That Cavpower CAT be awarded the contract for supply of an articulated landfill compactor, model 826K Compactor for \$838,027.19 Inc GST.			
20 Apr 2020 - 9:28 AM - Leisa Bartlett The new compactor has been ordered and should arrive in July. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/03/2020	Nankivell, Jay Roncon, James	Confidential Matters	REDUCTION IN REGIONAL EXPRESS' (REX) HEAD TAX FROM 1 APRIL 2020 TO 31 DECEMBER 2020
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 45/20 dated March 24, 2020, be received.			
2. That Council agree to the discounted head tax requested by REX for the period of 1 April 2020 to 31 December 2020 as detailed in the report.			
3. That Council work with REX to reinstate the current 5 Year Partnership Agreement post 31 December 2020 or earlier as necessary.			
4. That Council note the financial impacts this reduction will have on both the revised 2019/20 Budget and the upcoming 2020/21 Budget.			
7 Apr 2020 - 10:10 AM - Leisa Bartlett Council resolution forwarded to REX Airlines 26/03/2020 and Council's Finance Department notified. COMPLETE			

Outstanding For Action	Division: Committee: Extraordinary Council Officer: Further Report Required: Including Further Reports	Date From: 20/03/2020 Date To: 20/04/2020 Printed: Monday, 20 April 2020 11:07:04 AM
Action Sheets Report		

Meeting	Officer/Director	Section	Subject
Extraordinary Council 8/04/2020	Bartlett, Leisa Roncon, James	Notice of Motion	THE IMPLEMENTATION OF BORDER RESTRICTIONS IN AND AROUND FAR WEST NSW
RESOLUTION			
Minute No 46230			
Moved Councillor M. Clark	)	1.	That Council supports effective isolation measures to protect the community from the Coronavirus for Broken Hill, Menindee, Wilcannia, Ivanhoe and all other population reliant on Broken Hill for services including health services.
Seconded Councillor C. Adams	)	2.	That Council supports imposing travel restrictions for the region.
		3.	That the Mayor immediately contact via phone and by all other means the State Health Minister Brad Hazzard and the Federal Health Minister Greg Hunt informing them that we as a council and a community want to impose travelling restrictions for Broken Hill and region.
		4.	That Council supports the communities of Wilcannia, Menindee and Ivanhoe for their appeal to restrict travel to their communities.
		5.	That those that live in the region be exempt from the additional local travel restrictions and only be restricted by the current NSW COVID-19 legalisation.
		6.	That we request that the NSW Health Minister instruct the Local Emergency Management Committee (LEMC) to implement travel restrictions to Broken Hill and region; and that the LEMC liaise with the Governing body of the Broken Hill City Council and other key stake holders about what travel restrictions are to be imposed and how; and that the LEMC be instructed to brief the governing body of Broken Hill City Council weekly on actions they are taking in regards to the corona virus outbreak.
		7.	That Council offers assistance to the LEMC with the implementation of any measures to help protect the community from the spread of the Coronavirus COVID-19, including signage on the highway routes into Broken Hill and the introduction of any sanitary measures at local service stations.
		8.	That this motion be presented to the LEMC at their meeting to be held Thursday 9 April 2020.
CARRIED UNANIMOUSLY			
20 Apr 2020 - 11:05 AM - Leisa Bartlett			
The Mayor presented the resolution to the Local Emergency Management Committee on 9 April 2020. Letters sent as per resolution on 9 April 2020.			
COMPLETE			

COMMITTEE REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 53/20 - DATED APRIL 20, 2020 - MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD TUESDAY, 16 MARCH 2020 (12/51).....142

ORDINARY MEETING OF THE COUNCIL

April 20, 2020

ITEM 1**BROKEN HILL CITY COUNCIL REPORT NO. 53/20**

SUBJECT: MINUTES OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETINGS HELD TUESDAY, 16 MARCH 2020 12/51

Recommendation

1. That Broken Hill City Council Report No. 53/20 dated April 20, 2020, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held March, 16 2020 be received.

Executive Summary:

Council has received minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held Tuesday, 16 March 2020 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 16 March 2020 for Council's endorsement.

Community Engagement:**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
[!\[\]\(a88007b249b36c75dcbde101f514cec3_img.jpg\) RANGES COMMUNITY COMMITTEE - MARCH 2020](#)

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER

**MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER
RANGES COMMUNITY COMMITTEE S355 MEETING HELD 17 MARCH
2020 AT 4PM – COUNCIL CHAMBER, 240 BLENDE STREET, BROKEN HILL**

12/51

Present: John Rogers (Chairperson), Jeff Crase, Merran Coombe, Gaylene Ford, Councillor Marion Browne, Evan Scott, Ronald Tumes, Ann Evers and Darrell Ford (BHCC).

1. Apologies: Kellie Scott (Vice Chairperson), David Spielvogel, Jill Spielvogel, Dean Fletcher, Ray Allen, Lyn Campigli, Sue Spangler (BHCC), Jamie Scott, Geoffrey Hoare, Michael Ford, Nevada Ford, Alison Gardner, Paul Reed and Rosalind Molesworth.

Non-Attendance:

2. Confirmation of Minutes of Previous Meeting:

Previous minutes: 18 February 2020

Moved: Jeff Crase

Seconded: Councillor Marion Browne

3. Business arising from Previous Minutes: Nil

4. Correspondence: Working with children information.

5. Update on Action List Items:

5.1 Working Bee – Progressive and ongoing

5.2 Identification Cards – will follow up – need to get together for photos.

5.3 Cold Set – Bitumen pouring over crushed paths – Pending

6. Reports:

6.1 Tourist Numbers

Vans and visitor numbers have picked up.

6.2 Meetings

All meetings are cancelled until further notice due to Covid-19.

6.3 Working Bee

Thank you to all the volunteers that helped at the working bee on Saturday, 7 March 2020.

7. Rosters:

- Living Desert and Starview Primitive Campsite are closed.

8. General Business:

8.1 Working with Children

Forms send out to people with email addresses.

9. Action List:

ACTION	WHO
1 Working Bee – Progressive and ongoing	Committee
2 Identification Cards - As required	Customer Relations
3 Cold Set – bitumen pouring over crushed paths - pending	D Ford - Ranger

10. Next Meeting: All meetings are cancelled until further notice due to Covid-19.

11. Meeting Closed: 4.20 pm

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETINGS

1. QUESTIONS ON NOTICE NO. 6/20 - DATED APRIL 07, 2020 -
COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE MARCH 2020
ORDINARY COUNCIL MEETING (12/160, 11/141)146

ORDINARY MEETING OF THE COUNCIL

April 7, 2020

ITEM 1QUESTIONS ON NOTICE NO. 6/20

SUBJECT: COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE MARCH
2020 ORDINARY COUNCIL MEETING 12/160, 11/141

Summary

The report provides a response to a question raised by a Councillor during the March 2020 Council Meeting, which was taken on notice.

Recommendation

1. That Questions On Notice No. 6/20 dated April 7, 2020, be received.

Background

Following is the response to a question raised by a Councillor which the Mayor and/or General Manager did not answer and took on notice at the March 2020 Council Meeting.

Question:	<u>Council Chambers Public Toilets</u> <i>Councillor Kennedy asked if the public toilets at the Council Chambers could be opened for use by the people queuing outside Centrelink.</i>
Response:	Access to toilet facilities at Sturt Park remain available for use.

Attachments

There are no attachments for this report

JAMES RONCON
GENERAL MANAGER

CLOSED

Council Meeting to be held **Wednesday, April 29, 2020**

1. **BROKEN HILL CITY COUNCIL REPORT NO. 54/20 - DATED MARCH 31, 2020 - CONFIDENTIAL MINUTES FOR CONFIRMATION - ORDINARY COUNCIL MEETING HELD 25 MARCH 2020 - CONFIDENTIAL**

(General Manager's Note: This report considers confidential minutes for confirmation that relate to various confidential matters and is deemed confidential under Section 10A(2) (c) (d) (i) 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; AND which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

2. **BROKEN HILL CITY COUNCIL REPORT NO. 55/20 - DATED APRIL 03, 2020 - CORRESPONDENCE REPORT - CODE OF CONDUCT NO. BHC20190628 - CONFIDENTIAL**

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

3. **BROKEN HILL CITY COUNCIL REPORT NO. 56/20 - DATED APRIL 14, 2020 - PROPOSED LICENCE OF E.P. O'NEILL PARK TO BROKEN HILL SOCCER ASSOCIATION - CONFIDENTIAL**

(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).