

July 22, 2020

ORDINARY MONTHLY MEETING

TO BE HELD

WEDNESDAY, JULY 29, 2020

Please address all communications to:
The General Manager
240 Blende Street
PO Box 448
Broken Hill NSW 2880
Phone 08 8080 3300
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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, July 29, 2020** commencing **at 6:30pm** to consider the following business:

- 1) Opening Meeting
- 2) Apologies and Leave of Absence
- 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 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, June 24, 2020.

Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held Tuesday, June 30, 2020.

Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held Thursday, July 09, 2020.

Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held Monday, July 20, 2020.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JUNE 24, 2020

Meeting commenced at 6:26 p.m.

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.

PRESENT:

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

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

Media - nil, Members of the Public - nil.

APOLOGIES:

Nil

PRAYER

Councillor Adams delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 46275

Councillor C. Adams moved
Councillor M. Clark seconded

Resolved

) That the Minutes of the Ordinary Meeting of the
) Council of the City of Broken Hill held May 27,
2020 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Councillor Adams declared:

- a pecuniary conflict of interest in Item 9 (Report No. 82/20) as she is an Executive Member of the Sulphide Street Railway and Historical Museum who have been awarded a Community Assistance Grant and advised that she will leave the meeting whilst the item is considered.

MAYORAL MINUTES

Nil.

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 74/20 - DATED JUNE 17, 2020 -
CORRESPONDENCE REPORT - FEDERAL GOVERNMENT SUPPORT OF THE LOCAL
GOVERNMENT SECTOR**

11/175

RESOLUTION

Minute No. 46276

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

Resolved

1. That Broken Hill City Council Report No. 74/20 dated June 17, 2020, be received.
2. That correspondence dated 16 June 2020 from The Hon Ben Morton MP, Assistant Minister to the Prime Minister and Cabinet in reply to Council's letter to the Prime Minister seeking Federal Government support of the Local Government sector, be received.
3. That Council notes that its correspondence to the Prime Minister has been referred to the Minister for Regional Health, Regional Communications and Local Government, the Hon Mark Coulton MP.
4. That further correspondence be sent to relevant Ministers advocating for support of the Local Government sector through increased Financial Assistance Grants funding to assist Councils to recover from the impact of the COVID19 pandemic.

CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JUNE 24, 2020

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 75/20 - DATED JUNE 17, 2020 -
CORRESPONDENCE REPORT - CONSTRUCTION OF THE WARRI GATE ROAD**

11/161

RESOLUTION

Minute No. 46277

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

Resolved

1. That Broken Hill City Council Report No. 75/20 dated June 17, 2020, be received.
2. That correspondence from the Mayor John Ferguson of Bulloo Shire Council dated 18 May 2020 advising of the progress of the construction and sealing of the Warri Gate Road and including Warri Gate Road Investing in the Bush Report, be received.
3. That Council provides its support to the Warri Gate Road Project and sends correspondence to the relevant Federal Ministers, advocating for the Federal Government to invest in the Warri Gate Road project to completion.

CARRIED UNANIMOUSLY

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 76/20 - DATED JUNE 02, 2020 - ANNUAL
FEES - MAYOR AND COUNCILLORS**

11/20

RESOLUTION

Minute No. 46278

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

Resolved

1. That Broken Hill City Council Report No. 76/20 dated June 2, 2020, be received.
2. That Council notes that the Local Government Remuneration Tribunal determined that there be no increase to the minimum and maximum fees applicable to Councillors and Mayor in each existing category for the financial year commencing 1 July 2020.
3. That Council also notes that the current annual fees paid to Broken Hill City Council's Mayor and Councillors is below the maximum fees determined for the category of "Regional Rural".
4. That Council declines an increase to the current fees for the Mayor and Councillors for 2020/2021 financial year.
5. That allocation of a fee for the Deputy Mayor when acting in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed.

CARRIED

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JUNE 24, 2020

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

Councillor Nolan joined the meeting after item 3 had been resolved and during discussion of item 4 (6:39pm).

ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 77/20 - DATED JUNE 05, 2020 - MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 29 MAY 2020 13/19

RESOLUTION

Minute No. 46279

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

Resolved

1. That Broken Hill City Council Report No. 77/20 dated June 5, 2020, be received.
2. That minutes of the Audit, Risk and Improvement Committee meeting held 29 May 2020 be received.
3. That Council endorses the recommendations of the Audit, Risk and Improvement Committee.

CARRIED

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

ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 78/20 - DATED JUNE 12, 2020 - PROCUREMENT FRAMEWORK AND POLICY REVIEW 11/663

RESOLUTION

Minute No. 46280

Councillor J. Nolan moved)
Councillor B. Licul seconded)

Resolved

1. That Broken Hill City Council Report No. 78/20 dated June 12, 2020, be received.
2. That Council endorse the Draft Procurement Framework & Policy for public exhibition.
3. That that Draft Procurement Framework and Policy be placed on public display for 28 days in accordance with legislation.

CARRIED

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

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JUNE 24, 2020

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 79/20 - DATED MAY 13, 2020 - DRAFT
BROKEN HILL LOCAL STRATEGIC PLANNING STATEMENT** 19/75

RESOLUTION

Minute No. 46281

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

Resolved

1. That Broken Hill City Council Report No. 79/20 dated May 13, 2020, be received.
2. That Council endorse the draft Broken Hill Local Strategic Planning Statement for the purpose of public exhibition.
3. That Council publicly exhibits the draft Local Strategic Planning Statement and accepts submissions from the public for a period of 28 days.

CARRIED

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

Councillor Kennedy left the meeting at 7:05pm.

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 80/20 - DATED JUNE 04, 2020 - ADOPTION
OF DRAFT QUEEN ELIZABETH PARK PLAN OF MANAGEMENT** 20/103

RESOLUTION

Minute No. 46282

Councillor J. Nolan moved)
Councillor D. Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 80/20 dated June 4, 2020, be received.
2. That Council refer the Draft Plan of Management for Queen Elizabeth Park to the Minister administering the *Crown Land Management Act 2016*
3. That following consent from the Minister, Council publicly exhibit the Draft Plan of Management for a period of no less than 28 days, in accordance with the *Local Government Act 1993*.
4. That the General Manager be authorised to sign any documents required to notify the Minister.

CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JUNE 24, 2020

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 81/20 - DATED JUNE 10, 2020 -
INVESTMENT REPORT FOR MAY 2020**

17/82

RESOLUTION

Minute No. 46283 -

Councillor J. Nolan moved)

Councillor D. Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 81/20 dated June 10, 2020, be received.

CARRIED UNANIMOUSLY

Councillor Adams declared an interest in Item 9 and left the meeting at 7:08pm.

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 82/20 - DATED JUNE 05, 2020 -
COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND 1 OF 2020/2021 AND
AMENDMENT OF THE COMMUNITY ASSISTANCE GRANTS POLICY FOR PUBLIC EXHIBITION**

20/44

RESOLUTION

Minute No. 46284

Councillor M. Clark moved)

Councillor D. Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 82/20 dated June 5, 2020, be received.
2. That Council notes the Community Assistance Grants awarded for Round One of 2020/2021 which were recommended by the Panel on 4 June 2020 and approved by the Acting General Manager.
3. That the unspent grant money of \$2,006.00 from Round 1 be rolled over to Round 2 of 2020/2021.
4. That the Assessment Criteria of the Community Assistance Grants Policy be amended at Clause 4.5.2(a) to remove the words "*in the fields of arts, culture or environment*" to allow applications from all eligible registered not-for-profit community organisations to be assessed equally.

CARRIED UNANIMOUSLY

Councillor Adams returned to the meeting at 7:10pm. The Mayor advised Councillor Adams that the report recommendation of item 9 had been adopted.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JUNE 24, 2020

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 83/20 - DATED JUNE 15, 2020 - MINUTES
OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 403 HELD TUESDAY, 9 JUNE 2020** 11/397

RESOLUTION

Minute No. 46285

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

Resolved

1. That Broken Hill City Council Report No. 83/20 dated June 15, 2020, be received.
2. That the minutes for the Local Traffic Committee Meeting No.403 held Tuesday, 9 June 2020 be received.
3. That the following Item 403.6.5 – RV Friendly Signage, be approved to install 'RV Friendly Signage' at locations included in the attached map.

CARRIED UNANIMOUSLY

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 84/20 - DATED JUNE 12, 2020 - ACTION
LIST REPORT** 11/21

RESOLUTION

Minute No. 46286

Councillor C. Adams moved)
Councillor J. Nolan seconded)

Resolved

1. That Broken Hill City Council Report No. 84/20 dated June 12, 2020, be received.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 85/20 - DATED JUNE 15, 2020 -
MEMBERSHIP OF SECTION 355 COMMITTEES** 11/9

RESOLUTION

Minute No. 46287

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

Resolved

1. That Broken Hill City Council Report No. 85/20 dated June 15, 2020, be received.
2. That Council accepts the resignation from Ms. Tracy Fraser as a community representative on the Broken Hill Regional Art Gallery Advisory Committee and sends a letter of appreciation to Ms. Fraser for her service on the Committee.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 13 - QUESTIONS ON NOTICE NO. 7/20 - DATED JUNE 05, 2020 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE MAY 2020 ORDINARY COUNCIL MEETING 11/407

RESOLUTION

Minute No. 46288

Councillor B. Licul moved)
Councillor D. Gallagher seconded)

Resolved

1. That Questions On Notice No. 7/20 dated June 5, 2020, be received.

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Council Meetings

11/21

Mayor Turley requested that a report be presented to the July Council Meeting outlining a plan for how Council can return to holding Council Meetings in the Council Chambers given that the Council Chambers does not have facilities to be able to have a combination of Councillors joining by videoconference and Councillors attending in person.

Bird Wildlife

20/368, 20/388, 18/117

Councillors Licul, Adams and Nolan asked if a report can be presented to Council outlining any options that Council may have to deter cockatoos from stripping the gum trees of new growth and the associated mess that they make in Sturt Park; at the Picton Oval; Council's Administrative Building and at the Civic Centre.

CONFIDENTIAL MATTERS

RESOLUTION

Minute No. 46289

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

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

CARRIED UNANIMOUSLY

The meeting recording for publication ceased at 7:18pm.

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 86/20 - DATED JUNE 05, 2020 –
CONFIDENTIAL MINUTES FOR CONFIRMATION – ORDINARY COUNCIL MEETING HELD 27
MAY 2020 - CONFIDENTIAL 20/82

(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) (a) (c) (d) (e) (g) 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 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 provides for information that would, if disclosed, prejudice the maintenance of law; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JUNE 24, 2020

RESOLUTION

Minute No. 46290

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

Resolved

1. That Broken Hill City Council Report No. 86/20 dated June 5, 2020, be received.
2. That the confidential minutes of the Ordinary Council Meeting held 27 May 2020 be confirmed.

CARRIED UNANIMOUSLY

ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 87/20 - DATED JUNE 16, 2020 – 331 MURTON STREET - CONFIDENTIAL

T14/1

(General Manager's Note: This report considers Sale of Land at 331 Murton Street and is deemed confidential under Section 10A(2) (c) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

RESOLUTION

Minute No. 46291

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

Resolved

1. That Broken Hill City Council Report No. 87/20 dated June 16, 2020, be received.
2. That Broken Hill City Council issue an expression of interest to partner with a not-for-profit community housing provider(s) to develop 331 Murton Street as a social and affordable housing project.
3. That a site inspection of 331 Murton Street be arranged for Councillors prior to the results of the Expression of Interest process being reported to Council.

CARRIED UNANIMOUSLY

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 88/20 - DATED JUNE 17, 2020 – LEGAL EXPENSES – CIVIC CENTRE REDEVELOPMENT PROJECT - CONFIDENTIAL

13/152

(General Manager's Note: This report considers detailed legal expenses and is deemed confidential under Section 10A(2) (e) (g) of the Local Government Act, 1993 which provides for information that would, if disclosed, prejudice the maintenance of law; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

RESOLUTION

Minute No. 46292

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

Resolved

1. That Broken Hill City Council Report No. 88/20 dated June 17, 2020, be received.

CARRIED

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

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JUNE 30, 2020

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.

Meeting commenced at 5:30p.m.

PRESENT:

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

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

Media - nil, Members of the Public - nil.

APOLOGIES:

Councillor J. Nolan.

RESOLUTION

Minute No. 46294

Councillor C. Adams moved)

Councillor M. Browne seconded)

That the apology submitted on behalf of
Councillor Nolan be accepted and leave of
absence granted.

CARRIED UNANIMOUSLY

PRAYER

Councillor Adams delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

PURPOSE OF THE MEETING

To consider the following matters:

1. Draft Delivery Program 2020-2022 incorporating Operational Plan 2020/2021, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2020/2021.
2. Draft Long Term Financial Plan 2021-2023.
3. Councillor Notice of Motion contravening Broken Hill City Council's Code of Meeting Practice adopted 29 April 2020, Minute No. 46238.

DISCLOSURE OF INTEREST

Nil.

REPORTS

ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 89/20 - DATED JUNE 01, 2020 - DRAFT DELIVERY PROGRAM 2020-2022 INCORPORATING OPERATIONAL PLAN 2020/2021, INCLUSIVE OF THE STATEMENT OF REVENUE POLICY AND DRAFT SCHEDULE OF FEES AND CHARGES 2020/2021

16/165

RESOLUTION

Minute No. 46295

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

Resolved

1. That Broken Hill City Council Report No. 89/20 dated June 1, 2020, be received.
2. That Council adopts the Draft Delivery Program 2020-2022 incorporating Operational Plan 2020/2021, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2020/2021 as Strategic documents of Council.
3. That Council make and levy the following rates and charges under the Local Government Act 1993 for the 2020/2021 year.
 - i. A general residential rate under Sections 535 and 537 on all land categorised as residential and consisting of a 49.00% base rate of \$530.00 and a rate in the dollar on land value of 3.198323 cents;
 - ii. A rural-residential rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as rural-residential and consisting of a 49.00% base rate of \$507.00 and a rate in the dollar on land value of 0.470740 cents;
 - iii. A residential-1(a) rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as residential-1(a) and consisting of a 49.00% base rate of \$362.00 and a rate in the dollar on land value of 1.002414 cents;
 - iv. A general business rate under Sections 535 and 537 on all land categorised as business and consisting of a 15.00% base rate of \$895 and a rate in the dollar on land value of 8.092894 cents;

- v. A mixed development business rate under Sections 535 and 537 on all land categorised as mixed development business and consisting of a 39.00% base rate of \$895 and a rate in the dollar on land value of 8.092894 cents;
 - vi. A mixed development residual rate under Sections 535 and 537 on all land categorised as mixed development residual and consisting of a 50.00% base rate of \$515.00 and a rate in the dollar on land value of 3.263029 cents;
 - vii. A general mine rate under Sections 535 and 537 on all land categorised as mining and consisting of a nil base rate and a rate in the dollar on land value of 9.491418 cents;
 - viii. A domestic waste management charge under Section 496 on each parcel of rateable residential land of \$49.00 per annum payable quarterly for domestic waste service available plus a user charge under Section 502 of \$282.00 per annum payable quarterly (one mobile garbage container only).
 - ix. A commercial waste user charge under Section 502 of \$419.00 per annum payable quarterly (3 x MGB containers),
 - x. A commercial waste user charge under Section 502 of \$385.00 per annum payable quarterly (1x600l bin only),
 - xi. An additional MGB service user charge under Section 502 of \$149.00 per annum payable quarterly.
 - xii. That in accordance with Section 566(3) of the Local Government Act, 1993, Council adopts a 0% rate of interest charge payable on overdue rates and charges for the period 1 July 2020 to 31 December 2020 and a 7% rate of interest charge payable on overdue rates and charges for the period 1 January 2021 to 30 June 2021.
4. That Council recommence debt recovery action previously suspended due to COVID-19 on unpaid rates and charges as at 1 July 2020.
5. That Council authorise the General Manager on behalf of Broken Hill City Council to

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JUNE 30, 2020

borrow from NSW TCORP; the sum of \$10,000,000 at the determined fixed rate of 1.85% interest from NSW TCORP for a period of ten (10) years.

6. That Council authorise the Mayor and General Manager to sign loan documents and apply the Common Seal of Council to loan documents as necessary.

CARRIED

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

AGAINST: Councillors Kennedy, Page and Algate

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 90/20 - DATED JUNE 01, 2020 - DRAFT LONG TERM FINANCIAL PLAN 2021-2030 16/165

Councillor Algate lost connection to the meeting during discussion of item 2 and left the meeting at 5:44p.m.

Councillor Algate returned to the meeting at 5:45p.m.

RESOLUTION

Minute No. 46296

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

Resolved

1. That Broken Hill City Council Report No. 90/20 dated June 1, 2020, be received.
2. That Council adopts the Draft Long Term Financial Plan 2021-2030 as a Strategic document of Council.

CARRIED

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

AGAINST: Councillors Kennedy, Page and Algate

ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 91/20 - DATED JUNE 25, 2020 - COUNCILLOR NOTICE OF MOTION CONTRAVENING BROKEN HILL CITY COUNCIL'S CODE OF MEETING PRACTICE ADOPTED 29 APRIL 2020, MINUTE NO. 46238 12/14, 11/249

RESOLUTION

Minute No. 46297

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

Resolved

1. That Broken Hill City Council Report No. 91/20 dated June 25, 2020, be received.
2. That Council note the report.

CARRIED

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

AGAINST: Councillors Kennedy, Page and Algate

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JUNE 30, 2020

There being no further business the Mayor closed the meeting at 6:07 p.m.

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

CHAIRPERSON

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JULY 09, 2020

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.

Meeting commenced at 6:17p.m.

PRESENT:

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

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

Media - nil, Members of the Public - nil.

APOLOGIES:

Nil.

PRAYER

Councillor Adams delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

PURPOSE OF THE MEETING

To consider the following matter:

1. Councillor Notice of Motion deemed to be unlawful as per the Broken Hill City Council's Code of Meeting Practice adopted 29 April 2020, Minute No. 46238.

DISCLOSURE OF INTEREST

Nil.

REPORTS

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 92/20 - DATED JUNE 30, 2020 -
COUNCILLOR NOTICE OF MOTION DEEMED TO BE UNLAWFUL AS PER THE BROKEN HILL
CITY COUNCIL'S CODE OF MEETING PRACTICE ADOPTED 29 APRIL 2020, MINUTE NO. 46238**

12/14, 11/249

*During consideration of item 1, Councillor Nolan left the meeting at 6:20p.m due to technical issues
and returned to the meeting at 6:21p.m.*

RESOLUTION

Minute No. 46298

Councillor C. Adams moved
Councillor M. Clark seconded

)
)

Resolved

1. That Broken Hill City Council Report No.
92/20 dated June 30, 2020, be received.
2. That Council note the report.

CARRIED

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

There being no further business the Mayor closed the meeting at 6:37 p.m.

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

CHAIRPERSON

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JULY 20, 2020

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.

Meeting commenced at 6:31pm

PRESENT:

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

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

Media - nil, Members of the Public - nil.

APOLOGIES:

Councillors Licul and Page.

RESOLUTION

Minute No. 46299

Councillor C. Adams moved

Councillor D. Gallagher seconded

) That the apologies submitted by Councillors
) Licul and Page be accepted and leave of
absence granted.

CARRIED

PRAYER

Councillor Adams delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

PURPOSE OF THE MEETING

To consider the following matter:

1. Broken Hill City Council Report No. 93/20 - dated July 13, 2020 - Councillor/s motion contravening the Broken Hill City Council's Code of Meeting Practice adopted 29 April 2020. Minute No. 46238

DISCLOSURE OF INTEREST

Nil.

REPORTS

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 93/20 - DATED JULY 13, 2020 -
COUNCILLOR/S MOTION CONTRAVENING THE BROKEN HILL CITY COUNCIL'S CODE
OF MEETING PRACTICE ADOPTED 29 APRIL 2020, MINUTE NO. 46238** 12/14, 11/249

RESOLUTION

Minute No. 46300

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

Resolved

1. That Broken Hill City Council Report No. 93/20 dated July 13, 2020, be received.
2. That Council note the report.

CARRIED

FOR: Councillors Turley, Adams, Gallagher, Nolan, Browne and Clark
AGAINST: Councillors Algate and Kennedy

There being no further business the Mayor closed the meeting at 6:42 p.m.

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

CHAIRPERSON

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 94/20 - DATED JULY 17, 2020 - CONSIDERATION OF THE RETURN OF COUNCIL MEETINGS HELD IN THE COUNCIL CHAMBERS (11/21).....23

2. BROKEN HILL CITY COUNCIL REPORT NO. 95/20 - DATED JUNE 01, 2020 - ADOPTION OF THE DRAFT BROKEN HILL REGIONAL ART GALLERY POLICIES (12/14)30

3. BROKEN HILL CITY COUNCIL REPORT NO. 96/20 - DATED JULY 09, 2020 - DRAFT POLICY MOBILE FOOD VEHICLES, TEMPORARY FOOD STALLS AND HAWKING POLICY (12/14)49

4. BROKEN HILL CITY COUNCIL REPORT NO. 97/20 - DATED JULY 09, 2020 - DRAFT SMOKE FREE PLAYGROUNDS AND SPORTING RESERVES POLICY (12/14)56

5. BROKEN HILL CITY COUNCIL REPORT NO. 98/20 - DATED JULY 15, 2020 - DRAFT PUBLIC ART POLICY FOR PUBLIC EXHIBITION (12/14) 61

6. BROKEN HILL CITY COUNCIL REPORT NO. 99/20 - DATED JULY 20, 2020 - INVESTMENT REPORT FOR JUNE 2020 (17/82).....79

7. BROKEN HILL CITY COUNCIL REPORT NO. 100/20 - DATED JULY 09, 2020 - DEVELOPMENT APPLICATION 41/2020 - CONSTRUCTION OF NEW SUPERMARKET, INCLUDING FACADE SIGNAGE, FREESTANDING SIGNS, CARPARKING, SHADE SAILS, NEW LANDSCAPING AND TREE REMOVAL - 1 GALENA STREET, BROKEN HILL (11/467)94

8. BROKEN HILL CITY COUNCIL REPORT NO. 101/20 - DATED JULY 02, 2020 - SALE OF 118 BROWN STREET (12/109)141

9. BROKEN HILL CITY COUNCIL REPORT NO. 102/20 - DATED JULY 15, 2020 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 404 HELD TUESDAY, 7 JULY 2020 (11/397)143

10. BROKEN HILL CITY COUNCIL REPORT NO. 103/20 - DATED JULY 15, 2020 - ACTION LIST REPORT (11/21)156

ORDINARY MEETING OF THE COUNCIL

July 17, 2020

ITEM 1BROKEN HILL CITY COUNCIL REPORT NO. 94/20

SUBJECT: CONSIDERATION OF THE RETURN OF COUNCIL MEETINGS
HELD IN THE COUNCIL CHAMBERS 11/21

Recommendation

1. That Broken Hill City Council Report No. 94/20 dated July 17, 2020, be received.
2. That, due to the current status of the COVID-19 pandemic, Public Forum Sessions and Council meetings continue to be held via video conference; and that the situation be re-assessed at the December 2020 Ordinary Council Meeting.
3. That an amendment be made to Council's Code of Meeting Practice to include the audio-visual recording of Council Meetings to clause 15.8(a).

Executive Summary:

At the Ordinary Council Meeting held 24 June 2020, the Mayor requested that a report be presented to the July Council Meeting outlining a plan for how Council can return to holding Council Meetings in the Council Chambers given that the Council Chambers does not currently have capability to host a combination of Councillors and staff joining by video conference.

The current health order prescribes that Council meetings can return to a face to face setting but those (Councillors or staff) wishing to join by video conference, must be permitted to do so. Please note that to this point I have not asked staff whom attend the Council meetings, for a view.

Report:

Following the June 2020 Council Meeting, Councillors were asked to advise whether they would be prepared to return to the Council Chambers for face-to-face Council Meetings.

The responses received from Councillors in early July were as follows:

Councillor	Response
Councillor Licul	I am, providing there are appropriate measures in place for COVID-19, including physical distancing, sanitiser, etc. Not sure how public gallery would work but physical distancing spaces etc.?
Councillor Kennedy	face to face for me.

Deputy Mayor Adams	Happy to return to the Chambers.
Councillor Browne	Yes. I'm happy to return, assuming Broken Hill retains its status as (presumably) virus-free. Then we would need to re-assess if the status changes.
Councillor Gallagher	No issues to return.
Mayor Darriea Turley	I am happy to return to the chamber ensuring that social distancing and sanitiser is provided.
Councillor Nolan	Soon but not yet.
Councillor Clark	Happy to return to the Chambers as long as hand sanitiser, social distancing and a sign-in book for everyone attending is in place. Also, I request that all members of the public who attend sit in the gallery seating closest to the Administration Building.
Councillor Algate	I am happy to return to the chamber for future council meetings on the basis that the current social distancing rules apply.
Councillor Page	Happy to return to the Chambers.

The above responses received in early July indicate that nine out of 10 Councillors are in favour of a return to face-to-face Council Meetings held in the Council Chambers. Please note that I have not sought the views to this point of staff who attend Council meetings.

With the ever-changing climate of the COVID-19 pandemic, Councillors will need to reaffirm that their responses given in early July are still current, given the recent closure of State borders to Victoria as a result of the significant increases in Covid cases in Melbourne and across Victoria. Sydney is also experiencing a growth in new recorded transmissions and as that escalation occurs, so does the risk of new cases across Australia and of course in Broken Hill. Notwithstanding the good situation that the City has enjoyed to date, Broken Hill is not unique nor immune from experiencing these trends.

In February 2020 when Council considered and adopted the Enterprise Risk Management Framework, strong minority argument was mounted to the fact that Council should adopt a 'zero risk tolerance' for all of its activities. While it is impossible to adopt a zero-risk tolerance approach and still function appropriately, it is possible to risk mitigate by doing whatever might be required to minimise the risks. Moving Council Meetings back into the Council Chamber given the current trends surrounding the Covid-19 virus, does present a risk to Councillors, staff and the public who might be in attendance; to continue to have Council meetings via the Zoom video conference medium would be consistent with a risk mitigation strategy.

It should be noted Council would still be meeting as per its requirements under the Act, decisions would still be being made, and the machinery of Council would still continue. Further, and now with the ability to bring the public into Zoom video conferencing, they can become part of public forum in a live manner. Meetings are of course still being recorded and made available to the public the next day.

Another factor to be considered in the return of Council Meeting in the Chambers is the lack of technology to facilitate video conferencing, and a return to the Chambers would mean that all Councillors and staff must be prepared to attend in person (other than those who have a genuine reason to submit an apology). A combination of some Councillors and staff attending in person and some Councillors attending via videoconference cannot currently be accommodated. The edict from Government makes it clear that all Councillors and staff

need to be permitted to have the option to attend by video conference if they wish. This cannot currently be satisfied in the Chamber.

Council's current adopted budget includes a \$75K allocation for an audio-visual upgrade to the Council Chambers; it is anticipated that the tender process will commence in December 2020 and the upgrade will take place in the second half of the current financial year. As per the recommendation for continuing to meet via Zoom and to review this in December 2020, the world view of the Covid-19 situation will likely be clearer, and a more informed position taken with regard face to face meetings.

If all Councillors and staff indicate that they are willing to resume face-to-face Council Meetings (currently one of 10 is not in favour), Council staff will be required to finalise the draft COVID Safety Plan for the conduct of Council Meetings.

The COVID Safety Plan will ensure that all measures are in place to comply with the current Public Health Order and that Council is doing everything possible to protect the health and safety of Councillors, Council staff and community members attending meetings. These measures will include:

- Limiting the number of persons in the Council Chambers to 20 (4m²/person and given the set-out of the fixed furniture in the Chambers)
- 16 Councillors/staff and 4 media/public.
- While officially the Chambers can have up to 24 people in there, recent use for training sessions has indicated 20 is the appropriate number given lay out etc.
- Distancing the seating of all persons present to 1.5m apart (not sure that this can be achieved given Councillor Clark's request that no members of the public are seated in the public gallery on the Sulphide Street side of the Chambers).
- Querying all persons as they enter the Chamber in relation to whether they are experiencing cold/flu like symptoms, or whether they have travelled to Melbourne or Sydney within the last 14 days.
- Recording contact details of all persons (in accordance with the Public Health Order record keeping for contact tracing purposes).
- Temperature testing all persons and providing hand sanitiser for use.
- Ensuring the Council Chamber has had a thorough deep clean prior to Council Meetings. Cleaning staff resources are currently at full capacity.
- Council will need to appoint a Hygiene Marshal to conduct and monitor dot points three to five. This will include ensuring people are complying with dot point two and maintaining physical distancing.

Given the responsibilities Council has to the health and well-being of elected Councillors, staff and the community, and that up to only four additional persons to Councillors and staff can attend face to face Council Meetings, plus the real possibility of future COVID cases in Broken Hill due to the significant increases in Covid cases in NSW and Victoria, I recommend that Council Meetings continue to be held via Zoom video conference for the next few months; and that this be reassessed at the December 2020 Ordinary Council Meeting.

As Councillors and staff are now familiar with the technology used to hold meetings via video conference, members of the public who register for the Public Forum Session will be invited to join via video conference if they wish, otherwise their submission can be read by the Mayor during the Public Forum. This process will occur from the July 2020 Ordinary meeting.

Amendment to Code of Meeting Practice

An amendment to the Code of Meeting is sought to include the recording of Council Meetings under clause 5.18(a). This inclusion is consistent with the Model Code of Meeting Practice for NSW Councils which states:

Webcasting of meetings

- 5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.

Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio-visual recording of the meeting or an audio recording of the meeting.

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 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.
- 5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for **[council to specify the period of time the recording is to be retained on the website]**. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Council current adopted Code of Meeting Practice currently reads:

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*.

It is proposed that the words "audio visually recorded or" be added to clause 5.18(a) to read:

- 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 audio visually recorded, or livestreamed on Council's Facebook page, with a link available on Council's website.

This inclusion is consistent with the Model Code of Meeting Practice for NSW Councils and allows for flexibility with webcasting of Council Meetings.

Further to this, I have attached OLG Circular to Councils 18-45 Commencement of the new Model Code of Meeting Practice for Local Councils in NSW, which explains in its Key Points how Councils can comply with the requirements of webcasting of Council Meetings.

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 Section 360
Model Code of Conduct for NSW Councils

Financial Implications:

Nil.

Attachments

1. [!\[\]\(307ad7be8dd8053938b04a332782a8a1_img.jpg\) OLG Circular to Councils 18-45](#)

JAMES RONCON
GENERAL MANAGER



Office of
Local Government

Circular to Councils

Circular Details	Circular No 18-45 / 18 December 2018 / A621294
Previous Circular	18-35 <i>The new Model Code of Meeting Practice for Local Councils</i>
Who should read this	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Council governance staff
Contact	Council Governance Team – (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

Commencement of the new Model Code of Meeting Practice for Local Councils in NSW

What's new or changing

- Amendments made to the *Local Government Act 1993* (LGA) in August 2016 by the *Local Government Amendment (Governance and Planning) Act 2016* (the Phase 1 amendments) provide for a model code of meeting practice (Model Meeting Code) to be prescribed by the Regulation.
- Following an extensive consultation process, a Model Meeting Code has been prescribed under the *Local Government (General) Regulation 2005* (the Regulation) and the existing meetings provisions of the Regulation have been repealed. The new Model Meeting Code is available on OLG's website.
- The Model Meeting Code has two elements:
 - It contains mandatory provisions (**indicated in black font**) that reflect the existing meetings provisions of the Act and update and enhance the meetings provisions previously prescribed under the Regulation to reflect contemporary meetings practice by councils.
 - It contains non-mandatory provisions (**indicated in red font**) that cover areas of meetings practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as being best practice for the relevant area of practice.
- The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are **indicated in blue font**. References to councils below also include references to joint organisations and county council unless otherwise specified.

What this will mean for your council

- Councils are required to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code prescribed by the Regulation. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.
- A council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council.
- Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the code of meeting practice adopted by the council.

Key points

- Under the transitional provisions of the LGA, councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code no later than 12 months after the next ordinary elections.
- Until a council adopts a new code of meeting practice, its existing code of meeting practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed, (**14 December 2018 – 14 June 2019**). If a council fails to adopt a new code of meeting practice within this period, under transitional provisions contained in the Regulation and the LGA, any provision of the council's adopted meeting code that is inconsistent with a mandatory provision of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that it is inconsistent with the mandatory provision of the Model Meeting Code.
- Irrespective of whether councils have adopted a code of meeting practice based on the Model Meeting Code, all councils (but not joint organisations) will be required to webcast meetings of the council and committees of which all members are councillors from **14 December 2019**. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.
- Before adopting a new code of meeting practice, under section 361 of the LGA, councils are still required to exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code. This requirement does not apply to joint organisations.
- In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".
- In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Where to go for further information

- Further information is provided in the FAQ attached to this circular.
- The new Model Meeting Code is available on OLG's website at www.olg.nsw.gov.au.
- OLG will be providing further guidance and assistance to councils to support implementation of the new Model Meeting Code during the six month transitional timeframe.
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



Tim Hurst
Chief Executive

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ORDINARY MEETING OF THE COUNCIL

June 1, 2020

ITEM 2

BROKEN HILL CITY COUNCIL REPORT NO. 95/20

SUBJECT: ADOPTION OF THE DRAFT BROKEN HILL REGIONAL ART GALLERY POLICIES 12/14

Recommendation

1. That Broken Hill City Council Report No. 95/20 dated December 2, 2019 be received.
2. That Council adopts the draft Broken Hill Regional Art Gallery Exhibition Policy and the draft Broken Hill Regional Art Gallery Collection Management Policy, as Policies of Council.
3. That adoption of the draft Broken Hill Regional Art Gallery Exhibition Policy and the draft Broken Hill Regional Art Gallery Collection Management Policy will render the following Council Policies obsolete:
 - a) Broken Hill Regional Art Gallery Acquisitions Policy – May 2008
 - b) Broken Hill Regional Art Gallery Appraisals Policy – May 2008
 - c) Broken Hill Regional Art Gallery Donations and Gifts Policy – May 2008
 - d) Broken Hill Regional Art Gallery Loan of Art Works to Council – May 2008
 - e) Broken Hill Regional Art Gallery Loan of Works to External Locations – May 2008
 - f) Broken Hill Regional Art Gallery Reporting Procedures Policy – May 2008

Executive Summary:

This report presents drafts of the Broken Hill Regional Art Gallery Exhibition Policy and the Broken Hill Regional Art Gallery Collection Management Policy, for Council's consideration for adoption.

The draft policies were first presented to the Ordinary Council Meeting held 11 December 2019 where Council resolved:

RESOLUTION

Minute No. 46151

Councillor D. Gallagher moved)
Councillor R. Page seconded)

1. That consideration of Broken Hill City Council Report No. 208/19 dated December 2, 2019 be deferred.
2. That the draft Broken Hill Regional Art Gallery Exhibition Policy and the Broken Hill Regional Art Gallery Collection Management Policy be referred to the Broken Hill Regional Art Gallery Advisory Group and the Our Community Key Direction Working Group to review the draft policies with regards to accessioning and de-accessioning of

artworks and provides a report to the February 2020 Council Meeting.

CARRIED UNANIMOUSLY

Following the December Council Meeting, the draft Broken Hill Regional Art Gallery Exhibition Policy and the Broken Hill Regional Art Gallery Collection Management Policy were edited and refined with regards to accessioning and de-accessioning of artworks, as per the above Council resolution.

The draft policies were then referred to the Broken Hill Regional Art Gallery Advisory Group and the Our Community Key Direction Working Group for review and comment. The Our Community Key Direction Working Group (Councillor Kennedy) approved the changes made and the Art Gallery Advisory Committee (Chair, Councillor Clark) has endorsed the draft policies to be re-presented to the May 2020 Council Meeting for the purpose of public exhibition.

At the May 2020 Council Meeting Council resolved:

RESOLUTION

Minute No. 46260

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

Resolved

1. That Broken Hill City Council Report No. 64/20 dated December 2, 2019 be received.
2. That Council endorses the draft Broken Hill Regional Art Gallery Exhibition Policy and draft Broken Hill Regional Art Gallery Collection Management Policy for the purpose of public exhibition with an amendment to Section 11.3 of the Broken Hill Regional Art Gallery Collection Management Policy to read:

"No individual who is an employee of Council or their family member; or a member of the Art Gallery Advisory Committee or their family member; or Elected Member of Council or their family member shall receive deaccessioned material from the Collection".
3. That Council publicly exhibits the draft Broken Hill Regional Art Gallery Exhibition Policy and the draft Broken Hill Regional Art Gallery Collection Management Policy and accepts submissions from the public for a period of 28 days.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the draft Broken Hill Regional Art Gallery Exhibition Policy and the draft Broken Hill

Regional Art Gallery Collection
Management Policy, as Policies of
Council.

CARRIED UNANIMOUSLY

The Draft Broken Hill Regional Art Gallery Collection Management Policy was subsequently amended as per the above Council Resolution (Minute No. 46260) and both draft policies were placed on public exhibition closing Thursday 25 June 2020.

During the public exhibition period Council received nil submissions from the public.

Report:

The Art Gallery Advisory Committee and the Our Community Key Direction Working Group were consulted in the development of the draft Broken Hill Regional Art Gallery Exhibition Policy and draft Broken Hill Regional Art Gallery Collection Management Policy.

Both policies will replace all existing policies pertaining to the Broken Hill Regional Art Gallery as the new policies have combined all necessary information and align with best industry practice for Galleries and Museums.

The following Policies will be superseded upon final resolution by Council:

- Broken Hill Regional Art Gallery Acquisitions Policy – May 2008
- Broken Hill Regional Art Gallery Appraisals Policy – May 2008
- Broken Hill Regional Art Gallery Donations and Gifts Policy – May 2008
- Broken Hill Regional Art Gallery Loan of Art Works to Council – May 2008
- Broken Hill Regional Art Gallery Loan of Works to External Locations – May 2008
- Broken Hill Regional Art Gallery Reporting Procedures Policy – May 2008

Following a previous resolution of Council, the policies have been through a process of review by the Broken Hill Regional Art Gallery Advisory Group and the Our Community Key Direction Working Group with regards to accessioning and de-accessioning of artworks and were presented to the May 2020 Council Meeting for endorsement for public exhibition.

At the May 2020 Council Meeting it was resolved to further amend the Draft Broken Hill Regional Art Gallery Collections Management Policy to preclude any Council employee or their family member, any Art Gallery Advisory Group member or their family member and any Elected Member of Council or their family member from receiving deaccessioned material from the Collection.

The two draft policies were placed on public exhibition closing 25 June 2020 at which time Council received nil submissions from the public.

The Draft Broken Hill Regional Art Gallery Collection Management Policy and the Draft Broken Hill Regional Art Gallery Exhibition Policy are now presented to Council for consideration of adoption.

Strategic Direction:

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

Relevant Legislation:

*Local Government Act 1993,
Local Government (General) Regulation 2005*

Financial Implications:

Nil

Attachments

1. [!\[\]\(223f1a84e0bc2cacb9c165f716817dcc_img.jpg\)](#) Draft Broken Hill Regional Art Gallery Collections Management Policy
2. [!\[\]\(c437123967ec19fa50ef7951237304ba_img.jpg\)](#) Draft Broken Hill Regional Art Gallery Exhibitions Policy

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAMES RONCON
GENERAL MANAGER

DRAFT BROKEN HILL REGIONAL ART GALLERY COLLECTION MANAGEMENT POLICY

QUALITY CONTROL			
TRIM REFERENCES	D20/17607 – 12/114		
RESPONSIBLE POSITION	Gallery and Museum Manager		
APPROVED BY	Council		
REVIEW DATE	July 2024	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
27/05/2020	Public Exhibition	46260	

1. INTRODUCTION

This document is a statement of policy for the development and management of the Broken Hill Regional Art Gallery (BHRAG) Collection and supports BHRAG's mission:

- to develop and maintain a visual art collection of local, state and national significance, with an emphasis on artists who have an important connection to Broken Hill and the Far West Region of NSW; and
- to collect and commission selectively works of art that contribute to BHRAG's exhibition program, enhance the building and grounds and foster an understanding, enjoyment and appreciation of the visual arts among the community.

2. POLICY OBJECTIVE

The Broken Hill Regional Art Gallery Collection Management Policy demonstrates Council's commitment to the enjoyment, study, patronage and advancement of the visual arts and the preservation and documentation of art relating to the Broken Hill and wider region for future generations. The policy objective is to ensure a suitable and appropriate framework is in place for the collecting activities and collection management of BHRAG. To detail the guidelines and processes for the acquisition, management and deaccessioning of all artworks for the Broken Hill Regional Art Gallery.

3. POLICY SCOPE

The BHRAG Collection is the official art collection of Broken Hill City Council and the works of the Collection fall under the direct care and control of Broken Hill Regional Art Gallery.

The Broken Hill Regional Art Gallery Collection Policy is applicable to the Broken Hill Regional Art Gallery Collection only. It does not apply to other cultural materials collected by Council including local studies/archives/museum items or general decorative items or artworks owned, managed and displayed by other organisational units of Broken Hill City Council. This policy is also separate to Council's Acquisition and Loan of Objects Relating to Cultural Heritage Policy.

4. POLICY STATEMENT

The BHRAG Art Collection is primarily based on the following objectives to:

- Develop and maintain a visual art collection of local, state and national significance and repute that reflects the cultural aspirations of Broken Hill Regional Art Gallery and its expressed objectives, goals and policies.
- To ensure an appropriate, industry-standard collection management framework is in place and that the BHRAG Collection is managed in an ethical, responsible and accountable manner.
- To provide guidelines for collection management processes including acquisition, cataloguing, deaccessioning and storage of artworks.
- To ensure rigorous, accountable and transparent standards are applied in the research, consideration, assessment and negotiation of acquisitions and that acquisitions are considered and approved in accordance with established delegated authority.
- To enable the BHRAG Collection to be preserved and protected as far as possible from damage resulting from adverse environmental conditions, the passage of time and/or individual human whim.
- To protect the Gallery from directly or indirectly validating, endorsing or providing an incentive to the illegal or unethical trade in cultural material.

5. GUIDELINES FOR ACQUISITION

5.1 Types of artwork collected

- Drawings, Paintings and Prints
- Sculptures
- Textile and Fibre Art
- Decorative Arts, including Ceramics
- Photographs
- Multi-media (new media) works
- Mixed media works

5.2 Time period

Both historical and contemporary artworks shall be collected.

5.3 Region

The BHRAG collection is not strictly limited by geographical region, however wherever possible the Gallery shall acquire works of excellence that relate to the culture and heritage of Broken Hill, surrounding districts and/or inland Australia.

5.4 Legal Title

The BHRAG shall not acquire any item, unless valid title can be acquired for that item.

5.5 Conditional Acquisitions

As a general rule, the Gallery does not accept acquisitions that carry restrictions or conditions and donors and sellers of works of art are expected to relinquish all proprietary rights to the work other than copyright.

6. METHODS OF ACQUISITION

Artworks shall be acquired through the following methods:

- Donation (including gifts, bequests and donation through Cultural Gifts Program);
- Purchase (including Commissions);
- Acquisition of the winner of the Pro Hart Outback Art Prize; or
- Any other transaction by which legal title to an artwork passes to BHRAG.

7. ACQUISITION GUIDELINES

Offers of donations, bequests or loans do not warrant automatic inclusion into the BHRAG Collection. The Gallery and Museum Manager will present an Acquisition Assessment for all works of art proposed for acquisition (with the exception of the Pro Hart Outback Art Prize acquisition), to the Broken Hill Regional Art Gallery Advisory Committee (referred to hereafter as the BHRAG Advisory Committee) for consideration.

Applications under the Cultural Gifts Program of the Commonwealth Government will be reviewed by the Gallery and Museum Manager in consultation with the BHRAG Advisory Committee, who will reserve the right to seek the advice of professional arts consultants in assessing the significance and value of proposed donations.

Conflicts of Interest – members of the BHRAG Advisory Committee must declare any conflict of interest in a potential acquisition and this conflict must be minuted and actively managed within Council's Code of Conduct Policy.

8. ACQUISITION APPROVALS PROCESS

The following three step authorisation process will be used in the approval of acquisitions to the Gallery's collection:

1. ASSESSMENT

The Gallery and Museum Manager in conjunction with the BHRAG Advisory Committee and/or professional arts consultant/s shall assess all Acquisition Proposals and make considered recommendations to accept or refuse artworks. Proposed acquisitions will be assessed on their merit taking into account BHRAG's objectives and the Acquisition Selection Criteria outlined in this document.

2. RECOMMENDATION/s

Recommendation/s for acquisitions to the Collection shall be approved by the Gallery and Museum Manager who has delegated authority to approve Acquisitions within established delegation limits. All proposed Acquisitions with a purchase price over the Gallery and Museum Manager's delegation must be approved by the General Manager (with the exception of the Pro Hart Outback Art Prize acquisition).

Prior to the decision being made with respect to a proposed acquisition either by the Gallery and Museum Manager or the General Manager, as the case may be, a formal minute of the BHRAG Advisory Committee's recommendation, signed by the Chair of the BHRAG Advisory Committee, shall accompany the recommendation and decision papers, thereby becoming a formal part of the record.

3. APPROVAL

Following the appropriate recommendations listed above, the minutes of the BHRAG Advisory Committee detailing the endorsed acquisitions will be presented to Council for final adoption/approval/endorsement.

9. ACQUISITION SELECTION CRITERIA

The Broken Hill Regional Art Gallery shall aim to acquire works that meet the following criteria:

9.1 Artistic merit and reputation

- The artist is an exemplary, prominent, influential and/or renowned Australian artist and acquisition of the artwork will enhance the overall quality of the Collection.
- The work is of outstanding artistic merit and rates highly in terms of aesthetic, cultural, spiritual and/or historical significance.
- The artwork rates highly in terms of national, state or regional significance.

9.2 Linkage to existing collection

The proposed acquisition would strengthen the Collection by:

- Adding to major existing areas of representation, thus enabling the Gallery to expand upon a theme or to interpret the development of an artist's career or skills; or
- Addressing areas currently under-represented in the Collection.

9.3 Interpretive potential

Does the artwork offer opportunities to interpret a variety of themes and therefore contribute to a range of exhibitions and public programmes?

9.4 Connection to geographic region

Wherever possible the Gallery shall collect works of excellence that relate to the culture and heritage of Broken Hill, the surrounding districts and inland Australia.

The Gallery shall collect works by local artists whose works reflect a commitment to the development of their skills and talents.

9.5 Aboriginal artworks

The proposed acquisition would:

- Contribute to the diversity of the Gallery's Aboriginal collection; or
- Reflect the cultural development of Aboriginal art in the Far West Region.

Note: Some Aboriginal and Torres Strait Islander art is sacred and restricted. The Gallery will only collect works intended for public display or approved for display in consultation with appropriate Aboriginal groups.

9.6 Legal Title

As a general principle, the Gallery will not acquire a work of art through any means or methods, unless it can acquire clear and valid transfer of ownership documentation.

9.7 Provenance and authenticity

Is documentation available to confirm ownership, authenticity and provenance of the artwork? To safeguard the integrity of the Collection it is critical that, prior to acquiring an artwork, due diligence is undertaken in researching and ascertaining its ownership, provenance and authenticity.

In addition, every effort should be made to acquire reference resources and significant material relating to artworks to support research into the collection and potential future exhibitions.

9.8 Condition, size and ongoing care

- What is the size of the artwork? Could it put undue strain on BHRAG's current and future storage and exhibition resources?
- What is the condition of the artwork? Will it require extensive and/or expensive conservation work prior to display and/or ongoing conservation maintenance?
- Would the artwork pose any issues in relation to workplace health and safety?

10. OUTWARD AND INWARD LOANS

- The Gallery will enter into Inward or Outward Loans for a fixed period only, which will be agreed between all parties and which can be extended by mutual agreement.
- The Gallery and Museum Manager will approve all Inward and Outward Loans.
- No object will be Loaned by the Gallery unless the safety of the object is assured and adequate security, environmental conditions and standards of care are evident.
- For both Inward and Outward Loans, it is expected that the Borrower will exercise the same standard of care for borrowed works of art as it does for its own collection in accordance with established procedures and professional gallery standards.
- Outward Loans are subject to the borrower agreeing to the conditions specified in the Broken Hill Regional Art Gallery Outward Loan Agreement.
- All costs associated with Outward Loans will be the responsibility of the borrower. These costs will include transport and insurance.
- The Gallery will endeavour to accommodate Outward Loan requests, however, reserves the right to locate works in the Collection where deemed appropriate.
- Inward Loans are temporary transfers of external collection items to the Gallery for the purposes of display. They can consist of items borrowed from:
 - Individuals;
 - community groups or; and
 - other institutions.
- The Gallery will only borrow works of art where it is confident that:
 - a) the Lender is reputable;
 - b) the Owner(s) hold valid Title to the work;
 - c) where the Lender is not the sole Owner, the Lender has the legal authority to enter into the Loan either:
 - i. on behalf of the Owner and/or co-Owners as an agent or representative; or
 - ii. as the party who would reasonably be expected to have possession, custody or control of the work of art for the period of the Loan, were that arrangement not in place.
- Generally, works of art in the private collections of Gallery staff will not be accepted for inward loan.

11. DEACCESSIONING AND DISPOSAL

To maintain and safeguard standards and to refine and improve the Collection, BHRAG is committed to periodic reviews to assess items that could potentially be deaccessioned.

Deaccessioning is the process of de-registering an item from a collection for clearly stated reasons and disposing of it in accordance with approved policies and procedures. It is a very important collections management activity.

A formal approvals procedure for deaccessioning objects for the collection is listed over.

11.1 DEACCESSIONING APPROVALS PROCESS

The following three step authorisation will be used in the de-accessioning approval of to the Gallery's collection:

1. ASSESSMENT

The process of de-accessioning and disposal of an artwork is initiated and undertaken by the Gallery and Museum Manager (in consultation with an independent art specialist). The Gallery and Museum Manager will prepare a report taking into account the deaccessioning selection criteria and detailing independent specialist advice.

2. RECOMMENDATION/s

The Gallery and Museum Manager in consultation of the BHRAG Advisory Committee will be responsible for proposing the de-accessioning of art works from the Collection, as and when appropriate.

Prior to the decision being made with respect to a de-accessioning or disposal from the Collection, a formal minute of the BHRAG Advisory Committee's recommendation, signed by the Chair of the BHRAG Advisory Committee, shall accompany the recommendation and decision papers, thereby becoming a formal part of the record.

3. APPROVAL

Following the appropriate recommendations listed above, the minutes of the BHRAG Advisory Committee detailing the endorsed de-accessioning or disposal will be presented to Council for final decision.

11.2 DEACCESSIONING SELECTION CRITERIA

The Gallery will exercise care and caution in evaluating the merit of an artwork when it is considered for deaccession and disposal. Some of the reasons the Gallery will consider deaccession include:

- A collections policy has been developed or revised since the artwork was acquired and the collecting focus has consequently been refined or altered;
- The significance and aesthetic merit of the artwork falls substantially below the general level of the Collection;
- The artwork is a non-essential duplicate of a work already held in the Collection;
- The artwork has been lost or stolen;
- The artwork has been damaged or has deteriorated over time and the costs of conservation outweigh its value to the Collection;
- The artwork can no longer be suitably stored due to its size or special climate requirements;
- Repatriation of cultural material i.e. the object is to be returned to the Aboriginal, Torres Strait or other community group from which it came;
- The original owner/donor's relative has proven legal title to it; or
- The work is subject to legislation which prevents the Gallery displaying it or having title to it.

11.3 Disposal

Disposal of an artwork shall be undertaken, after Council approval, in a manner considered most appropriate to the Collection and to the future of the work. Works identified for disposal will be valued by a recognised valuer and will be managed in the following priority order:

- a) to donor of the work (donation);
- b) to the artist of the work (donation);

- c) to another public gallery or collection (only public or non-profit institutions/organisations may receive the gift of a de-accessioned work);
- d) through an auction house; or
- e) destroying the material by physical destruction if beyond preservation.

Any proceeds gained from the disposal of a work will be utilised solely for acquisition and the ongoing care and management of the Collection.

Every effort will be made to notify any living donor whose gift has been approved for deaccessioning prior to disposal.

No individual who is an employee of Council or their family member; or a member of the Art Gallery Advisory Committee or their family member; or Elected Member of Council or their family member shall receive deaccessioned material from the Collection.

11.4 Records of Deaccessioned Artworks

All records of deaccessioned artwork and the circumstances of its deaccessioning and disposal will be marked clearly and kept on file for future reference.

The Accession Number of a deaccessioned artwork shall not be re-used, and their accession number not reused.

12. COLLECTION RECORD KEEPING

The Collection shall be managed according to industry-standards and practices in relation to documentation and record-keeping procedures.

- A Collection Management System (CMS) shall be maintained as a central catalogue in which all relevant details of individual artworks are recorded including accession number, title, artist, photograph, description, and condition and provenance details.
- Paperwork shall be completed and retained in relation to all acquisitions including:
 - Deed of Gift, Cultural Gift or Deed of Purchase documents;
 - Acquisition Assessments;
 - Condition Reports;
 - Statements of Significance; and
 - Legal paperwork relating to copyright and/or restrictions on use of artwork.
- Collection audits and condition reporting shall be undertaken by qualified staff at least once every four years.

13. COLLECTION DISPLAY, HANDLING AND STORAGE

- The BHRAG Collection shall be conserved in accordance with accepted contemporary national practice and standards applicable to the safe and appropriate storage, management and handling of artworks.
- Gallery staff shall be given appropriate training in handling artworks.
- All preventative conservation measures shall be taken by those handling, storing and displaying artworks.
- Environmental conditions in artwork storage and display areas shall be monitored and managed according to industry standards, including temperature, humidity, light levels and pest control (See point 15: Associated Documents).
- Artworks shall not be displayed in environmental conditions or for periods of time that will result in the deterioration of the artwork.
- Conservation works and treatments will only be performed by a qualified professional Conservator.

- Unless on display, all works of art will be stored in an environmentally controlled and secure Art Store.
- The BHRAG shall provide as secure an environment as possible for the storage, transportation and display of the Art Collection.

13. IMPLEMENTATION

The Gallery and Museum Manager is primarily responsible for the implementation and the adherence to this policy.

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Art Gallery Collection Policy.

Gallery staff or BHRAG Advisory Committee members purchasing work for their own private collections must ensure their interests do not conflict with the interests of BHRAG in the process of acquisition. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

14. COMMUNICATION

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

15. ASSOCIATED DOCUMENTS

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

- Broken Hill Regional Art Gallery Exhibitions Policy
- Broken Hill Public Art Policy
- Australian Institute for Conservation of Cultural Materials (AICCM) Environmental Guidelines: <https://aiccm.org.au/about/who-we-are/advocacy/environmental-guidelines-australian-cultural-heritage-collections>
- National Standards for Australian Museums & Galleries (V1.5, 2016): http://www.magsq.com.au/_dbase_upl/NSFAMG_v1.5_2016.pdf

16. REVIEW

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

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council.

The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

The Gallery and Museum Manager is responsible for the review of this policy.

17. LEGISLATIVE AND LEGAL FRAMEWORK

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

- *Local Government Act 1993*.
- With any related planning controls, codes of practice, and relevant internal procedures.

18. DEFINITIONS

- **Art Gallery or the Gallery** means Broken Hill Regional Art Gallery (BHRAG).
- **Accession:** the process of assigning a unique number to an artwork and recording all relevant details in a collection catalogue.
- **Acquisition:** the act of gaining physical possession of an artwork and of transferring title or ownership from the providing source to the Gallery.
- **Authentication:** to determine as a genuine product of a particular person, region or time.
- **Bequest:** the bestowal by will of privately-owned cultural items to the Gallery.
- **Cataloguing:** assigning an object to an established classification system and initiating a record of the nomenclature, provenance, number, and location of that object in the collection storage area.
- **Clear title:** legal ownership without restrictions or conditions.
- **Collection:** Cultural Material for which the BHRAG is the custodian.
- **The BHRAG Advisory Committee:** The Broken Hill Regional Art Gallery Advisory Committee is a 355 committee endorsed by the Broken Hill City Council.
- **Conservation:** the processes for preserving and protecting objects from loss, decay, damage, or other forms of deterioration and of repairing.
- **Copyright:** statutory and automatic legal right to print, publish, perform, film or record material.
- **Cultural heritage:** a tradition, habit, skill, art form, or institution that is passed from one generation to the next.
- **Cultural property:** the material manifestation of the concepts, habits, skills, art, or institutions of a specific people in a defined period of time.
- **Deaccession/disposal:** the process of removing objects from a Gallery's collections.
- **Deed of gift:** a document with the signature of the donor transferring title of an object to a Gallery.
- **Deed of purchase:** a document with the signature of the owner transferring title of an object to a Gallery.
- **Interpretation:** the act or process of explaining or clarifying translating or presenting a personal understanding about an object.
- **Inventory:** an itemised list of the objects included in a Gallery's collection.
- **Loans:** collection objects which have been or are intended to be transferred temporarily to a stated destination outside the Gallery (outward loans), or, alternatively, objects which have been or are intended to be transferred to the Gallery from elsewhere (inward loans). The transfers are undertaken for a stated purpose (for example, a temporary exhibition) and for a stated period of time and do not involve a change of ownership.
- **Preventive conservation:** collection care to minimise conditions which may cause damage.
- **Provenance:** derivation or origin of an object.

DRAFT BROKEN HILL REGIONAL ART GALLERY EXHIBITIONS POLICY

QUALITY CONTROL			
TRIM REFERENCES		<Enter TRIM Container and Document Numbers>	
RESPONSIBLE POSITION		Gallery and Museum Manager	
APPROVED BY		Council	
REVIEW DATE	July 2024	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
27/05/2020	Public Exhibition	46260	

1. INTRODUCTION

The fundamental role of the Broken Hill Regional Art Gallery (BHRAG) is to provide access to quality exhibition and cultural material. This policy sets out the principles the BHRAG will adopt and factors it will consider when developing and approving temporary, collection and touring exhibitions and the overall exhibition program.

2. POLICY OBJECTIVE

This Policy supports the Broken Hill City Council Community Strategic Plan. This Policy also supports BHRAG's purpose:

- **Mission:** To provide a dynamic cultural hub for Broken Hill and region through supporting arts practice and engagement with the arts and by inspiring, stimulating ideas and encouraging conversations.
- **Vision:** Being an influential contributor to the cultural life of Broken Hill and NSW through our collaboration with our partners and our communities to offer experiences that engage, challenge and inspire.

Exhibitions are developed to offer innovative, varied and engaging interpretations of a broad variety of visual art across a range of media and periods. Exhibitions are focused on fostering and encouraging access and engagement for diverse audiences. Throughout the development process, the integration of relevant, engaging and innovative display techniques, online content, exhibition collateral and materials, public engagement and education programming and touring opportunities will be considered.

BHRAG is committed to ensuring that all aspects of the development, planning, approval and management of exhibitions and the exhibition program are undertaken on terms that are ethical, accountable and sustainable. It is through the exhibition program that works of art will be experienced not only as discrete objects, but also as vehicles of more comprehensive and

complex meanings within the context of the production, interpretation and experience of culture within the community.

BHRAG will develop a diverse range of activities so that the interaction between art, ideas, criticism and the production of new creative work becomes part of its institutional momentum.

3. POLICY SCOPE

Gallery exhibitions will vary in terms of focus, size, scope and audience. Exhibitions may comprise works in any medium in use as a means of artistic expression in the visual arts, including film, video, performance, light and sound, laser and neon, computer and/or electronically based works. They may also encompass exhibitions comprising of other creative fields such as design, craft, fashion and architecture.

Exhibitions may be curated in-house, guest-curated or received from appropriate outside professionally curated sources. All exhibitions by local/regional artists will be selected, curated by Gallery staff. An exhibition may not only consist of works of art and/or craft but may include:

- Objects of material culture which may be relevant in providing a context for the exhibition;
- Support material including catalogues, information sheets, didactic panels and education kits;
- Public programs.

4. POLICY STATEMENT

The BHRAG artistic program is developed and implemented to allow access to visual and cultural material that exposes the methods and meaning of artistic practice and the issues of cultural identity and/or place. Usually, an emphasis will be given to exhibitions that relate to themes of community interest, the local environment, feature artistic excellence, developing local art practice; expand audience's engagement to contemporary art and celebrate cultural diversity and understanding. Primarily, the Art Gallery has a responsibility to its local and regional audiences, and this is considered to be the primary target of the BHRAG exhibition program.

Selected BHRAG gallery spaces will also be used for exhibition/display artworks drawn from the BHRAG Collection. The rationale for displaying works from the collection will be based on:

- The condition of the work for display;
- Featuring the depth and diversity of objects of the BHRAG collection;
- Improving the public's access to and understanding of the BHRAG Collection.

Overall, the following principles will guide BHRAG's exhibition approach and content. Exhibitions under the management of BHRAG will be selected in consideration of the following aims to:

- provide a cultural, educational and recreational resource for local residents and visitors;
- promote the City and region as a place of creativity with a diverse culture and heritage; to draw reference to and involve the people, place and history of Broken Hill and region; and the significance of the Gallery's history, collection and historic building. This includes providing access to the City art collection in unique and engaging ways.
- present contemporary visual arts and crafts practice relevant to the Art Gallery and its community through the creation and dissemination of new ideas and collaborating with living artists.
- embrace the philosophy of access for all and provide engaging, diverse and inspirational learning and recreational opportunities;
- recognise the diversity of opinion and beliefs within the community;
- encourage participation, enquiry and aspiration regarding the arts;

- seek to challenge, query and explore human activity, values, customs and systems within a non-judgemental context, while recognising public standards and expectations;
- bring new opportunities to the region from national and international sources;
- support professional artists in their pursuit to become recognised in their field both at a local, national and international level;
- foster the professional development of local artists through engagement with exhibition and public program opportunities and the development and presentation of their art
- promote the region as a place of creative endeavour and inspiration with a diverse culture and heritage;
- remain agile and responsive by creating opportunities/exhibitions that develop community connected and community created content around topical issues.

4.1 Exhibition Proposals

Overall, The BHRAG artistic program is planned through an invited, application and curated process by the Gallery and Museum Manager and staff.

BHRAG will also consider exhibition proposals submitted by staff, artists, external curators, other galleries and other interested groups or individuals. Recognising that the Art Gallery advisory committee is constituted by members who have relevant expertise and relevant networks, the advisory committee can be a source of recommendations for exhibition proposals.

Exhibition proposals are reviewed and assessed by the Gallery and Museum Manager and staff in accordance with the Gallery's internal procedures and processes and approved by the Manager for inclusion in the exhibition program. Solo and group exhibitions are selected through an application process open to artists, arts collectives, and community groups of the Broken Hill LGA/Region. This application process is governed by the Broken Hill Regional Art Gallery Exhibition Proposal Guidelines. Applications will be advertised yearly by the Art Gallery.

Successful applicants will enter into a final agreement developed in partnership with the Art Gallery subject to possible modifications of dates, budget and public program or other details. In respect to all applications made through an Exhibition Proposal Application that the decision of Gallery staff is final.

4.2 Selection Criteria

The following forms the basic criteria for decision-making in relation to exhibitions managed by BHRAG, however the final discretion for exhibition selection will be with the Gallery and Museum Manager.

- **Artistic integrity, quality and clarity:** The potential to uphold elements of artistic expression, for example, innovation, uniqueness, creativity, skill, value. Whether the standard of work and concept is appropriate to the nature of the proposed exhibition and whether they meet the standards of a professional public exhibition space. Ability to interpret the exhibition proposal and ascertain the feasibility of the proposal with an emphasis on articulation and legibility.
- **Source and cultural sensitivity:** Proven ability of the artist, curator or Touring Agent to develop and deliver exhibitions of a high standard. Whether the exhibition content and concepts fall within accepted industry guidelines relating to social and cultural interpretation.
- **Cost to the venue and resources:** Potential cost implications to the venue: e.g. additional insurance, hire fees, transport costs. Provision of additional resources, such as education kits, catalogues and interpretive information that would enable audiences to better understand and appreciate artworks on display.
- **Practicalities and environment:** Consideration of any practical difficulties in hosting exhibitions: access and installation, public safety, size and weight of work. Consideration

of the proposal in relation to the exhibition environment including security, climate control, sound and lighting.

- **Program, relevance, appeal and links:** The relationship of exhibition content and concept to the overall program schedule. Relevance to the BHRAG Business Plan i.e. the exhibition program is informed by the vision, mission, goals and priorities set out in the current Strategic Plan. Applicability and interest to a stated audience. Our venue is utilised by a varied demographic and must therefore be accessible and relevant to the general public. Whether there are any City or regional links to the proposal and consideration of educational potential associated with workshops, seminars and artist talks.
- **Partnerships:** The exhibition program supports the development, expansion and strengthening of important partnerships and alliances with key regional/national/international galleries and touring organisations.

4.3 Ethical Considerations

The principle of best practice applies to all aspects of the Art Gallery's planning, programs and management including the adoption of industry codes of practice.

The Art Gallery acknowledges that it is unable to address all audiences at all times. However, it will attempt to present a balanced exhibition program which, over the life of the BHRAG Strategic Business Plan, will address a wide range of audiences.

Art Gallery staff will keep well-informed of prevailing community standards when selecting exhibitions and content.

The Art Gallery will enter into appropriate contracts with artists, agents, writers or lenders when seeking works for exhibition or publications.

Sponsorship, donations and other patronage will be actively sought and appreciated, but will not solely determine, compromise or hinder the professional commitments or public obligations of BHRAG.

BHRAG will maintain a consistent high standard of display in the presentation and interpretation of exhibitions, including display and directional signage, in accordance with current gallery standards and practices. Appropriate consideration will be given to visitor requirements in the placement, size and clarity of all signage and supporting material.

Where appropriate and feasible BHRAG will respect the installation and display requirements of artists, but in the case of disputes concerning installation and/or display the decision of the Gallery and Museum Manager shall be final.

5. IMPLEMENTATION

5.1 Roles and Responsibilities

The following Council Officer is responsible for the implementation and the adherence to this policy:

- Gallery and Museum Manager

5.2 Communication

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

5.3 Associated Documents

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

- Broken Hill Regional Art Gallery Collection Policy

- Broken Hill Regional Art Gallery Exhibition Proposal Guidelines
- Broken Hill Public Art Policy
- International Council of Museums, Code of Professional Ethics – www.icom.museum

6. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines. The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council, in consultation with the Art Gallery Advisory committee.

The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy. The Gallery and Museum Manager is responsible for the review of this policy.

7. LEGISLATIVE AND LEGAL FRAMEWORK

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

- All relevant legislation, including but not limited to the *Local Government Act 1993*;
- The National Standards for Australian Museums and Galleries (2016);
- Council's code of conduct;
- Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Broken Hill Regional Art Gallery Exhibitions Policy. However, Gallery or Council staff will be permitted to participate, exhibit and enter prizes at the Gallery provided they follow the exhibition proposal guidelines and make an application. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

8. DEFINITIONS

- **Art Gallery or The Gallery:** means Broken Hill Regional Art Gallery (BHRAG).
- **Exhibition program:** means the forward program and schedule of temporary, collection and touring exhibitions.
- **Collection exhibition:** means an exhibition of works of art that is largely drawn from the collection and may include incoming loans and/or commissions. A collection exhibition has a stated curatorial rationale and location and may or may not have a finite display period. Collection exhibitions are managed within established exhibition management frameworks and a specific project budget. Collection exhibitions may be accompanied by a publication, online content, performance elements and associated public engagement and education programs and other exhibition collateral.
- **Temporary exhibition:** means an exhibition of works of art that may include works drawn from the collection, incoming loans and/or commissions. A temporary exhibition has a defined curatorial rationale and a finite display period, title and location, and is managed within an established exhibition management framework and a specific project budget. Temporary exhibitions may also be accompanied by a publication, online content, performance elements and associated public engagement and education programs and other exhibition collateral.
- **Touring exhibition:** means an exhibition of work(s) of art that may include works drawn from the collection, incoming loans and/or commissions that the Gallery tours to other venues. A touring exhibition may originate as a temporary exhibition displayed in-house or may be developed from inception for the purpose of display at other venues. A touring exhibition has a defined curatorial rationale and title and is managed within an established exhibition management framework within a specific project budget and under contractual arrangements with the borrowing venue(s). Touring exhibitions comprising a single work are distinct from outgoing loans in that they have a distinct

curatorial rationale, title and exhibition management framework and are displayed at multiple venues as part of a coordinated tour program rather than based upon isolated loan requests. Touring exhibitions may be accompanied by a publication, online content, performance elements and associated public engagement and education programs and other exhibition collateral.

ORDINARY MEETING OF THE COUNCIL

July 9, 2020

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 96/20

SUBJECT: DRAFT POLICY MOBILE FOOD VEHICLES, TEMPORARY FOOD STALLS AND HAWKING POLICY 12/14

Recommendation

1. That Broken Hill City Council Report No. 96/20 dated July 9, 2020, be received.
2. That Council endorses the draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy for the purpose of public exhibition.
3. That Council publicly exhibits the draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy and accepts submissions from the public for a period of 28 days.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy as a policy of Council.

Executive Summary:

This report presents the draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy for the consideration of Council.

This policy replaces the Food Hawker and Vendor Regulations Policy, 2008.

Report:

The purpose of this Policy is to provide criteria for the management of mobile food vehicles and temporary food stalls regarding food vending at markets and community events; from specific sites; on public and private land; and from public streets (hawking). Council aims to ensure that the activities of Food Hawkers and Vendors are controlled in such a manner that protects the public interest by the preservation of public health and safety.

The Policy aims to:

- a. Establish a governance process that Council will apply to trade or business of an itinerant and short-term nature.
- b. To provide a framework for Council staff to assess applications from customers who wish to sell food on an itinerant basis in the Broken Hill City Council area.
- c. To help facilitate the compliance of itinerant food vendors with relevant state legislation i.e. NSW Food Act 2003.

Community Engagement:

The recommendation for Council is that the draft policy be placed on public exhibition for a period of 28 days.

Strategic Direction:

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

Relevant Legislation:

Section 68 of the Local Government Act 1993 requires Council approval to be given prior to engaging in a trade or business on community land.

A food business is required to sell safe and suitable food in accordance with the provisions of the NSW Food Act 2003 and NSW Food Regulations 2015.

Certain activities require development consent under the Environmental Planning and Assessment Act 1979 (EP&A Act). A long term, site specific, operation of a mobile food vehicle is an example of such an activity requiring consent under the EP&A Act.

The following documents are related, either directly or indirectly, to the Policy:

- a) *Food Act 2003*
- b) *Food Regulations 2015*
- c) *Local Government Act 1993* – particularly Chapter 7, Section 68
- d) NSW Food Authority - Guidelines for Food Businesses at Temporary Events
- e) NSW Food Authority - Guidelines for Mobile Food Vending Vehicles
- f) Application to Sell Food and/or Drink at Temporary Events
- g) Local Approvals Policy

Financial Implications:

Nil

Attachments

1. [↓](#) Draft Policy Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy

JAMES RONCON
GENERAL MANAGER

DRAFT MOBILE FOOD VEHICLES, TEMPORARY FOOD STALLS AND HAWKING POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 – D20/2706		
RESPONSIBLE POSITION	Manager City Development and Planning		
APPROVED BY	Council		
REVIEW DATE	September 2024	REVISION NUMBER	2
EFFECTIVE DATE	ACTION	MINUTE NUMBER	

1. INTRODUCTION

The purpose of this Policy is to provide criteria for the management of mobile food vehicles and temporary food stalls regarding food vending at markets and community events; from specific sites; on public and private land; and from public streets (hawking). Council aims to ensure that the activities of Food Hawkers and Vendors are controlled in such a manner that protects the public interest by the preservation of public health and safety.

2. POLICY OBJECTIVE

The Policy aims to:

- Establish a governance process that Council will apply to trade or business of an iterant and short term nature.
- To provide a framework for Council staff to assess applications from customers who wish to sell food on an iterant basis in the Broken Hill City Council area.
- To help facilitate the compliance of iterant food vendors with relevant state legislation i.e. NSW Food Act 2003.

3. POLICY SCOPE

The Policy applies to all mobile food vehicles, food vendors and temporary food stallholders in the Broken Hill City Council area.

4. POLICY STATEMENT

Section 68 of the Local Government Act 1993 requires Council approval to be given prior to engaging in a trade or business on community land.

A food business is required to sell safe and suitable food in accordance with the provisions of the NSW Food Act 2003 and NSW Food Regulations 2015.

Certain activities require development consent under the Environmental Planning and Assessment Act 1979 (EP&A Act). A long term, site specific, operation of a mobile food vehicle is an example of such an activity requiring consent under the EP&A Act.

What are other relevant documents?

The following documents are related, either directly or indirectly, to the Policy:

- a) Food Act 2003
- b) Food Regulations 2015
- c) Local Government Act 1993 – particularly Chapter 7, Section 68
- d) NSW Food Authority - Guidelines for Food Businesses at Temporary Events
- e) NSW Food Authority - Guidelines for Mobile Food Vending Vehicles
- f) Application to Sell Food and/or Drink at Temporary Events
- g) Local Approvals Policy

Approval to Operate as an Itinerant Food Vendor

Approvals & Inspections

- 1. Itinerant food vendors must be approved by Council before operating. Refer to Council's website to find an Application Form to Sell Food and/or Drink at Temporary Events.
- 2. Separate approval must be obtained for each mobile food vehicle, temporary food stall, cart or other device.
- 3. Types of approval:
 - a) Annual approval valid from 1 July to 30 June the following year.
 - b) An event approval which can be obtained for special local events.
- 4. Itinerant food vendors operating an approved mobile food vehicle shall be permitted to operate at, and for the duration of, any fete, fair, festival, carnival, community market, sporting event or similar event, with permission of the event organizer.
- 5. The application must be accompanied by a copy of current Public Liability Insurance cover to the value of \$20,000,000 which indemnifies Council and the applicant from claims for injuries to persons and damage to property.
- 6. Mobile food vehicles must be inspected by Council's Environmental Health Officer prior to approval.
- 7. Temporary food stalls or mobile food vehicles may be subject to inspection by Council's Environmental Health Officer at any event or any time.
- 8. If the mobile food vehicle is sold, the new operator must contact Council to arrange for a transfer of the approval and submit to Council a copy of current Public Liability Insurance cover as stated above.
- 9. Any vendor may be required to cease trading should an authorized officer of Council consider the vendor is not complying with Council policy or relevant food legislation.
- 10. It is a requirement that all food businesses are registered with the NSW Food Authority. This registration can be completed online, free of charge at www.foodauthority.nsw.gov.au.
- 11. Council reserves the right to refuse an application for approval.
- 12. Food vending shall be undertaken in compliance with the NSW Food Authority's Guidelines for Food Businesses at Temporary Events.

Construction Requirements

- a) Temporary Food Stalls must be constructed in accordance with the requirements set out in the NSW Food Authority's Guidelines for Food Businesses at Temporary Events.
- b) Mobile Food Vehicles must be constructed in accordance with the requirements set out in the NSW Food Authority's Guidelines for Mobile Food Vending Vehicles.

- c) Carts and other devices shall be assessed on their own merits at the time of application.

Hawkers Approval

1. Vendors wishing to hawk foods or drinks from public streets and lands must obtain approval from Council.
2. Hawker approvals will only be issued to itinerant vendors that can demonstrate their ability to:
 - i) Safely and legally park the vehicle at the point of sale;
 - ii) Operate immediately with little or no set up
 - iii) Prepare and serve with a quick turn-around and move on.
3. Vendors are not permitted to operate within 100 metres of a permanent retail outlet selling a similar product if that outlet is open.
4. Vendors shall comply with the provisions of any Crown Lands regulations. This may restrict access to some sites.
5. Vendors shall not occupy any one position on public land including a public road or carpark, except for such period of time as the vendor may be engaged in the actual serving of customers. After serving the customer, the vendor must move on and shall not return soliciting customers or selling over the same ground within one hour.
6. As per Roads and Maritime Services, street vending vehicles, such as ice cream vans or other food vending vehicles must display a flashing amber light while stopped for the purpose of serving customers. Indicators must be fitted which will inform the driver, by visible and audible means, that the light is flashing. The light must begin to flash within one second of being switched on and continue to flash at a rate of not less than 60 times per minute (Vehicles Standards Information, RMS, 2009).
7. Vendors shall not park any vehicle on any footway or road so as to restrict the public use or, obstruct such footway or road, or interfere with public convenience.
8. No food hawker or vendor shall set up a stall or any stand or trade in established shopping areas including:
 - Argent Street – Full length
 - Bagot Street – Full length
 - Beryl Street – Bromide Street to Bagot Street
 - Blende Street – Gossan Street to Bromide Street
 - Bonanza Street – Full length
 - Bromide Street – Crystal Street to Thomas Street
 - Brookfield Avenue – Full length
 - Chloride Street – Crystal Street to Beryl Street
 - Crystal Street – Full length
 - Garnet Street – Crystal Street to Beryl Street
 - Gypsum Street – Full length
 - Iodide Street – Crystal Street to Williams Street
 - Kaolin Street – Crystal Street to Wolfram Street
 - Lane Street – Bagot Street to Buck Street
 - Menindee Rd – Argent Street to Holten Drive
 - Oxide Street – Crystal Street to Thomas Street
 - Patton Street – Queen Street to Central Street

Rakow Street – Full length
Sulphide Street – Crystal Street to Beryl Street
Thomas Street – Bromide Street to Oxide Street
Wentworth Road – Queen Street to Kanandah Road
Williams Street – Full length
Wills Street – Gypsum Street to Gossan Street

9. No food hawker or vendor shall set up a stall or any stand or trade in any street, road or lane fronting or within 100 metres of any of the following properties or locations:

Any Primary, Secondary or Private School
Broken Hill Regional Aquatic Centre
Busy Kids Child Care Centre
Duff Street Shopping Centre
Gymnastics & Kindergym Club
Happy Day Preschool & Long Day Care
Jubilee Oval
McCulloch Street Shopping Centre
Playtime Preschool
Rainbow Preschool
Sanderson Basketball Stadium
Village Shopping Centre
Westside Plaza Shopping Centre
YMCA Broken Hill Integrated Wellness Centre

10. No food hawker or vendor shall sell food on any park, reserve, recreation area or land owned or controlled by Broken Hill City Council.

5. IMPLEMENTATION

5.1 Roles and Responsibilities

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

- General Manager
- Manager Planning, Development and Compliance
- Environmental Health Officer
- Compliance Officer

5.2 Communication

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

5.3 Associated Documents

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

- Compliance and Enforcement Policy

- Local Approvals Policy
- Local Orders Policy

6. REVIEW

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

The standard review period will be every two years from the effective date, or when amendments have been made to relevant legislation. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

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

7. LEGISLATIVE AND LEGAL FRAMEWORK

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

- Food Act 2003
- Food Regulations 2015
- Local Government Act 1993
- Environment Planning & Assessment Act 1979

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

8. DEFINITIONS

Mobile Food Vehicle refers to a motor vehicle, caravan, trailer or other mobile units that are registered as per the requirements of the Motor Traffic Act and have been constructed in accordance with the NSW Food Authority's Guide for Mobile Food Vending Vehicles.

Temporary Food Stall refers to an enclosure that is usually made from strong light weight material housing cooking and other facilities, designed to serve food for one day.

Carts and other devices refers to an apparatus or small vehicle with or without wheels, usually not road registered, that can be but not limited to being, carried, pushed, or pulled along. Carts and other devices do not usually meet the criteria of a mobile food vehicle or temporary food stall.

Itinerant Food Vendor means a person who has a mobile food vehicle, temporary food stall or cart used for the sale of food and travels from place to place.

Food Hawker means a person selling food from public streets and lands, making brief and intermittent stops to serve customers.

Approval refers to an approval by Council of an application under Section 68 of the Local Government Act 1993.

Council refers to Broken Hill City Council.

Authorised Officer means a person appointed by Broken Hill City Council under relevant legislation such as the Food Act 2003.

Potentially Hazardous Food is defined by Food Standard 3.2.2 defined as "food that has to be kept at certain temperatures to minimise the growth of any pathogenic microorganism that might be present in the food or to prevent the formation of toxins in the food". Clause 8 of that Standard requires that a food business, when displaying potentially hazardous food, display it under temperature control.

Development Consent means the consent of Broken Hill City Council under Part 4 of the Environmental Planning and Assessment Act 1979 for an applicant to carry out development and includes, unless expressly excluded, a complying development certificate.

ORDINARY MEETING OF THE COUNCIL

July 9, 2020

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 97/20

SUBJECT: DRAFT SMOKE FREE PLAYGROUNDS AND SPORTING
RESERVES POLICY

12/14**Recommendation**

1. That Broken Hill City Council Report No. 97/20 dated July 9, 2020, be received.
2. That Council endorses the draft Smoke Free Playgrounds and Sporting Policy for the purpose of public exhibition.
3. That Council publicly exhibits the draft Smoke Free Playgrounds and Sporting Policy accepts submissions from the public for a period of 28 days.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the draft Smoke Free Playgrounds and Sporting Policy as a policy of Council.

Executive Summary:

The draft policy replaces the Smoke Free Playgrounds and Sporting Reserves Policy 2008. This Policy recognises that Council has an obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.

Report:

The Smoke Free Playgrounds and Sporting Reserves recognises that Council plays a key role in advocating public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.

Council is also committed to improving the natural environment and amenity of the local area by reducing the negative effects of smoking and use of e-cigarettes in public areas.

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life-threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to secondhand smoke are at an increased risk of asthma, acute respiratory infections and other health issues.

The Policy aims to:

- a) Improve the health of community members.
- b) Improve public amenity and maintenance of Council property.
- c) Raise community awareness of the issues associated with smoking.
- d) Provide community leadership in taking measures to protect the health and wellbeing of the community.
- e) Minimise cigarette butt pollution in parks, recreational areas and other open space areas.

The Policy applies to:

- a) A place this is within 10 metres of children's play equipment but only if the children's play equipment is in an outdoor public place.
- b) A public swimming pool complex.
- c) A public area set aside for or being used by spectators to watch an organised sporting event at a sports ground or other recreational area, but only when an organised sporting event is being held there.
- d) A commercial outdoor dining area.

Community Engagement:

The recommendation for Council is that the draft policy be places on public exhibition for a period of 28 days.

Strategic Direction:

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

Relevant Legislation:

The *Smoke-free Environment Act 2000* bans and regulates smoking in the above-mentioned open space areas.

The following documents are related, either directly or indirectly, to the Policy:

- a) Workplace Smoking Policy
- b) *Smoke-free Environment Act 2000*
- c) *Smoke-free Environmental Regulation 2016*
- d) *Local Government Act 1993*
- e) *Local Government (General) Regulation 2005*
- f) NSW State Health Plan: Towards 2021
- g) NSW Tobacco Strategy 2012-2017
- h) National Heart Foundation

Financial Implications:

Nil

Attachments

1. [↓](#) Draft Smoke Free Playgrounds and Sporting Reserves

JAMES RONCON
GENERAL MANAGER

DRAFT SMOKE FREE PLAYGROUND AND SPORTING RESERVES POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 – D20/5437		
RESPONSIBLE POSITION	Manager City Development and Planning		
APPROVED BY	Council		
REVIEW DATE	September 2024	REVISION NUMBER	2
EFFECTIVE DATE	ACTION	MINUTE NUMBER	

1. INTRODUCTION

This Policy recognises that Council plays a key role in advocating public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.

Council is also committed to improving the natural environment and amenity of the local area by reducing the negative effects of smoking and use of e-cigarettes in public areas.

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life-threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to secondhand smoke are at an increased risk of asthma, acute respiratory infections and other health issues.

2. POLICY OBJECTIVE

The Policy aims to:

- Improve the health of community members.
- Improve public amenity and maintenance of Council property.
- Raise community awareness of the issues associated with smoking.
- Provide community leadership in taking measures to protect the health and wellbeing of the community.
- Minimise cigarette butt pollution in parks, recreational areas and other open space areas.

3. POLICY SCOPE

The Policy applies to:

- A place this is within 10 metres of children's play equipment but only if the children's play equipment is in an outdoor public place.

- b) A public swimming pool complex.
- c) A public area set aside for or being used by spectators to watch an organised sporting event at a sports ground or other recreational area, but only when an organized sporting event is being held there.
- d) A commercial outdoor dining area.

4. POLICY STATEMENT

This Policy recognises that Council has an obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.

The *Smoke-free Environment Act 2000* bans and regulates smoking in the above-mentioned open space areas.

What are other relevant documents?

The following documents are related, either directly or indirectly, to the Policy:

- a) Workplace Smoking Policy
- b) *Smoke-free Environment Act 2000*
- c) Smoke-free Environmental Regulation 2016
- d) *Local Government Act 1993*
- e) Local Government (General) Regulation 2005
- f) NSW State Health Plan: Towards 2021
- g) NSW Tobacco Strategy 2012-2017
- h) National Heart Foundation

5. IMPLEMENTATION

5.1 Roles and Responsibilities

NSW Health is the authority responsible for the administration and enforcement of smoke free areas defined under the *Smoke-free Environment Act 2000*.

NSW Health inspectors conduct regular compliance monitoring and enforcement activity. They can issue cautions or on the spot fines of up to \$300 to people who break the smoking bans. Inspectors can also provide education to the public on smoking bans and work with property and building owners to display smoke-free signage and remove butt bins where appropriate.

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

- General Manager
- Manager City Development & Planning
- Environmental Health Officer
- Compliance Officer

5.2 Communication

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

6. REVIEW

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

The standard review period will be every two years from the effective date, or when amendments have been made to relevant legislation. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

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

7. LEGISLATIVE AND LEGAL FRAMEWORK

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

- *Smoke-free Environment Act 2000*
- *Smoke-free Environment Regulation 2016*

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

8. DEFINITIONS

Recreational area where stated in this Policy refers to Council owned or managed sporting facilities, playgrounds, skate parks, outdoor fitness equipment and public swimming pools.

Outdoor sporting facilities where stated in this Policy refers to Council own or managed (including leased and licensed) sports fields and the infrastructure associated with a sports field, including amenities buildings, canteens, grandstands and clubhouses.

Smoke means use, consume, hold or otherwise have control over a tobacco product, non-tobacco smoking product or e-cigarette that is generating (whether or not by burning) smoke or an aerosol or vapour.

ORDINARY MEETING OF THE COUNCIL

July 15, 2020

ITEM 5BROKEN HILL CITY COUNCIL REPORT NO. 98/20SUBJECT: DRAFT PUBLIC ART POLICY FOR PUBLIC EXHIBITION 12/14**Recommendation**

1. That Broken Hill City Council Report No. 98/20 dated July 15, 2020, be received.
2. That Council endorses the draft Public Art Policy for the purpose of public exhibition.
3. That Council publicly exhibits the draft Public Art Policy and accepts submissions from the public for a period of 28 days.
4. That Council receives a further report at the conclusion of this exhibition, detailing submissions and any recommended changes arising, with a view to adopting the draft Public Art Policy, as a Policy of Council.

Executive Summary:

This report presents draft Public Art Policy, for Council's consideration and subsequent public exhibition.

This draft was circulated to the Art Gallery Advisory Committee and is recommended to Council for public exhibition and submissions.

Report:

The Art Gallery Advisory Committee was consulted in the development of the draft Public Art Policy as were internal Council stake holders. Industry best practice policies were also considered as part of the research process. Minor additions and amendments were made and were approved by the Gallery and Museum Manager for final presentation to Council.

The draft Public Art Policy includes all necessary information, descriptions, definitions and processes and aligns with best industry practice for public art in New South Wales.

The following Policy will be superseded following the exhibition period and upon final resolution by Council:

- Broken Hill City Council Public Art Policy – adopted 3 November 2010

It is recommended that Council publicly exhibits the draft Public Art Policy and accepts submissions from the public for a period of 28 days.

Community Engagement:

The draft Public Art Policy will be placed on public exhibition for a 28-day period during which time Council will accept submissions from the public.

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) Regulation 2005

Financial Implications:

Nil

Attachments

1. [↓](#) Draft Public Art Policy

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAMES RONCON
GENERAL MANAGER

DRAFT PUBLIC ART POLICY

QUALITY CONTROL			
EDRMS REFERENCES	D20/27566 – 12/14		
RESPONSIBLE POSITION	Director Corporate		
APPROVED BY	Council		
REVIEW DATE	09/07/2022	REVISION NUMBER	3
EFFECTIVE DATE	ACTION	MINUTE NUMBER	

1. INTRODUCTION

This Public Art Policy supports Council's broader strategic priorities of creating a vibrant community that expresses our distinctive character and identity. Whilst Broken Hill is a City that honours and is inspired by its history and uniqueness, at the same time, Council also encourages new creative interpretations of culture that reflect our current way of life.

Broken Hill aspires for public art to be an everyday experience that expresses the community's unique attributes, culture, heritage and people. Public art contributes to the creation and vibrancy of the City's public spaces and landscapes for the enjoyment of residents and visitors. It elevates the aesthetic profile of our places and provides insight into our cultural life and community values. It also assists in promoting social inclusion, diversity and artistic expression.

This policy reflects the key directions identified in Council's vision, plans and strategic priorities. It also outlines a position and approach to public art that is flexible to ensure outcomes are responding appropriately to the changing social/economic/cultural environment of Broken Hill and the region.

Council plays a key role in the development of public spaces and as such hold the key to including public art in its many forms, whether through direct commissions or in partnership with other tiers of government and/or the private sector, or through supporting community driven initiatives. This Policy supports the Broken Hill City Council Community Strategic Plan.

2. POLICY OBJECTIVE

This Policy and associated Guidelines (attached) aims to provide a framework for the acquisition, assessment and development of public art in the Broken Hill Local Government Area (LGA) in accordance with community aspirations and industry best practice. It also establishes the key principles (Council and the community seeks to express through public art) and criteria for informed, transparent and high-quality decision-making when developing, approving or declining proposed public art projects.

3. POLICY SCOPE

This Policy applies to all and any public art projects located, or proposed, in the public domain; including private land that is publicly visible. It articulates the approach for works that are developed and managed by Council. It also defines Council and third-party roles in facilitating privately commissioned works. The policy applies to:

- Public art commissioned and developed by Council.
- Public art commissioned and developed by private enterprises, associations, individuals, property developers, community groups, businesses or other third parties.
- Public art commissioned by third parties (including other government bodies) and transferred or donated to Council.

Signage including entry statements, interpretative panels are excluded from this policy.

This policy also recognises that contemporary public art practice includes a diverse range of styles and practices. These may be stand-alone projects or proposals from within Council or from the community; embellishments to capital works or other proposals arising from time to time. Council reserves the right to decline the offer of any artwork proposed for a public place which does not meet safety, aesthetic, structural, heritage, urban design or durability requirements.

4. POLICY PRINCIPLES

Through public art, we imagine and experience our place in a new way. Broken Hill's unique status on the National Heritage List as the first heritage listed city reflects its deep natural and cultural values. It is therefore challenging to define a single cultural narrative for Broken Hill.

For that reason, these guiding principles help define the key messages to be conveyed, and help define the way in which the City will interpret or create meaning or spirit of the place through public art. These principles aim to encourage conversation, aid engagement with the social and cultural histories of Broken Hill and guide artists in the initiation and development of public art. These include:

- ***Supporting Equity, Accessibility, Relevance and Engagement***

Council recognises the intrinsic value of public art. Artworks can be accessible to a diverse audience while maintaining rigor, relevance, and depth of meaning. Public art can provide a variety of experiences and opportunities for community engagement/ interaction and to encourage community reflection, inspiration, and well-being. Public art will also seek to provoke thought and challenge.

- ***Connecting to place (people, land and environment)***

Public art can bring Broken Hill's fascinating history to life while also making the city socially viable and connected in the present day. Public artworks can provide a point of reference, a meeting place and an object for exploration. Key narratives that support this principle relate to Broken Hill's uniqueness through deep earth, desert, climate, heritage, Aboriginal art and culture, stories, the big sky and land art.

- ***Enhancing Broken Hill's cultural offer for residents and visitors***

Public art can build a connected, creative and dynamic place to live and visit. Public art enlivens and animates public space and can be used as an active placemaking tool in regeneration. Public art can not only seek to enhance the aesthetic value of the built and natural environment but also encourage residents and visitors to Broken Hill to interact with public spaces and contribute to the vibrancy of the community and broader cultural tourism opportunities. Public art can offer Indigenous perspectives and strengthen our understanding of the rich First Nations Cultures in this area.

- ***Recognising the depth and breadth of contemporary public art practice***

This policy recognises that contemporary public art practice includes a diverse range of styles and practices. Public art includes permanent and/or temporary and ephemeral art projects across a wide range of media including projects integrated with architecture and urban design (street lighting, wayfinding, landscape and furniture elements) to supporting and creating events and outcomes of artist residencies (film, digital, projection, performance and interactivity).

5. POLICY STATEMENT

This Policy will guide the development and implementation of public art projects to enhance the cultural vitality of the community.

The role of public art in urban design, placemaking and activation is widely recognised for its ability to enliven spaces, contribute to a positive sense of place and reinforces a range of social, cultural, economic, and environmental and heritage values particular to Broken Hill.

Culture and landscape are fundamental to shaping our local place, and are inherently linked with memory, meaning, and identity. Council is able to play a very active role in advocating for quality public art works to be created across the LGA. Council is in a position of primary influence, to shape public spaces and inspire art which is unique to Broken Hill and reflective of its community.

6. IMPLEMENTATION

Implementation of this Policy is outlined in greater detail below and in the attached guidelines.

6.1 Roles and Responsibilities

The implementation of this Policy requires a cross-Council approach. Strong internal working processes at Council are critical to the success of the Public Art Program. An interdepartmental group/panel comprised of key representatives from departments will be established under this Policy.

The panel will include the following skills and experience of Council staff; with the support of two independent panel members:

- Art/Culture i.e. Art Gallery & Museum Manager
- Technical i.e. Building inspector/civic works/landscape architect
- Planning i.e. Development Assessment Planner

Two independent panel members will be co-opted from Council's Broken Hill Regional Art Gallery Advisory Committee.

6.2 Project Application Approval Process

All public art projects (Council and non-Council initiated on both public and private land with public visibility) will require a written application to Council, describing the project and demonstrating how the project meets the policy (see attached guidelines). If a development approval is deemed to be required, then this must be submitted alongside the application. Both the application and development approval will be assessed by the panel concurrently.

All public art projects will be assessed by the panel referred to in section 6.1 Roles and Responsibilities. The panel will review the application and a report will be prepared on the development of public art proposals/projects. This report will be submitted to Council for final adoption.

6.3 Assessment Criteria

Each public art project will be assessed on its merit. Evaluation and approval of all public artworks proposed by Council, the private sector, other public authorities, individuals and other groups within the Broken Hill LGA is based on the following criteria:

1. Reflects excellence in contemporary art practice and standards of high quality.
2. Presents creative, original and innovative ideas.
3. Appropriateness to the context of the project brief, site and community (ability to reflect and engage with community aspirations, create discussion, interest and awareness, and foster relationships between people and place).
4. Consideration of the implications of the project in the context of the National Heritage values of the City.
5. Technical feasibility and ability to successfully realise the proposal/work.
6. Consideration of public safety and the public's access to and use of the public domain.
7. Relevance to the strategic objectives and actions of Council.
8. Consistency with current Council plans and procedures (heritage; environmental policies; and plans of management).
9. Maintenance and durability requirements.
10. Value for money.

6.4 Maintenance of Public Art Works

Council recognises the importance of adequate and appropriate maintenance of public artworks. As such, the life of the work should be considered in the commissioning phase and any ongoing maintenance requirements form a core part of the consideration for the work; an assessment of the work's ongoing durability, life of materials and the limitation of maintenance are criteria for Council's consideration.

Council is responsible for the maintenance and safe keeping of all Council commissioned or acquired public artwork. Excepting contractual exclusions, assets procured under this policy are to be managed under Council's Asset Management Policy and procedures, with specific regard to maintenance linked with Council's corporate and business plans (including the Long-Term Financial Plan), budgets and reporting processes.

Public artworks developed privately are the responsibility of the owner. If the artwork cannot be satisfactorily maintained/repared or restored, Council may request the removal of the artwork at the owners expense or consider discretion for future public ownership.

6.5 Communication

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

6.6 Associated Documents

This Public Art Policy integrates with Council's strategic directions, policies, planning controls, corporate documents. This holistic approach to local planning requires that the Public Art Policy reference those policies and equally that those policies are amended to reference it.

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

- The Public Art Guidelines (Appendices attached) – which outline the main elements that need to be considered in the implementation of Council's Public Art Policy. These Guidelines provide the rationale and outline the key processes for Council's commitment to planning, developing, and installing public art projects. It provides the key criteria for informed, transparent and high-quality decision-making when approving or declining proposed public art projects.
- Council's Procurement Policy.
- BHRAG Collection Management Policy.

7. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines. The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

The Director Corporate is responsible for the review of this policy.

8. LEGISLATIVE AND LEGAL FRAMEWORK

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

- *Environmental Planning and Assessment Act 1979.*
- *Local Government Act 1993.*
- *Graffiti Control Act 2008.*
- *Environment Protection & Biodiversity Conservation Act 1999 (Commonwealth)*
- Regulations associated with above legislation.
- Relevant State Environmental Planning Policies.
- *Broken Hill Local Environmental Plan 2013; and*
- *Broken Hill Development Control Plan 2016.*

9. DEFINITIONS

Public Art - Art which is; located in the public domain; and/or accessible to members of the public; and/or created through a public event or activity.

This includes artwork installed, performed, created or otherwise presented on Council controlled premises, reserves under BHCC control, community land, or otherwise requires development consent.

This can consist of permanent, temporary and ephemeral works such as installations, sculptures, murals, mosaics, projection, lighting, soundscapes, multi-media and performance-based work. Public art also extends to unique street design and furniture elements created by an artist to add value to the creative outcome of public realm projects such as paving, ornamental wall inserts, windows, gates, grates, light fittings, bollards, water features and the like.

Temporary artworks - have a lifespan of under five years and include relocatable works. All public art, as encompassed by this guideline, is short-term, temporal or transient. It does not include works of public art which are intended to be "permanent". Works of temporary public art are intended to occupy a place and/or have a presence in the public realm for a finite period of time usually between one week and six months.

Ephemeral artworks - are distinctive because they may have a fleeting and immaterial presence on site, perhaps only for a single day or a matter of hours - for instance in the case of a light projection or a performance. Other works of ephemeral public art may have a more substantial material presence on site but may incorporate their own changing state and disappearance/dissipation as an integral part of the artwork (i.e. sand sculpture).

Permanent artworks - have an expected lifespan of five years or more. Enduring artworks are commissions with an expected lifespan of 15-20 years or more.

Site specific - specifically, for and responsive to a particular site, thematically or through use of scale or materials.

Mural - A mural is an artwork applied directly to a large surface in a public space. As a form of street art, murals can be distinguished from graffiti-vandalism, tagging or guerrilla advertising. Murals are typically temporary in nature and can be produced in a variety of ways - for example, painted, digital, ceramic, airbrush and aerosol can.

Memorial - Generally, a memorial can be described as an object established in memory of a person or an event. A memorial object may be a plaque, statue, sculptural work, fountain, seat or park bench, or horticultural features.

Graffiti - Unlike Street Art, graffiti and tagging are generally considered to be the illegal practice of marking another person's property without consent and usually involves the use of paint, spray paint or marker pens.

Plaque - A flat tile/tablet of metal, stone or other material which includes text and/or images to commemorate a person, place or an event and/or to provide interpretive text or information relevant to its location. Such a plaque is usually fixed to an object, furniture, building or pavement.

Interpretive Panels - A panel with information often found in parks, gardens and public open spaces. The panel will interpret and inform visitors about what is around them or what they are looking at. For example: a piece of permanent public art might have an interpretive panel that also acknowledges the artist, or there might be a Heritage interpretive panel that will give you historical/cultural context to the site.

National Heritage values - Those values of the City of Broken Hill which were the basis of listing the City on the National Heritage List pursuant to the *Environment Protection & Biodiversity Conservation Act 1999 (Commonwealth)*, an explanation of which were set out in the gazettal notice published in the Commonwealth of Australia Gazette dated 22 December 2014.

APPENDIX 1:**GUIDELINES FOR MURAL ARTWORK**

Council aims to support artists to create contemporary art that has community benefits including graffiti prevention, community building, placemaking and regeneration across the City of Broken Hill.

It is a requirement that before painting an artwork/mural on an external surface whether it is a wall, fence, laneway or façade it is essential to contact Council's planning section to enquire about approval. Council, at its discretion, may refuse to approve any Mural.

It should be noted that there are heritage listed items and heritage conservation areas in effect across the City. This includes Local, State and National Heritage Listed buildings/places. This ensures that controls are in place to protect the heritage, amenity and suburban character across the LGA.

There may be paint controls over individual properties and therefore, murals will not always be appropriate. In some cases, exposed brick walls are heritage controlled and cannot be painted over in any circumstance. Furthermore, artworks proposed adjacent to a state or federal road may also require NSW Roads and Maritime consent.

What is a Mural?

A mural is an artwork applied directly to a large surface in a public space. As a form of street art, murals can be distinguished from graffiti-vandalism, tagging or guerrilla advertising. Murals are typically temporary in nature and can be produced in a variety of ways - for example, painted, digital, ceramic, airbrush and aerosol can.

DEVELOPMENT APPROVAL

Development Approval may be required and will be subject to Council's assessment process before an artwork/mural can be painted or installed. Aerosol art murals are treated as works of art in the public domain and assessed in the same manner as any other proposal.

The criteria for public art (as described within this policy) are sufficiently broad to equitably accommodate different styles, aesthetics and art media.

The artwork will therefore be subject to consistency with this Policy by means of the relevance and appropriateness of the artwork:

- With Council's vision for Broken Hill and addressing an expression of identity and character.
- To the context of its site (artwork in keeping with the aesthetic and social context of the location).
- Artwork does not contain tags, offensive language/material or explicit images.
- Artwork does not contain commercial branding/imagery/logos (Any Mural which can be deemed advertising (by way of colour branding, business logos or imagery related to the main service of the business)).

Consideration will also be given to:

- Consistency with current planning, heritage and environmental plans/policies and plans of management (where applicable).
- Public safety and the public's access to and use of the public domain.
- Maintenance and durability requirements of the artwork.

- Feedback from any properties that will have your artwork in their direct line of sight or may be directly impacted by a change to the space.
- Evidence of community support being sought and considered.

Applicants must be prepared to enter an agreement with Council that guarantees completion of the work in the manner approved by Council. This is in addition to any documentation required for a development approval.

INFORMATION TO BE SUBMITTED

A Development Application may be required under the provisions of the *Environmental Planning and Assessment Act 1979* and/or *Broken Hill Local Environmental Plan 2013*.

Proposals must include sufficient information for the assessment to be undertaken. You will be requested to supply the following information in your Development application:

- Written permission from the property owner.
- A completed Development Application form. (Please note there may be sections in the application form that are not applicable to your project).
- Statement of Environmental Effects.
- A clear purpose: a description of why you want to create a mural, what you hope to achieve and why it is important.
- A timeline showing how long the artwork is to remain. (Murals typically last three to five years. After this time, the condition of the mural may decline, the topic or theme may become less relevant, or the owner may want to renovate the site. For these reasons, it is important to agree on the lifespan of your mural before submission).
- Photos of the building or location where the artwork will be located.
- A plan of the site which illustrates where the artwork will be located in relation to roads, buildings etc.
- Dimensions of the artwork should be provided.
- A colour design of the artwork (to scale) outlining what mediums will be used (e.g. aerosol, mosaic, acrylic paint).

ADDITIONAL LIABILITY AND SAFETY REQUIREMENTS

- If you plan to paint your artwork on boards and attach the boards to a wall, or install other objects onto a building, you must provide an explanation of how you will do this (an engineering report may be required)
- A copy of the certificate of currency for Public Liability Insurance - All artists working in the public realm are required to have public liability insurance of \$20,000,000. This is to protect you from anyone who might make a claim against you for bodily injury or property damage caused by negligent action on your part.
- There may also be a requirement to complete a Traffic Management Plan. This is to ensure that the artist/people painting the mural and passers-by/pedestrians/cyclists/motorists are safe. This may involve cordoning off a footpath or car park, or a road/lane closure, providing signage and public notices about the activity.
- If working above three metres a scaffolding system or a cherry picker/scissor lift is required.

MAINTENANCE OR DAMAGE

If the Mural cannot be satisfactorily repaired or restored, Council may request the removal of the artwork/mural at the Property Owner or lessee's expense.

APPENDIX 2:**GUIDELINES FOR TEMPORARY AND EPHEMERAL PUBLIC ART**

This Guideline has been created to manage artworks and art-based activity that can complement existing community, retail and commercial activities, and balance the needs of local residents and the public within the City. It also seeks to maintain and enhance the character, heritage, ambience and safety of the public domain, enriching both the community and visitor experience.

Temporary and ephemeral public art shares key characteristics with other works of public art, as defined by the Public Art Policy. Works of art in public spaces take many forms, including but not limited to paintings, prints, murals, photography, sculpture, and earthworks, details in streetscapes, performance art, installation, sound works, and text, audio and multimedia.

PRINCIPLES

Council's decision to approve a permit for this activity will be based on the following guiding principles. Council will refer to these principles in the decision-making process to ensure each application conforms to the Policy and is assessed fairly, consistently and appropriately. Council, at its discretion, may refuse to approve any temporary and ephemeral public artwork.

Appropriate location

- Council seeks temporary public art in an appropriate location in order to promote economic growth, cultural benefits and social integration while still appreciating the needs of local businesses, adjoining properties and other users of the public domain.
- The location should contribute positively to an area's sense of place and character.
- Temporary art can be an extension of the area's current activities and services or may align with community events, cultural and sporting celebrations, and forthcoming plans for the area.

Engaging and high quality

- Council supports original and creative temporary art that encourages community participation, is innovative or distinct, adds to the life of the place and offers a connection to our rich cultural surroundings.
- The activity should aim to engage with the surrounding public domain and people.

Safety and accessibility

- Temporary art should be delivered without compromising the safety of people or places.
- Temporary art should ensure that responsible and appropriate measures are in place to minimise risk and danger.
- Temporary art should be integrated into the public domain in a way that does not compromise existing uses, furniture, buildings, entrances, exits, disabled access and pedestrian safety.

Public amenity

- Temporary art should be designed to create a safe atmosphere for the community and never compromise public amenity.
- Temporary art should add to, rather than disrupt the community's engagement with the public domain.

- Temporary art should be integrated into the public domain in a way that does not compromise existing uses, furniture, buildings, entrances, exits, disabled access and pedestrian safety.

Management and operations

- Council will approve temporary art that demonstrates sound management practices such as timeliness, reliability and professionalism.
- Any proposed activity should consider operational matters such as but not limited to, safety, traffic, noise, waste and access before, during and after each activity.

Applicants must be prepared to enter an agreement with Council that guarantees completion of the work in the manner approved by Council. (This is in addition to any documentation required for development approval).

INFORMATION TO BE SUBMITTED

Initially, the process for external public art projects will require:

- Community groups/organisations/individuals/property owners contacting Council for approval to conduct a public art project on Council land.
- Council receiving a proposal (an outline of the project that should include artwork brief, proposed location and timing, project management details, nature of participants/artists and other support material including a risk management plan, and appropriate insurances etc.)

APPENDIX 3:**GUIDELINES FOR PERMANENT PUBLIC ART**

From time to time Council is approached by individuals and groups with proposals for permanent public art that sit outside Council's own program. Public art outside of Council initiated projects will need to comply with all requirements under this Public Art Policy. Council may accept proposals by artists, schools, public institutions, community organisations and private property owners for permanent Public Art projects with demonstrated community benefit.

PRINCIPLES

Council, at its discretion, may refuse to approve any permanent public artwork. Council's decision to approve a permanent public artwork will be based on the following guiding principles. Council will refer to these principles in the decision-making process to ensure each application conforms to the Policy and is assessed fairly, consistently and appropriately. Permanent public art projects will:

- Enhance the location in which the artwork is to be sited, adding interest and enriching context.
- Be specific to its site or context, drawing from and adding to the history, heritage and environment of its location; tells a local story.
- Be appropriate and suitable to its site, in scale and impact on amenity and other uses.
- Be high quality in design, materials and finishes.
- Present innovative, fresh, creative and original ideas.
- Engage and inform, be comprehensible and encourage engagement, provide interactivity; inspire, provoke reflection, arouse curiosity; enrich and stimulate.

The assessment of permanent public art projects will also include the following technical considerations:

- Is the artwork safe, durable, practical, robust and vandal resistant?
- Is there a detailed plan for maintenance including annualised costs and responsibility?
- Is there agreement on terms and conditions for removal, re-location, de-accessioning and disposal?

Applicants must be prepared to enter an agreement with Council that guarantees completion of the work in the manner approved by Council. (This is in addition to any documentation required for a development approval).

INFORMATION TO BE SUBMITTED

Development Approval maybe required, and any permanent artwork proposal will be subject to Council's approval process. Submissions must be in writing to Council and include:

- A Statement of Environmental Effects, which is required for all Development Applications. Also, a Heritage Impact Statement is also required in certain cases.
- Project proposal, (description to include expected outcomes and how the work will positively benefit the community)
- Final Design (Scale, materials and proposed location). Applicants must provide a brief outline of the proposal including dimensions, theme, style, materials and the type of artwork. The applicant

must also consider and provide notes on the proposed footings for the work, as some structural considerations may require engineering/ development approval.

- Applicants must provide specific details of the site including a simple plan and/or visual documentation showing the proposed location of the artwork and detailing whether the artwork is freestanding, on a wall, fence, etc.
- Confirmation of artists/project consultants and curriculum vitae/resume.
- Schedule for the project.
- Lifespan and Maintenance: what is the projected life of the artwork? Who will maintain the artwork in terms of public safety and aesthetics? What impact will the artwork have on the maintenance of the surrounding area? How will climatic conditions impact on the artwork?

APPENDIX 4:**GUIDELINES FOR MEMORIALS**

Council recognises that professionally designed and sited commemorative works provide an enduring reminder of events and people who have made a significant contribution to or impact on the history and evolution of the City of Broken Hill Local Government Area. The physical expression of commemorative works generally comprises plaques, memorials, gardens, trees, sculptures and statues.

Individuals and organisations periodically request that Council place monuments and memorials within buildings, parks and other public spaces owned or managed by Council. These memorial requests involve commemoration of individuals, organisations or events, and typically comprise plaques, gardens, trees, fountains, statues and/or sculptures.

Traditional memorials/monuments are not considered to be public art. However, projects that pay homage to a person, place or event must adhere to the goals of this policy and the criteria of this guideline. This guideline applies to all commemorative works and memorials within buildings, parks and other public domain under the ownership or management of Council. However, it does not apply to:

- naming of roads, buildings or parks.
- roadside memorials dedicated to victims of road fatality.
- commemorative objects in cemeteries, crematoria or burial grounds.
- signage, display boards, banners or public artworks.
- structures required primarily to provide directional or interpretive information

Design, construction or installation of any memorial on land or road owned or managed by Council may require council approval. Proposals that are consistent with the criteria and principles outlined in this guideline will proceed to Council for consideration.

Council does not guarantee the retention of any plaque or memorial in perpetuity and maintains the right to remove or relocate it should the site be redeveloped or significantly changed in character. Council also reserves the right to remove the memorial without compensation, should the memorial fall into disrepair, become vandalised or pose a risk to the public.

What is a Memorial?

Generally, a memorial can be described as an object established in memory of a person or an event. A memorial object may be a plaque, statue, sculptural work, fountain, seat or park bench, or horticultural features.

PROPOSING A NEW MEMORIAL

All formal requests are to be submitted in accordance with this guideline. New memorials may be created from time to time in recognition of people, organisations or events deemed to have made a lasting contribution which relates to the City of Broken Hill and is appropriate to be memorialised in this city. Proposals for memorials must therefore relate to a demonstrated, significant and acknowledged:

- civic-minded achievement or endeavour.
- outstanding community achievement and endeavour.
- educational or academic achievement or endeavour.

- achievement or endeavour in justice and law.
- service and sacrifice in war, or as a consequence of war, or the impact of war.
- achievement or endeavour in the visual arts or performing arts literature or literary achievement or endeavour.
- achievement or endeavour in relation to governance and community service; and
- achievement or endeavour in relation to sporting excellence.

Memorial subjects need to demonstrate the significant contribution by persons, groups, organisations or events to the Broken Hill community.

Memorials must convey the cultural and/or geographic significance to the Broken Hill community of the person, organisation or event being commemorated.

Memorials for individual/s will only be approved posthumously and a minimum of 12 months since the passing of the individual/s to be memorialised consistent with Geographical Names Board (GNB) Guidelines.

No new memorials will be considered to commemorate an individual, group, organisation or event already memorialised.

PRINCIPLES

Memorials will be assessed as to:

- The contribution that an individual, group or event proposed for commemoration has made to the development of Broken Hill. Where the contribution is more appropriately recognised at a State or National level, the individual or organisation proposing the memorial will be referred to the relevant body or authority.
- The connection or contribution of an individual, group or event has to the proposed site.
- Where the proposed site is to be located within a heritage conservation area or impacts a heritage item, such documents will inform the appropriateness of the memorial to a site.
- Whether the method of acknowledgement proposed is the most appropriate way to commemorate the person, group or event.
- The contribution the memorial will make to enhance a particular public space and use of that space.
- The appropriateness of the style, scale, materials and subject of the memorial for the place proposed.

Applicants must be prepared to enter an agreement with Council that guarantees completion of the work in the manner approved by Council. (This is in addition to any documentation required for a development approval).

INFORMATION TO BE SUBMITTED

Development Approval may be required, and any permanent artwork proposal will be subject to Council's approval process. Proposals for new memorials should address the following key points:

- The details of the proponents of the plaque, memorial or sign. If more than one group is involved, then include letters of support from these organisations.

- The type of memorial proposed, including materials and structural.
- The reason for the memorial and the connection with Broken Hill and the specific location proposed.
- The proposed siting of the memorial and the reason for choosing the site; and
- The approximate cost of the memorial if known and the funding arrangements.

Council receiving a proposal (an outline of the project that should include artwork brief, proposed location and timing, project management details, nature of participants/artists and other support material including a risk management plan, and appropriate insurances etc.)

ORDINARY MEETING OF THE COUNCIL

July 20, 2020

ITEM 6**BROKEN HILL CITY COUNCIL REPORT NO. 99/20****SUBJECT:** **INVESTMENT REPORT FOR JUNE 2020****17/82****Recommendation**

1. That Broken Hill City Council Report No. 99/20 dated July 20, 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 30 June 2020, Council's Investment Portfolio had a current market valuation of \$19,632,853 or principal value (face value) of \$19,602,504 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 30 June 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**

Worldwide covid-19 cases continued to increase through June in both emerging and developed nations. New US cases surged higher during the month as many states loosened restrictions and taking protective measures has become politicised. In China, industrial production and exports have rebounded to pre-virus levels spurred on by backlogged orders. However, the nation's consumer spending and other domestic indicators are still showing weakness. Prices of energy related commodities, including oil, liquefied natural gas and thermal coal, remain low due to the global slowdown. However, iron ore prices have improved on expectations of increased infrastructure spending in China and supply constraints in Brazil, one of Australia's major competitors in the iron ore market. The

International Monetary Fund is now predicting global GDP to contract -4.90% in 2020 and rebound by +5.4% in 2021.

Domestic issues

In Australia, states and territories have started loosening virus related restrictions. However, a flare up of new cases in Victoria has given pause to some of the optimism that the virus is in retreat. With the gradual reopening of the economy, latest retail sales results showed a surge in growth, up over 16% in May, and the three month average is matching pre-virus levels. Large scale layoffs announced by Qantas have highlighted concerns of what may be a regular occurrence when the government wraps up the Job Keeper program in September. Unless further stimulation plans are enacted, the unemployment rate is expected to balloon to 11% from 7%. The Australian share market recorded another gain in June, albeit down from midmonth highs. The ASX 200 index, above 7000 pre-covid and below 5000 in late March, is now sitting just short of the 6000 mark. A possible second wave of covid and with it a possible reinstatement of some restrictions has investors cautious. The AUD/USD closed out the month at 69c after having reached above 70c earlier in the month, sharply higher than its 19 year low in mid-March of 55c.

Interest rates

The RBA kept the official cash rate at 0.25%pa at its June meeting, noting that the Australian economy was experiencing the biggest economic contraction since the 1930s. Internal policy measures by the central bank are keeping market rates lower than the official 0.25%pa, but there is no expectation of another interest rate cut any time soon. Average term deposit rates dropped sharply again in June as some of the banks offering above average 'specials' started to cut their rates. The average of the best term deposit rates among large banks were 15-35 basis points lower across the 1month to 5 year range versus May month end and sharply lower than just 2 months ago. The RBA's policy measures to provide more and cheaper funding to the Australian banking system, along with a general slowdown in banks' funding needs, continue to contribute to the fall in term deposit rates over the past several months.

Investment Portfolio Commentary

Council's investment portfolio posted a return of 1.31%pa for the month of June versus the bank bill index benchmark return of 0.09%pa. For the 2019-20 financial year, the investment portfolio returned -0.46%pa, underperforming the bank bill index benchmark's 0.85%pa by -1.31%pa.

During June, Council's investment portfolio had \$500k 6-month AMP TD mature with a rate of 1.90%pa. A total of \$2.5m of new deposits were made with AMP and NAB across a range of 3 to 8 months at an average of 1.43%pa, which is reflective of the sharp drop-in interest rates over the past several months.

The TCorpIM MT Growth fund rose 0.4% in June. The Australian share market was up 2.3% during the month with retail (Consumer Discretionary +5.1%, Consumer Staples +4.8%) the best performing sectors due to optimism on sales and re-opening of stores. Energy (-2.1%) was the worst performing sector. Overseas markets were mostly stronger with the US S&P 500 (+2.0%), European S&P350 (+3.4%), Japanese S&P 500 (+0.1%) and Chinese S&P 300 (+7.9%) all gaining.

Council's Portfolio by Source of Funds – June 2020

As at 30 June 2020, Council's Investment Portfolio had a current market valuation of \$19,632,853 or principal value (face value) of \$19,602,504 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$13,845,504
	Royalties Reserve	\$680,000
	Domestic Waste Management Reserve	\$2,715,000
	Grants	\$2,362,000
	TOTAL PORTFOLIO	\$19,602,504

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. [June 2020 Investment Report](#)

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER



Investment Summary Report
June 2020



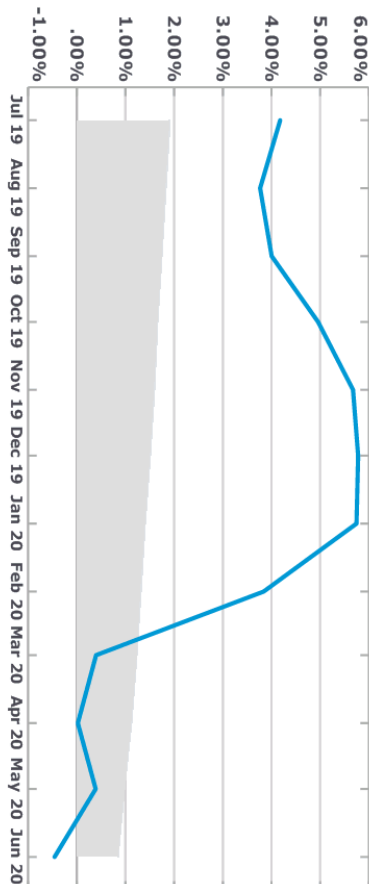
Broken Hill City Council
Executive Summary



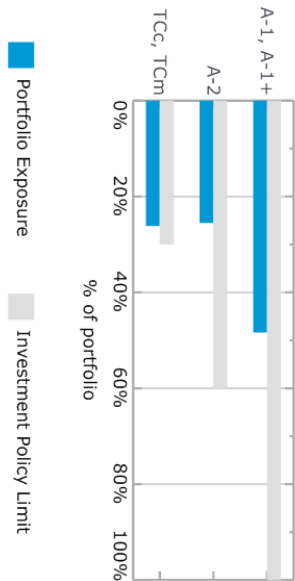
Investment Holdings

	Face Value (\$)	Current Value (\$)
Cash	7,978,906.13	7,978,906.13
Managed Funds	5,123,597.72	5,123,597.72
Term Deposit	6,500,000.00	6,530,349.30
	19,602,503.85	19,632,853.15

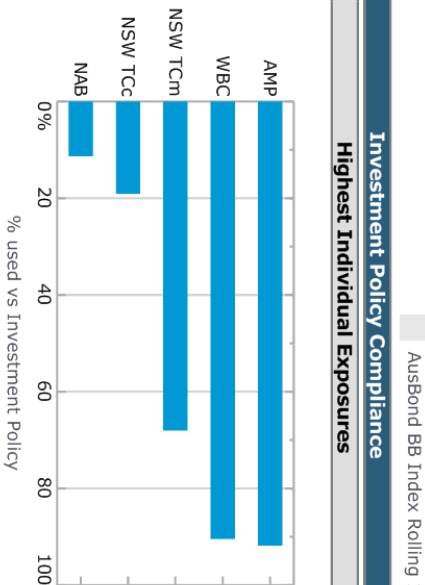
Investment Performance



Total Credit Exposure



Investment Policy Compliance
Highest Individual Exposures



Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	19,602,504	100%
	19,602,504	

Broken Hill City Council
Investment Holdings Report

Cash Accounts						
Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
5,385,188.49	1.2000%	Westpac Group	A-1+	5,385,188.49	535442	90d Notice
2,593,717.64	0.0000%	Westpac Group	A-1+	2,593,717.64	473409	Cheque
7,978,906.13	0.8099%			7,978,906.13		

Managed Funds						
Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.
1,123,063.10	0.0595%	NSW T-Corp (Cash)	Tcc	Cash Fund	1,123,063.10	535329
4,000,534.62	0.1820%	NSW T-Corp (MT)	Tcm	Medium Term Growth Fund	4,000,534.62	536441
5,123,597.72					5,123,597.72	

Term Deposits										
Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
15-Jul-20	500,000.00	1.6500%	Credit Union Australia	A-2	500,000.00	11-Dec-19	504,588.36	538901	4,588.36	At Maturity
15-Jul-20	500,000.00	1.6000%	Macquarie Bank	A-1	500,000.00	11-Mar-20	502,454.79	539566	2,454.79	At Maturity
5-Aug-20	500,000.00	2.0000%	AMP Bank	A-2	500,000.00	7-Aug-19	509,013.70	538375	9,013.70	At Maturity
12-Aug-20	500,000.00	1.8000%	AMP Bank	A-2	500,000.00	12-Feb-20	503,452.05	539452	3,452.05	At Maturity
19-Aug-20	500,000.00	1.9000%	AMP Bank	A-2	500,000.00	19-Feb-20	503,461.64	539467	3,461.64	At Maturity
2-Sep-20	500,000.00	1.8500%	AMP Bank	A-2	500,000.00	4-Mar-20	503,015.75	539525	3,015.75	At Maturity
16-Sep-20	500,000.00	0.7500%	National Australia Bank	A-1+	500,000.00	30-Jun-20	500,010.27	539975	10.27	At Maturity
30-Sep-20	500,000.00	1.4000%	AMP Bank	A-2	500,000.00	27-May-20	500,671.23	539848	671.23	At Maturity
28-Oct-20	500,000.00	0.8500%	National Australia Bank	A-1+	500,000.00	29-Jun-20	500,023.29	539970	23.29	At Maturity
11-Nov-20	500,000.00	1.4000%	AMP Bank	A-2	500,000.00	10-Jun-20	500,402.74	539917	402.74	At Maturity
2-Dec-20	500,000.00	1.7000%	AMP Bank	A-2	500,000.00	4-Mar-20	502,771.23	539526	2,771.23	At Maturity
9-Dec-20	500,000.00	1.5500%	AMP Bank	A-2	500,000.00	10-Jun-20	500,445.89	539914	445.89	At Maturity
3-Feb-21	500,000.00	1.4000%	AMP Bank	A-2	500,000.00	29-Jun-20	500,038.36	539971	38.36	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 Reference Frequency
6,500,000.00	1.5269%				6,500,000.00	6,530,349.30			30,349.30	

Broken Hill City Council

Accrued Interest Report - June 2020

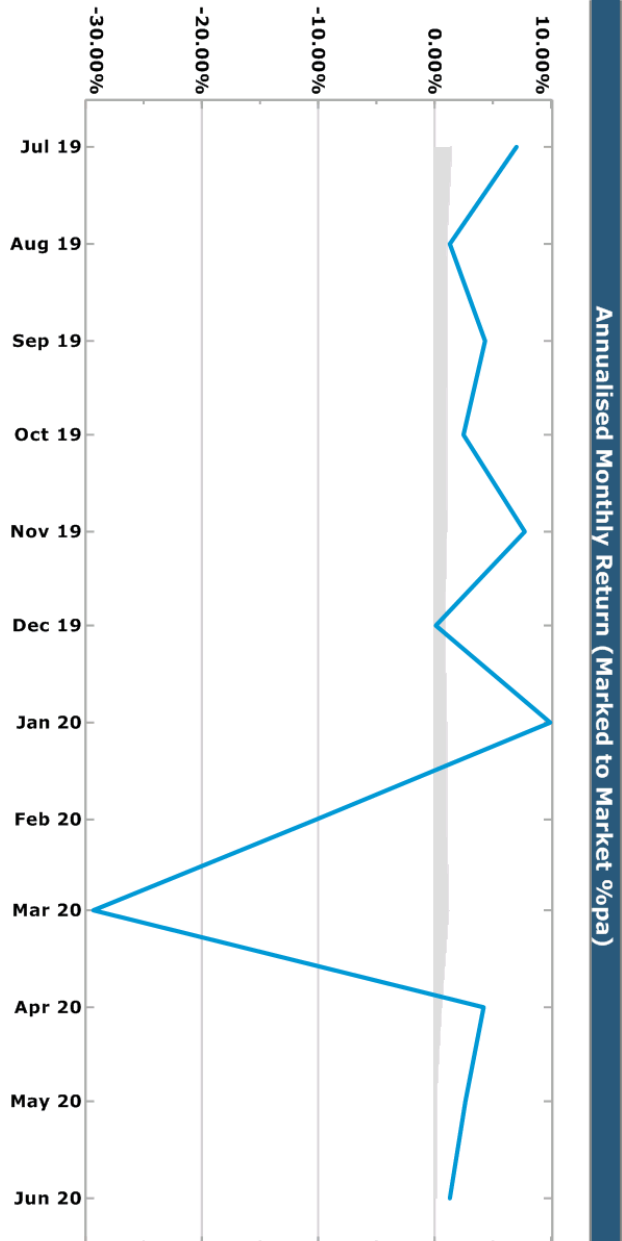


Accrued Interest Report										
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return	
Cash										
Westpac Group	473409	Cheque	2,593,717.64			0.00	30	0.00	.00%	
Westpac Group	535442	90d Notice	5,385,188.49			5,659.55	30	5,659.55	1.20%	
Cash Total						5,659.56		5,659.56	.84%	
Managed Funds										
Cash Fund	535329		1,123,063.10	29-May-17			30	668.27	.73%	
Medium Term Growth Fund	536441		4,000,534.62	12-Feb-18			30	5,452.23	2.24%	
Managed Funds Total								6,120.50	1.82%	
Term Deposits										
AMP Bank	538878		500,000.00	04-Dec-19	10-Jun-20	4,919.18	9	234.25	1.90%	
Credit Union Australia	538901		500,000.00	11-Dec-19	15-Jul-20		30	678.09	1.65%	
Macquarie Bank	539566		500,000.00	11-Mar-20	15-Jul-20		30	657.53	1.60%	
AMP Bank	538375		500,000.00	07-Aug-19	05-Aug-20		30	821.92	2.00%	
AMP Bank	539452		500,000.00	12-Feb-20	12-Aug-20		30	739.72	1.80%	
AMP Bank	539467		500,000.00	19-Feb-20	19-Aug-20		30	780.82	1.90%	
AMP Bank	539525		500,000.00	04-Mar-20	02-Sep-20		30	760.27	1.85%	
National Australia Bank	539975		500,000.00	30-Jun-20	16-Sep-20		1	10.27	.75%	
AMP Bank	539848		500,000.00	27-May-20	30-Sep-20		30	575.34	1.40%	
National Australia Bank	539970		500,000.00	29-Jun-20	28-Oct-20		2	23.29	.85%	
AMP Bank	539917		500,000.00	10-Jun-20	11-Nov-20		21	402.74	1.40%	
AMP Bank	539526		500,000.00	04-Mar-20	02-Dec-20		30	698.63	1.70%	
AMP Bank	539914		500,000.00	10-Jun-20	09-Dec-20		21	445.89	1.55%	
AMP Bank	539971		500,000.00	29-Jun-20	03-Feb-21		2	38.36	1.40%	

Broken Hill City Council
Accrued Interest Report - June 2020

Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days Accrued (\$)	Interest Percentage Return	
Term Deposits Total						4,919.18	6,867.12	1.69%	
						10,578.74	18,647.18	1.31%	

Broken Hill City Council
Investment Performance Report



Portfolio Annualised Return

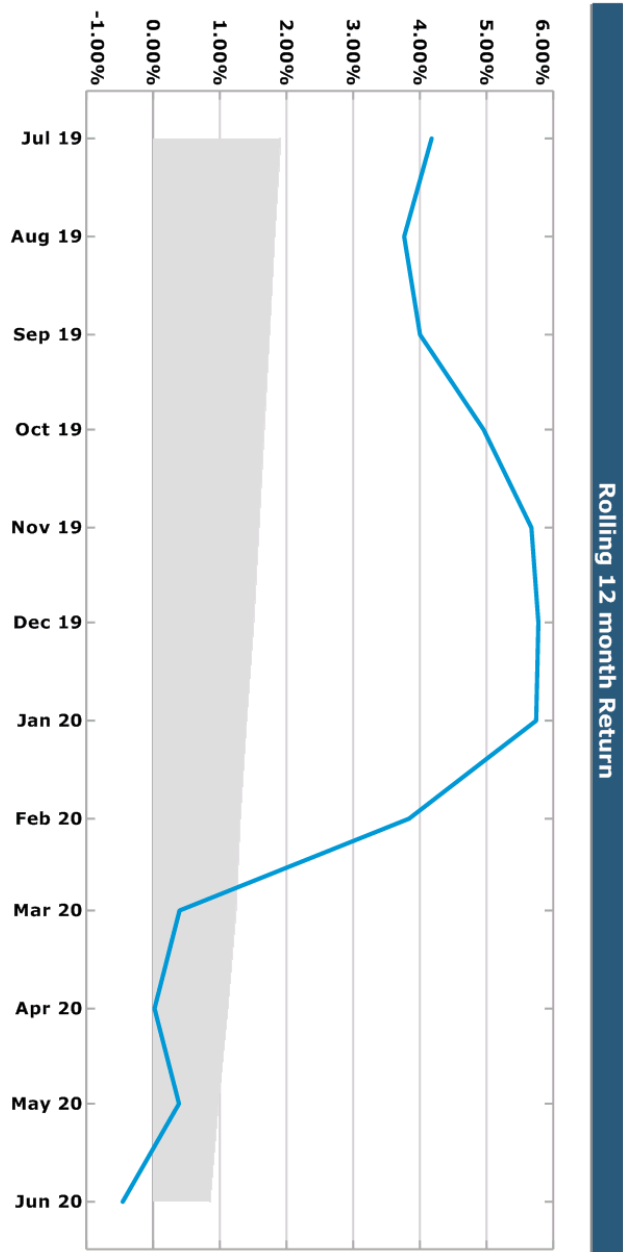
AusBond BB Index Annualised Return

Historical Performance Summary

	Portfolio	AusBond BB Index	Outperformance
Jun 2020	1.31%	0.09%	1.22%
Last 3 Months	2.72%	0.26%	2.46%
Last 6 Months	-4.56%	0.64%	-5.20%
Financial Year to Date	-0.46%	0.85%	-1.31%
Last 12 months	-0.46%	0.85%	-1.31%



Broken Hill City Council Investment Performance Report

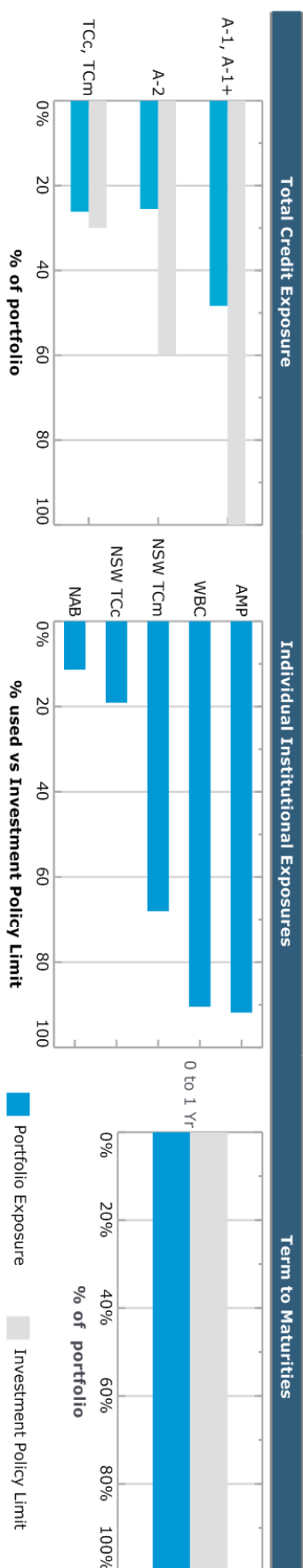


AusBond BB Index Rolling 12 month Return Portfolio Rolling 12 month Return

Historical Performance Summary (actual)

	Portfolio	AusBond BB Index	Outperformance
Jun 2020	0.11%	0.01%	0.10%
Last 3 Months	0.67%	0.06%	0.61%
Last 6 Months	-2.30%	0.32%	-2.62%
Financial Year to Date	-0.46%	0.85%	-1.31%
Last 12 months	-0.46%	0.85%	-1.31%

Broken Hill City Council Investment Policy Compliance Report

[illegible]

✓	= compliant
X	= non-compliant

Broken Hill City Council

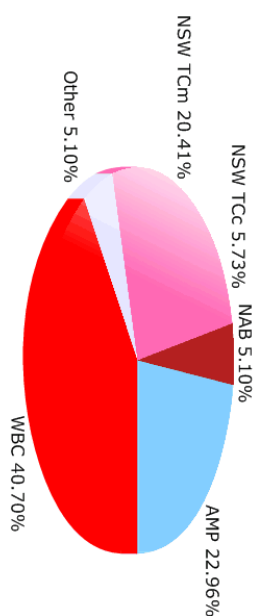
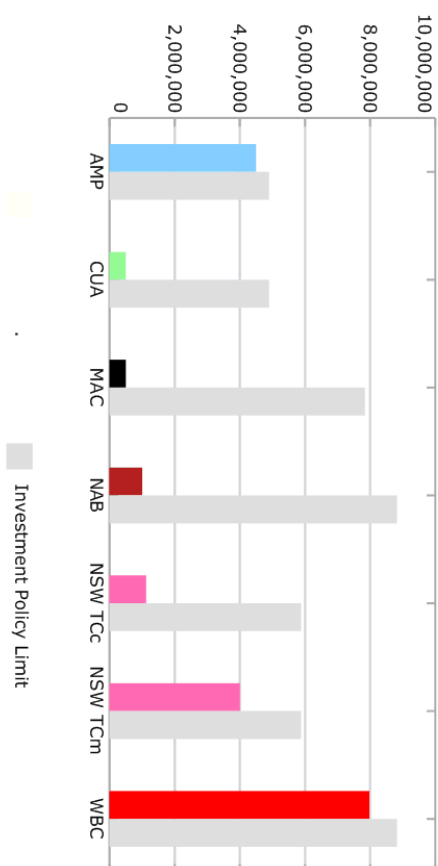
Individual Institutional Exposures Report



Individual Institutional Exposures

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
AMP Bank	A-2, BBB+	4,500,000	4,900,626
Credit Union Australia	A-2, BBB	500,000	4,900,626
Macquarie Bank	A-1, A+	500,000	7,841,002
National Australia Bank	A-1+, AA-	1,000,000	8,821,127
NSW T-Corp (Cash)	TCC	1,123,063	5,880,751
NSW T-Corp (MT)	TCm	4,000,535	5,880,751
Westpac Group	A-1+, AA-	7,978,906	8,821,127
		19,602,504	

Individual Institutional Exposure Charts



Broken Hill City Council
Cash Flows Report

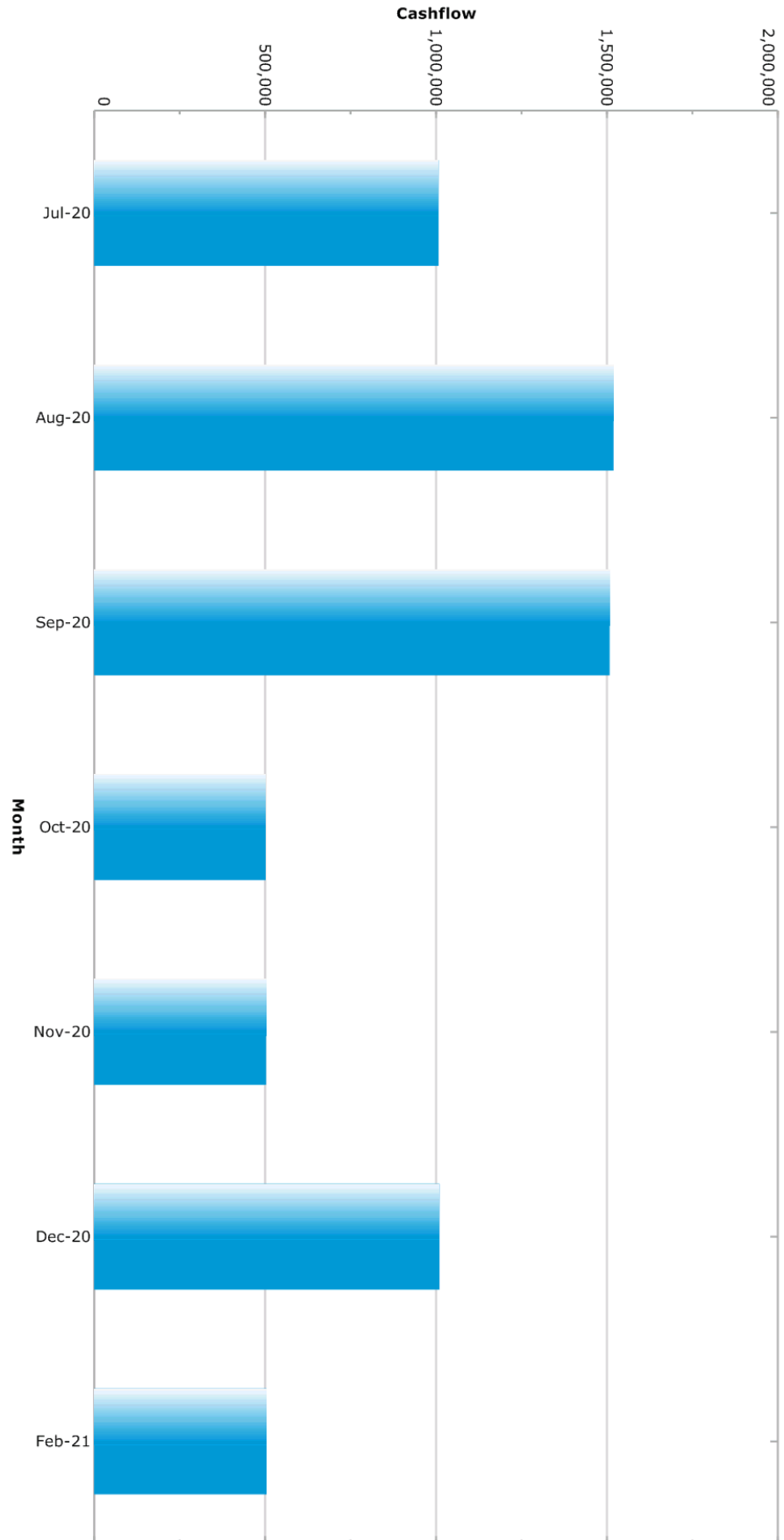
Current Month Cashflows

Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
10-Jun-20	538878	AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposits	Interest - Received	4,919.18
				Deal Total	504,919.18
				Deal Total	-500,000.00
	539914	AMP Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
				Deal Total	-500,000.00
				Deal Total	-500,000.00
				Deal Total	-500,000.00
	539917	AMP Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
				Deal Total	-500,000.00
				Deal Total	-500,000.00
				Deal Total	-500,000.00
29-Jun-20	539970	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
				Deal Total	-500,000.00
				Deal Total	-500,000.00
				Deal Total	-500,000.00
	539971	AMP Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
				Deal Total	-500,000.00
				Deal Total	-500,000.00
				Deal Total	-500,000.00
30-Jun-20	539975	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-500,000.00
				Deal Total	-500,000.00
				Day Total	-500,000.00
				Day Total	-500,000.00
Net Cash Movement for Period					-1,995,080.82

Next Month Cashflows

Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
15-Jul-20	538901	Credit Union Australia	Term Deposit	Maturity Face Value - Received	500,000.00
		Credit Union Australia	Term Deposit	Interest - Received	4,904.79
				Deal Total	504,904.79
				Deal Total	500,000.00
	539566	Macquarie Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		Macquarie Bank	Term Deposit	Interest - Received	2,761.64
				Deal Total	502,761.64
				Day Total	1,007,666.44
Net Cash Movement for Period					1,007,666.44

Broken Hill City Council
Cash Flows Report



ORDINARY MEETING OF THE COUNCIL

July 9, 2020

ITEM 7BROKEN HILL CITY COUNCIL REPORT NO. 100/20

SUBJECT: DEVELOPMENT APPLICATION 41/2020 - CONSTRUCTION OF NEW SUPERMARKET, INCLUDING FACADE SIGNAGE, FREESTANDING SIGNS, CARPARKING, SHADE SAILS, NEW LANDSCAPING AND TREE REMOVAL - 1 GALENA STREET, BROKEN HILL 11/467

Recommendation

1. That Broken Hill City Council Report No. 100/20 dated July 9, 2020, be received.
2. That Development Application 41/2020 for development comprising construction of a new supermarket; associated carpark accommodating 91 spaces; provision of one bicycle stand; shade sail structures; façade signage; two free-standing signs; tree removal and landscaping be approved, subject to conditions. Conditions to be imposed are as follows:

1. **PRESCRIBED CONDITIONS**

- (1) For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work—

- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,

- (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- (1A) For the purposes of section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

- (2) This clause does not apply—

- (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or

- (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant—

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or

- (b) construction certificate, in every other case.

Note.

There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

98A Erection of signs

(1) For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

(2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out—

(a) showing the name, address and telephone number of the principal certifier for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

(3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

(6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note.

Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

98B Notification of Home Building Act 1989 requirements

(1) For the purposes of section 4.17(11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.

(2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information—

(a) in the case of work for which a principal contractor is required to be appointed—

(i) the name and licence number of the principal contractor, and

(ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder—

(i) the name of the owner-builder, and

(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the updated information.

(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

98C Conditions relating to entertainment venues

For the purposes of section 4.17(11) of the Act, the requirements set out in Schedule 3A are prescribed as conditions of development consent for the use of a building as an entertainment venue.

98D Condition relating to maximum capacity signage

(1) For the purposes of section 4.17(11) of the Act, the requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building—

(a) entertainment venue,

(b) function centre,

(c) pub,

(d) registered club,

(e) restaurant.

(2) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

(3) Words and expressions used in this clause have the same meanings as they have in the Standard Instrument.

98E Condition relating to shoring and adequacy of adjoining property

(1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense—

(a) protect and support the building, structure or work from possible damage from the excavation, and

(b) where necessary, underpin the building, structure or work to prevent any such damage.

(2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

APPROVED PLANS AND DETAILS

2. The development must take place in accordance with the approved plans and documents submitted with the application, listed below:

Title	Revision/Date	Prepared by
Statement of Environmental Effects	April 2020	ekistics
Architectural package	<ul style="list-style-type: none"> • Location Plan – Rev A • Titles – Existing • Titles – Proposed • Existing Site Plan – Rev A • Demolition Site Plan – Rev C • Proposed Site Plan – Rev F • Proposed Roof Plan – Rev B • Proposed Service Protection Detail – Rev A • ALDI External Elevations – Rev D • Proposed Sections – Rev B • Signage Plan – Rev C • Signage Details - Sheet 1 – Rev A • Signage Details - Sheet 2 – Rev B 	Nielsen Architects
Landscape plan	22/2/19 – Rev A	Outerspace
Environmental Noise Assessment	January 2020	Sonus
Traffic Impact Assessment	9/1/2020	GTA Consultants
ALDI Broken Hill Delivery and Loading Procedures	undated	ALDI

except as altered by conditions of this development approval.

PRIOR TO COMMENCEMENT OF WORK

3. Prior to the commencement of any work on the site, a Construction Certificate is to be obtained from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with this consent and the applicable standards.
4. Prior to the commencement of any work on the site, the person having the benefit of this consent:
 - a) shall appoint a Principal Certifying Authority (PCA).
 - b) shall ensure a Construction Certificate is issued by the PCA.
 - c) shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.

5. Prior to the commencement of any work within the public road reserve, approval must be obtained from Broken Hill City Council's Infrastructure Department, along with providing a Traffic Management Control Plan.
6. Civil design drawings showing proposed works to median islands along Wills and Galena Streets (adjacent to the roundabout) and new driveways/vehicle crossovers shall be submitted to Council's Infrastructure Department. Council must approve these works prior to the issue of a Construction Certificate.
7. A full drainage and civil works plan will be required to be approved by Council prior to the issue of a Construction Certificate to ensure infrastructure design is adequate for stormwater drainage control of the proposed development and / or other property.
8. The detailed plans and specifications submitted with the application for a construction certificate must demonstrate compliance with the provisions of the Building Code of Australia for the appropriate class of building. Should the external configuration of the building be modified as a result of achieving BCA compliance, this development consent must also be modified.
9. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the relevant Australian Standards and Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition is provided and that the requirements are referenced on any construction drawings, prior to the commencement of construction. Details of the disabled facilities need to be adequately detailed on the Construction Certificate application.
10. A list of fire safety measures must be submitted with the Construction Certificate application, pursuant to Clause 139 of the *Environmental Planning and Assessment Regulation 2000*.
11. Prior to the commencement of any work on the site, the applicant is to obtain all relevant approvals to carry out sewerage work, electricity work and water supply work from the relevant local service provider and comply with any conditions of those approvals.
12. Prior to the commencement of works on the Site, a Construction Environmental Management Plan (CEMP) that addresses those works must be submitted to the satisfaction of the Certifying Authority.
The Plan must address, but not be limited to, the following matters where relevant:
 - i) hours of work;
 - ii) 24-hour contact details of Site manager;
 - iii) traffic management – the traffic management plan should be prepared in consultation with Council's Infrastructure Department;
 - iv) construction noise and vibration management;
 - v) an Unexpected Finds Protocol (UFP) and associated communications procedure, that also considers potential for finds associated with defence use of the land and measures for acid soil management;
 - vi) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site;
 - vii) waste storage and litter control;
 - viii) dust control.The Applicant must submit a copy of the CEMP to Council, prior to commencement of work. The CEMP must be implemented by the Applicant for the duration of the construction works.

13. The monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the *Broken Hill City Council Section 7.12 Developer Contributions Plan*. A copy of the Plan can be viewed on Council's website www.brokenhill.nsw.gov.au

Contribution Type	Proposed Cost of Development	Levy Percentage	Total Contribution
Section 7.12 Contribution	\$6 683 000	1%	\$66830

14. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). It is the developer's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

DURING CONSTRUCTION

15. That all building work must be carried out in accordance with the provisions of the Building Code of Australia.
16. Dust control measures are to be implemented during earthworks and during construction works to reduce any impact on local air quality and reduce dust emissions. This will include but may not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind-blown dust.
17. During construction, all building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an authorised Waste Landfill Depot at regular periods. The container shall be erected on the building site prior to construction work commencing and shall be maintained for the term of the construction to the completion of the project. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
18. During construction, any excavated material should be removed from the site in the approved manner and be disposed of lawfully to an authorised Waste Landfill Depot.
19. During construction, any waste materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
20. During construction, building operations such as brick cutting, washing down of concrete trucks, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials onto roadways or into neighbouring properties.
21. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.

22. All work vehicles entering or leaving the site must have their loads covered, and all vehicles, before leaving the site, should be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
23. During construction, all works associated with the development must be carried out entirely within the allotment boundaries.
24. During construction, all works are to be carried out so as not to cause damage to adjacent and adjoining properties. Any damage arising from demolition is to be made good and any necessary repairs and renovations carried out within three months.
25. During construction, works are to be carried out so as not to cause damage to nearby public infrastructure, services and utilities, including Council's kerb and gutter, footpaths and roadways. All damage arising from construction related works is to be made good and any necessary repairs and renovations carried out immediately at no cost to Council.
26. During construction, all utility services shall be protected.
27. During construction, the site shall be maintained in a clean and orderly condition during construction works.
28. Any clearing of land or earthworks shall be carried out only between 7.00am and 5.00pm Monday to Saturday with no work on Sundays and Public Holidays.
29. Construction activities at the development site shall be carried out only between 7.00am to 5.00pm Monday to Saturday. No work on Sundays and Public Holidays is permitted.
(Activities may be undertaken outside of the hours only a)if required by the Police or a public authority for the delivery of vehicles, plant or materials; or b)if required in an emergency to avoid the loss of life, damage to property to prevent environmental harm; or c)works are inaudible at the nearest sensitive receivers). Notification of such activities outside of the approved hours must be given to affected residents before undertaking the activities.
30. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.
31. That a hoarding or fence must be erected between the work site and the public place. (Any such hoarding, fence or awning is to be removed when the work has been completed).
32. If any European archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and Council and the NSW Office of Heritage must be notified.

If any Aboriginal archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and Council and the NSW Office of Heritage must be notified.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

33. The Applicant is to obtain an Occupation Certificate pursuant to the *Environmental Planning and Assessment Act 1979*, from the Principal Certifying Authority prior to

occupation of the building.

34. Provision of 91 off-street parking spaces to serve the development (as shown on the approved plans) is to be completed before the issue of an Occupation Certificate. Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate pavement markings and signposting.
35. A Fire Safety Certificate with respect to each essential fire safety measure installed in association with the building as listed on the Fire Safety Schedule attached to the Construction Certificate is to be submitted to Council. Such certificate must be received by Council prior to the occupation or use of the development.
36. Landscaping is to be planted/installed in accordance with the approved landscape plan prior to the issue of an Occupation Certificate for the development.
37. A "Give Way to service vehicles" sign shall be erected at the Wills Street entrance (within the site boundaries).
38. The entry lane from the Galena street access must have a pavement arrow marked.
39. A Pedestrian access path, wholly within the site, is required to be provided. The pedestrian path shall be from the Galena Street boundary. (Pedestrian access should not be permitted via vehicle accesses as in Galena and Wills Streets). The pedestrian access path should be marked on the detailed civil plans which are to be submitted to Council's Infrastructure Department prior to a Construction certificate being issued.
40. Signage and pavement marking must be installed to restrict vehicle movements to allow for "Left turn only" when exiting the site to travel into Wills Street.
41. The proposed eastern-most driveway fronting Wills Street is restricted to allow for "left turn only" exiting from the site into Wills Street, for any vehicle. The western-most driveway fronting Wills Street is restricted to allow for "entry only", for any vehicle. Signage and pavement marking within the site must be installed to convey this information.
42. Gates to be constructed on each end of the service lane, on the southern boundary side of the property, shall be "open view" style gates, such as pool fencing or chain mesh wire style. This style of gates is to be accommodate views into the enclosed space.
43. All landscaping and vegetation must to be maintained at all times, including watering, weed removal and pruning.
44. That the Lot Titles being Lot 2 DP 863970 and Lot 21 DP 603285 shall be consolidated at the full cost to the developer. Evidence of the consolidation being registered shall be provided to Council prior to the issue of a Construction Certificate.
45. All car parking spaces must be laid out, line marked, signposted, and maintained in accordance with Australian Standard 2890.

GENERAL AND ONGOING CONDITIONS

46. No nuisance shall be caused to the amenity of the area by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

47. The hours of operation for trading to the public are restricted to the times listed below:
Monday to Sunday inclusive 7:00am to 9:00pm
48. At no time shall the use of the premises give rise to offensive noise as defined under the *Protection of the Environment Operations Act 1997*.
49. The emission of intrusive noise from the premises shall be controlled at all times in accordance with the *Noise Policy for Industry* (2017) so as to not unreasonably impact nearby residential receivers.
50. Provision shall be made for the disposal of and containment of garbage and waste generated by the supermarket. Receptacles shall ensure garbage and waste cannot escape by wind or water and must be cleaned regularly.
51. All external lights shall be operated and maintained in accordance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting* so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this Condition.
52. The premises shall be kept in a clean and well-maintained condition at all times by the owner. Any evidence of vandalism, such as graffiti, must be repaired as soon as practicably possible by the developer/owner.
53. All shopping trolleys must be collected at least once daily from the car park area, or road verge by the owner of the trolleys.
54. Any tree or shrub that fails to establish within 2 years of the initial planting date must be replaced with the same species of tree or shrub.
55. All landscaped areas on the site must be maintained on an on-going basis.
56. All internal driveways, loading area and car park area must have an asphalt or reinforced concrete wearing surface.
57. All waste generated on the Site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
58. That all loading and unloading of goods shall be carried out wholly upon the site.

Reason for imposition of conditions: To ensure that the development is undertaken in accordance with any relevant standards and legislative requirements, and to ensure that the development is carried out in a manner that protects the amenity of the locality.

End of schedule

Executive Summary:

A Development Application (DA) has been received to develop land at 1 Galena Street, Broken Hill. The proposal involves construction of a new supermarket building, being an “ALDI” branded store. The proposal also includes new signage (façade and free-standing signs), carparking area, shade sails, landscaping and tree removal.

Council must determine the Development Application, by either resolving to approve the Application or refuse the Application. It is recommended that Council approve the Development Application, under the provisions of *Environmental Planning and Assessment Act 1979*.

Report:

The property known as 1 Galena Street, Broken Hill is zoned B2 Local Centre under *Broken Hill Local Environmental Plan 2013* and is located on the corner of Wills and Galena Street, Broken Hill. The land comprises two allotments (Lot 21 Deposited Plan 603285 and Lot 2 Deposited Plan 863970) and is a total of 7681 square metres in area.

A Development Application (DA) has been received from ALDI Foods Pty Limited, to construct a new supermarket building.

The development comprises:

- A Supermarket (ALDI) with a gross leasable floor area of 1,776m sq metres;
- An associated car park accommodating 91 spaces accessed via Galena Street and Wills Street;
- The provision of one bicycle stand accommodating two (2) bicycle parking spaces;
- Shade sail structures providing shelter to parking spaces numbered 13 to 32;
- Waste collection, utilities/storage and service areas to the south of the building, to be accessed via Wills Street;
- Building identification signage, including two (2) illuminated pylons comprising heights of eight (8) and ten (10) metres, together with seven (7) gable signs, one (1) lifestyle graphic and one (1) ‘poster box’ sign; and
- The removal of some existing site vegetation, to be replaced with landscaping installed around the perimeter of the site and throughout the carpark.

The ALDI Store will have a net floor area of 1,776sq metres, including 1,265 sq metres of retail floor space, 434 sq metres designated for ‘back of house’ and the remaining area of 77 sq metres for staff amenities.

Subject to obtaining the necessary liquor licensing authorisation (separate to development consent, required to be sought from NSW Liquor and Gaming), the ALDI store will incorporate the sale of liquor. (Premises will not be used for the consumption of liquor).

Trading is planned to occur between the hours of 7am to 9pm, seven days a week. ALDI deliveries (including loading and unloading) will occur on a 24 hours basis, seven days per week, so as to accommodate the long-distance haulage from Adelaide, which (due to the delivery of daily fresh produce) will necessitate over-night deliveries.

Information provided in the DA outlines a number of differences that distinguish ALDI from other supermarket operations.

These differences include the following:

- Predominately exclusive ALDI label branded products;
- A 'hard discount' food and grocery model, and a regulated product range of approximately 1,300 items (compared with typical full-line supermarkets which offer between 20,000-30,000 items);
- Simplified, consistent supply chain, building development, internal layout, merchandising, store operations and marketing;
- All delivery and logistics undertaken strictly in accordance with the ALDI Broken Hill Operational Procedures
- Considerably smaller retail floor plate when compared with full-line supermarkets (which are typically between 3,000 sq metres to 4,000 sq metres).
(as a comparison, the Broken Hill Coles supermarket is approximately 4000 sq metres in floor area).

The proposed building will be constructed using the following materials and colours:

- Precast concrete panel walls to all sides of the building – painted 'Fluorescent Fire';
- Precast concrete panels for the tower element – painted Dulux 'Drive Time';
- Fibre cement fascia – painted Dulux 'Drive Time';
- Windows and shopfront – anodised aluminium frames, natural finish;
- Colorbond® capping – colour to match adjacent precast panel finish;
- Downpipes and gutters – Colorbond® 'Basalt Grey';
- Roof – Colorbond® sheeting – 'Surfmist'; and
- Sunscreen – Painted steel frame, Colorbond® 'Basalt Grey'.

Solar panels are planned to be attached to the roof of the Store. The raised parapet will obstruct most views of the solar panels from public view.

Landscaping will be installed around the perimeter of the site, in particular, adjacent the sites primary frontage to Galena Street. Seven existing gum trees located along the Galena Street frontage will be retained. With the exception of one additional tree situated adjacent the north-western boundary, all remaining vegetation will be cleared from the site. Landscaping will include small, medium and large trees, along with groundcover and shrubs.

SITE LOCATION:



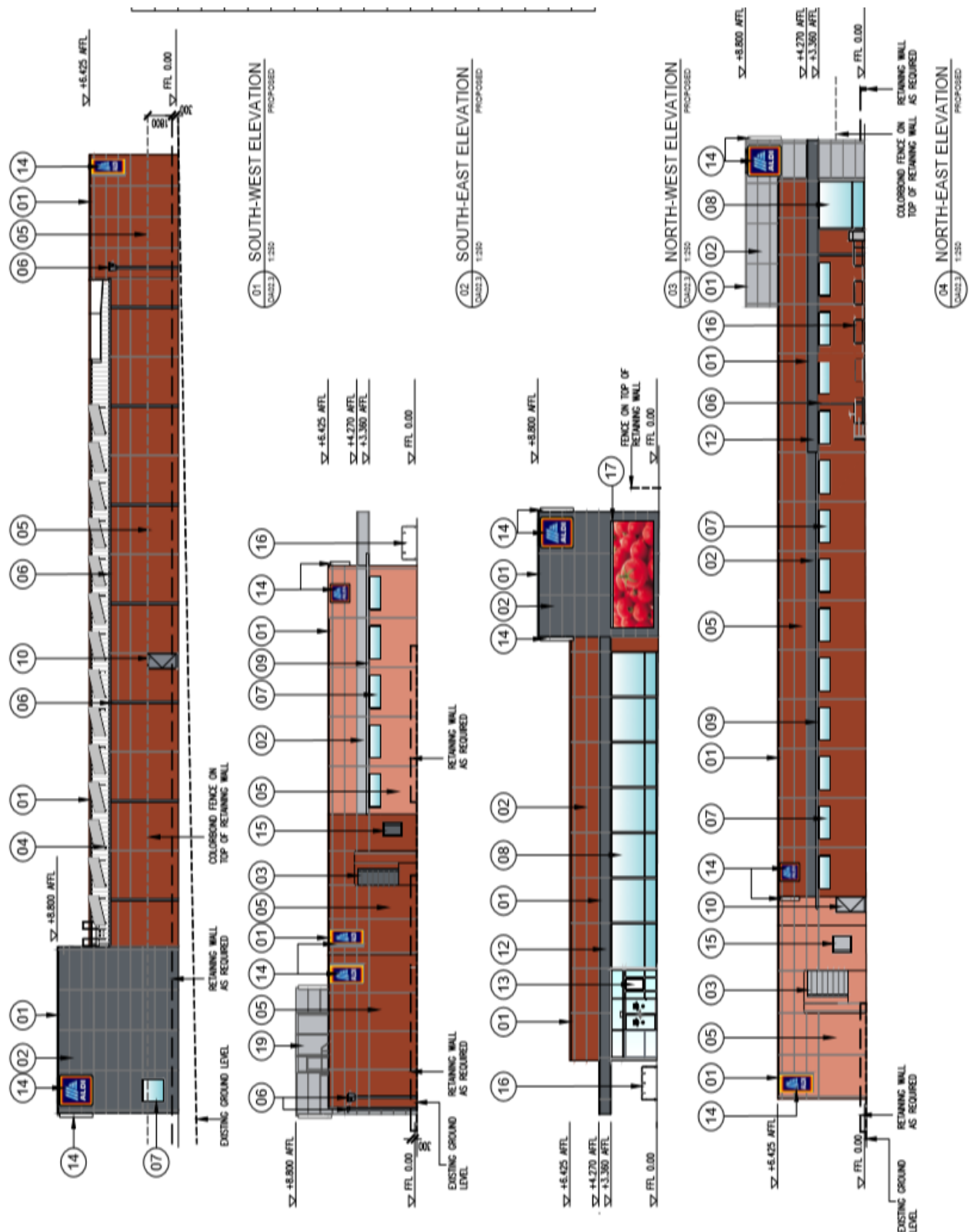
Source: SEE, ekistics (2020)

SITE PLAN (PROPOSED DEVELOPMENT LAYOUT):



Source: Nielsen Architects (2020)

BUILDING ELEVATIONS:



Source: Nielsen Architects (2020)

ASSESSMENT:

The application was lodged as a requirement of the *Environmental Planning and Assessment Act 1979* and is required to be evaluated using the relevant terms of section 4.15 of the Act.

CONSIDERATIONS UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:**Section 4.15(a) (i) The provisions of any environmental planning instrument***Broken Hill Local Environmental Plan 2013 (LEP)**Aims of the Plan*

The aims of the LEP are:

- (a) to encourage sustainable economic growth and development in Broken Hill,
- (b) to encourage and provide opportunities for local employment growth, and the retention of the population, in Broken Hill,
- (c) to encourage the retention of mining and acknowledge that industry's heritage and regional significance,
- (d) to identify, protect, conserve and enhance Broken Hill's natural assets,
- (e) to identify and protect Broken Hill's built and nationally significant cultural heritage assets for future generations,
- (f) to provide for a range of housing types and living opportunities,
- (g) to allow for the equitable provision of services and facilities for the community,
- (h) to provide for future tourist and visitor accommodation in a sustainable manner that is compatible with, and will not compromise, the natural resource and heritage values of the surrounding area.

The aims or objectives of the plan are not compromised by the proposed development.

Zone Objectives

The subject site is zoned B2 Local Centre.

The objectives of the zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

The proposal is consistent with the objectives of the zone.

The proposed development is permissible in this zone.

Clause 5.9 – Tree preservation. See assessment notes in this report under “Broken Hill development control plan 2016”.

Clause 5.10 – Heritage. The subject land is not heritage listed or within a heritage conservation area, under the provisions of the Local Environmental Plan.

Residences adjoining the site along Wills Street, are listed as Heritage Items, being listed in the LEP as ‘Silverton Tramway Staff Cottages (former)’. A horse trough circa 1910 is located near the site, on the footpath on Galena Street. This trough is Heritage Listed in the LEP. The trough will remain and will be untouched as a result of the development.

Council's Heritage Adviser did not provide any objection to the development and suggested that it is important to ensure landscaping is suitably provided.

Clause 6.2 - Essential Services

All necessary essential services are available within the area. Council is satisfied that the following services that are essential for the development are available or that adequate arrangements can be made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access

Far West Regional Plan

The Plan contains a series of directions intended to guide the design of land use planning priorities and decisions over the next 20 years.

Direction 12 within the Plan seeks to promote strategies intended to enhance the productivity of employment lands. In accordance with Action 12.6 of the Plan, the proposed development seeks to establish an ALDI Store within a commercially zoned area of Broken Hill.

The proposal is not inconsistent with the Plan.

State Environmental Planning Policy No 55 – Remediation of Land

ALDI Stores engaged LBWco Pty Ltd to undertake a preliminary site investigation (PSI) of the subject site. The objective of these investigations were to identify 'potentially contaminating activities' (PCA's) which may impact the suitability of the land for accommodating a supermarket. ALDI will prepare and implement a Construction Environmental Management Plan (CEMP) to address site contamination in accordance with the recommendations provided by LBWco Pty Ltd.

A CEMP describes how activities undertaken during the construction phase of development will be managed to avoid or mitigate environmental or nuisance impacts, and how those environmental management requirements will be implemented.

It is common for Councils to impose a condition of development consent, that a CEMP be prepared and provided prior to construction works commencing.

Consent authorities are required to seek contamination reports/investigations where the proposed use of the land will be a sensitive use such as a hospital, childcare centre, or educational use. This development does not include such a sensitive use.

State Environmental Planning Policy No 64 – Advertising and signage

The applicant carried out an assessment of the proposed signage, and compliance with provisions of SEPP 64. As a result, the signage as proposed, complies with this Policy.

The proposed advertising satisfies the aims and objectives of this Policy.

(a) (ii) Any proposed Instruments

Not Applicable.

(a) (iii) Any Development Control Plan (DCP)

Broken Hill Development Control Plan 2016Chapter 3 – General provisions

Stormwater - Detention tanks will be installed within the site to limit the post development peak discharge rate of stormwater to the pre-development peak flow rate during both the 5 year and 100-year ARI event. This complies with Council's requirements in the DCP. Stormwater is also able to be directed towards an existing above ground drainage swale. Council's Infrastructure staff have advised that they support the proposed measures of stormwater management. A detailed civil plan will be submitted as part of a Construction certificate application.

Chapter 4 - Car parking

The DCP prescribes a parking rate for "shops" of 6.1 spaces per 100 square metres of Gross Leasable Floor Area (GLF). With a GLF of 1,776 sq metres, the ALDI Store attracts a demand for 107 parking spaces.

The DCP clearly states that inability to provide parking as per the DCP guide will not exclude a development and in such cases the Application will be considered on its merits.

As part of the information supplied with the Application, a Traffic Impact Assessment Report was provided. This Assessment outlined parking surveys performed on various other ALDI stores operating throughout Australia, and this confirmed that the development will generate a peak parking demand of 4.1 spaces per 100 square metres, or a total demand of 73 spaces. ALDI state that therefore, the provision of 91 parking spaces well exceeds the typical demand for this particular type of supermarket.

It should be noted, as a local comparison, Westside Plaza Shopping Centre provide approximately 4.6 spaces per 100 square metre gross floor area. This of course, is for a shopping centre, not just one supermarket tenant.

Council has set a precedent at both the Westside Plaza and Coles Shopping Village, by allowing parking ratios less than the DCP guide.

It is agreed that the required rate (6.1) as per the DCP provisions is high when compared to accepted parking provisions at other supermarkets and shopping centres, both locally and at other locations.

Therefore, the proposed number of spaces of 91 is considered satisfactory.

Chapter 5 – Outdoor advertising

Signage as proposed, complies with provisions of the DCP. The development includes a unified signage scheme which ensures a consistent approach to branding across the site.

Chapter 7 - Tree preservation

The Development Control Plan prescribes that development approval is required for the removal, pruning or lopping of any native tree or plant that is equal to or greater than 5 metres in height or has a trunk diameter greater than 50 centimetres, measured 1.5 metres above ground level.

The development will require the removal of trees within the site, as well as one tree which is located within the Wills Street verge.

Eight (8) trees situated within the site boundaries, including seven large mature gum trees

along the frontage to Galena Street will be retained. Four other trees along the Wills Street property boundary will also be retained.
Landscaping and replacement planting are proposed as part of the development.

It is considered appropriate that the trees proposed for removal be approved as part of the development (if consent is granted to this DA). This is based on the fact that trees are being retained where possible, including large feature trees along the Galena Street side of the property, and also that new landscaping will be provided.

Chapter 8 – Commercial Development

The DCP includes design principles that seek to ensure that new commercial development is carefully designed to preserve the commercial architectural heritage evident within the town. This commercial heritage character is largely confined to the town-centre focused around Argent Street, rather than covering the proposed site. The proposed development will be similar in character to the adjacent Westside Plaza shopping centre.

(a) (iv) Any Matters Prescribed by the Regulations

Clause 94 Consent authority may require buildings to be upgraded.

This Application does not relate to an upgrade of an existing building. The proposed new building will need to comply with the Building Code of Australia. This assessment is carried out as part of the Construction certification process (not required at DA stage).

(a) (v) Any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*)

Not applicable.

Section 4.15(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

Social and Economic impact

Social - The proposed development has the potential to have a positive social impact in that it is proposing to create a number of new jobs that will generate additional income into the community through both the construction and operational phases of the development.

Economic – EP&A Act sets out the objectives of the legislation and these include the proper management of land for the purpose of promoting the social and economic welfare of the community, the orderly and economic use and development of land, and the protection of the environment. The proposal to construct a new supermarket may raise concerns within some sections of the community of its economic impact on existing traders in Broken Hill. Council as the consent authority for the application is required by s4.15 to consider the "likely impacts of the development". Therefore, the economic result or outcome of the proposed development is a matter which may be relevant in determining a development application.

Economic impact in itself involves, as do many considerations, an estimation of likelihood or possibility, because actual impact may not be discernible until the development is completed.

There have been cases before the Land and Environment Court on the issue of economic impact.

A review of a key relevant case is outlined below:

Fabcot Ply Ltd v Hawkesbury Council (1997) A case where a Council had refused development consent for a Woolworths supermarket be located outside the town centre of Windsor. One of the issues was whether the proposed supermarket would have had an economic impact upon existing and planned retail supermarkets in the local government area.

Lloyd J found that the issue did not raise a planning or environmental consideration because the economic impact of a proposed development upon private individual traders was not of itself a planning consideration, and what was instead required was a wider and more general consideration of economic impact in the locality.

His Honour decided that the only relevance of the economic impact of a development was its effect "in the locality". The courts conclusions have been reinforced by having regard to the objects of the EP&A Act which indicates that the phrase "economic impacts in the locality" is to be understood in an environmental and planning sense.

The economic impact of a proposed development upon private individual traders is not a proper environmental or planning consideration.

The Act does not require the consideration of economic impact upon individual competitors, except to the extent that any impact on individuals' competitors, or competition generally, demonstrates economic impact in the locality as an environmental planning matter.

What Council must consider and must be certain of, is if the facilities enjoyed by the community would be put at jeopardy by the impacts of the development and the resulting detriment would not be made good by the development itself.

Large supermarkets can impact upon individual traders through competition.

However, fear of competition is not a valid planning consideration.

Competition is about choice; that is the freedom of customers to choose between products and choose between suppliers.

In response to concerns raised in submissions relating to this proposed development, ALDI sought the services of Deep End Services to carry out a retail analysis.

The following provides a summary of the findings of the Analysis:

- The ALDI Store is expected to have the greatest impact on the existing Coles and Woolworths supermarkets rather than smaller independent supermarkets for the following reasons:
 - » Due to the close proximity of the Coles and Woolworths relative to the subject site; and
 - » ALDI customers tend to shop for larger quantities of products less frequently vis-a-vis customers of smaller independent supermarkets who tend shop more frequently for convenience items.
- Notwithstanding the above, Deep End conclude that Coles and Woolworths are likely to surrender only a relatively small market share to ALDI for the following reasons:
 - » It is expected that the Coles and Woolworths would be trading at relatively strong levels;
 - » The ALDI store will be less than half the size of the Coles and approximately 40% of the size of the Woolworths.
- When compared with the ALDI business model, smaller independent stores are differentiated by format and location, and tend to have a strong loyal customer base that generally shop more frequently for smaller, convenience-based purchases.
- The additional retail area created by the ALDI store (1,776m² in Gross Leasable Area) represents a 15% increase in supermarket floor space for Broken Hill. As the town currently accommodates five existing supermarkets and grocery stores and a limited range of fresh food stores, the impacts of the additional competition is not expected to fall disproportionately on one supermarket operator.

- ALDI's weekly special range makes up approximately 20% of total sales, and this business model feature is not replicated by any other supermarkets. Weekly sales include a large variety of products not offered by other supermarkets, including electrical appliances, furniture, homeware, kitchenware, clothing, toys, hardware, and garden products. The diversity in product range means that the impacts of the additional competition created by the ALDI supermarket will be dispersed across a wide range of retailers. However, noting the bi-weekly rotation in specials and different product themes each week, it is concluded that the impact on non-supermarket retailers will be negligible.
- The ALDI Store is not supported by other specialty shops.

Accordingly, the Retail Analysis concluded that small businesses operating specialty shops will be largely unaffected by the development.

For the reasons outlined above, Deep End Services make the following conclusions:

"The proposed ALDI store will provide an additional supermarket option for residents of Broken Hill but should not result in significant trading impacts leading to the closure of large or small supermarkets in the city"

ALDI also advised that they do not include in-store meat preparation (butcher) or in-store baked goods (bakery) and only sell pre-packaged seafood and smallgoods. Accordingly, the store will not compete with other businesses selling these products.

Details provided in the DA show it is anticipated that the combined business operations would create approximately 26 full-time equivalent (FTE) employment positions and in the order of 16 indirect FTE jobs. The development is therefore likely to generate 42 FTE jobs.

Access, Transport and Traffic

The development proposes the following new vehicle access points:

- Wills Street
 - » A new western driveway accommodating entry and exit movements for all vehicle types;
 - » A new egress driveway to the east, to be exclusively used by service vehicles leaving the site
- Galena Street
 - » A driveway accommodating right and left turn movements into/from the site for domestic vehicles. (It is expected that this will be considered the "main" access point for most customers entering the carpark).

Two new driveways connecting with Wills Street will be used by service vehicles for the collection of waste, and delivery of merchandise. The loading bays have been designed and sited to avoid conflicting vehicle movements between service vehicles and customer vehicles with the site access well separated from adjacent driveways.

To accommodate the anticipated vehicle movements, minor modifications to median islands situated within the Wills Street and Galena Street will be required – this cost will be borne by the developers.

DELIVERY VEHICLE MOVEMENTS



Source: SEE, ekistics (2020)

A Traffic Impact Assessment was prepared by GTA Consultants and provided as part of the documents submitted in the Development Application.

A summary of the key points in the Assessment is as follows:

- The site is anticipated to generate in the order of 266 trips during the Thursday PM peak hour, of which 187 trips are anticipated to be new to the external road network, with the balance formed of passing trade already on the network. The additional traffic from the proposed development will have a minor impact on the adjacent road network.
- The site layout has been designed to facilitate access for deliveries by vehicles up to a 20.0 metre semi-trailer, with 19.0 metre semi-trailers used presently.
- Deliveries would occur on average twice per day by semi-trailer plus one daily delivery for bread by small truck, and a weekly waste and cardboard recycling collection.
- The store deliveries will take place to/from the ALDI Distribution Centre at Regency Park in South Australia using a 3rd party freight operator, with other local deliveries and servicing undertaken via a local third-party freight provider.
- Heavy vehicles will enter and exit via the Wills Street crossovers, with some modifications required to the roundabout median islands on the western and northern approaches to ensure the truck can successfully negotiate the turns.
- The site is serviced by public transport, with services operating between Westside Plaza and Broken Hill town centre.
- The provision of two (2) bicycle parking spaces is anticipated to meet the local bicycle parking demand.

Information submitted estimates that approximately two-thirds of all domestic customer vehicles will access/egress the site via the proposed Galena Street driveway.

The Development Application was referred to the Local Area Traffic Committee (LATC) for comment.

The LATC comprises representatives from Council, local Police, RMS and a community member.

Recommendations made by the Traffic Committee include:

- Pedestrian access from Galena Street required: It appears there is no formal access provided for pedestrians to access the development. Pedestrian access should not be permitted via vehicle accesses as in Galena and Wills streets; and pedestrian access should only be encouraged from Galena Street.
- The entry lane from the Galena street access should have a pavement arrow to avoid any driver confusion.
- Give Way to service vehicles sign at Wills Street entrance required.
- Only left turn exit from the service zone to Wills street to be permitted.

These matters can be imposed as conditions of consent. ALDI have agreed to the majority of the recommendations, however they did not agree with providing a pedestrian access, or having “left turn only” into Wills Street.

Response provided by ALDI and their traffic consultants (GTA) in relation to providing a pedestrian access was: *“A pedestrian path is not proposed due to customers generally using motor vehicles to access the store. This is similar to many supermarkets where the type of shopping is generally larger than can be carried by a pedestrian. The location of the site in Broken Hill provides a relatively small catchment of residents who could walk to the store (generally within 800 metres), as well as the limited public transport available in the city”* Further to the comments provided by GTA, *“it is also important to note the diverse range of goods sold by ALDI, including larger bulkier goods which generally cannot be carried by pedestrians for an extended distances. Due to the unique ALDI business model, access to the site by pedestrians is likely to be low”*.

As noted by the Traffic Committee, it is not ideal for pedestrians to be walking through the site via vehicle access/carpark areas. Whilst it is agreed that the majority of customers will attend the site by vehicle, it is recommended that the provision of a pedestrian walkway path be imposed as a condition of consent. Con Crowley Village is located directly across the road, and it is quite possible that some of the Village residents will walk to ALDI. Considering the overall scale of the development, it does not seem unreasonable that a pathway be provided for the convenience of the public.

In relation to the LATC recommendation of “left turn only” exit from the service area into Wills Street, this was also suggested by the Local Police in their submission.

The Local Police also suggested that “left turn only” exit should occur into Galena Street (Traffic Committee did not suggest this occur at Galena Street).

ALDI’s Traffic consultant (GTA) considered these suggestions, and provided the following response:

The sightline analysis performed by GTA confirms that visibility at each driveway connection is acceptable;

Projected traffic volumes are expected to have a minor impact on the existing road network. Accordingly, the proposed access points are expected to operate efficiently and safely, with minimal queuing and delays expected particularly for right turn movements into the site.

Vehicles are legally obliged to give way to emergency vehicles. However, the diversion of traffic through the roundabout (to result from removing the right-turn-in movements) could exacerbate congestion at the roundabout and negatively impact on the free-flow of emergency vehicle movements through the surrounding road network.

Due to the Local Area Traffic Committee, and the local Police separately, having recommended that the exit be “left turn only” into Wills Street, it is considered appropriate that this be imposed as a condition of consent.

Therefore, the Wills Street access/egress points will be “entry only” on the western most driveway, and “exit only” on the eastern most driveway.

- Deliveries

ALDI advise that deliveries will be twice per day by a semi-trailer vehicle with a maximum length of 20 metres. (Smaller deliveries may occur for bread).

The ALDI truck movement, on any site, typically takes between 1 to 2 minutes, with the truck moving onto the site, stopping, reversing and engaging with the purpose-built loading dock. The prime mover is always turned off during unloading.

ALDI loading/unloading system has a palletised system and dedicated dock connection. The total delivery period is on average 30 minutes from the moment the truck is docked. The unloading is undertaken by only one person being the driver.

All products are unloaded from within the trailer directly inside the building using a manually operated pallet jack. (No forklifts are used and no external activity occurs outside the truck). The trailers are sealed and connected to the building via a dedicated dock leveller and dock curtain.

ALDI note that where other retailers cannot, ALDI consistently can comply with any prescribed operational or acoustic requirements of either the Environmental Protection Authority and any relevant local statutory requirements when performing night time deliveries.

Below are photographs showing ALDI loading and delivery procedures:





Note – the “docking” system where the truck reverses into the building. Products unloaded from within the building.

Source: ALDI (DA documents 2020)

Natural hazards

There are no known natural hazards affecting the site that would prohibit the development.

Site design and Internal design

The building will be set back approximately 20 metres from Galena Street (which is considered the primary frontage) and 2.1 metres from the Wills Street (secondary frontage) at its closest point.

Setbacks from Galena Street accommodates landscaping.

The majority of the building will reach a height of 6.425 metres. The highest portion of the building will be the ALDI feature tower which will partially extend along the south-eastern and north-eastern elevations, and reach a height of 8.8 metres. ALDI advise that the tower element is a key design feature of ALDI Stores and is intended to screen rooftop plant / equipment.

As seen in Elevations (provided in this report) a canopy will run along the south-eastern, south-western and north-western elevations, providing shelter for customers.

The loading dock will occupy the southern end (Wills Street side) of the site.

Visual

There will be a visual impact; in that the site will look different to current, as it has been a vacant allotment for many years. Taking into account the proximity of the existing Westside Plaza shopping centre, and with the proposed landscaping and the design of the building, it will be of a suitable nature. Outdoor lighting will be part of this development; this can be addressed by the imposition of appropriate conditions of consent that include: All new external lighting must: Comply with AS 4282–1997 Control of the obtrusive effects of outdoor lighting, and be mounted and directed in a way that it does not create a nuisance to nearby properties.

Safety and security

The application was referred to the local Police for consideration and comment in relation to a Crime Risk Assessment. The NSW Police Safer by Design Evaluation process is based on Australia and New Zealand Risk Management Standard ANZS4360:1999. It is a contextually flexible, transparent process that identifies and quantifies crime hazards and location risk.

The response noted that as a result of the assessment, the project returned a crime risk result of Low.

Comments received by the Police can, in most part, be suitably addressed by imposing conditions of consent. This includes matters such as ensuring that landscaping and lighting is maintained; and that the rear of building area where there is a small section of fencing/gates proposed should be “open” style gates to ensure that vision into the area is maintained. The response did also make suggestions regarding vehicle access and egress – however one of the suggestions was in contradiction to the Local Area Traffic Committee and also not supported by an expert traffic study, and therefore are not supported to be fully implemented.

Flora and fauna

An assessment was not deemed necessary in this instance as there is little likelihood of fauna constraints affecting or created by this development. There are no species/communities listed under the Threatened Species Conservation Act.

Air pollution

There are no constraints affecting or created by this development.

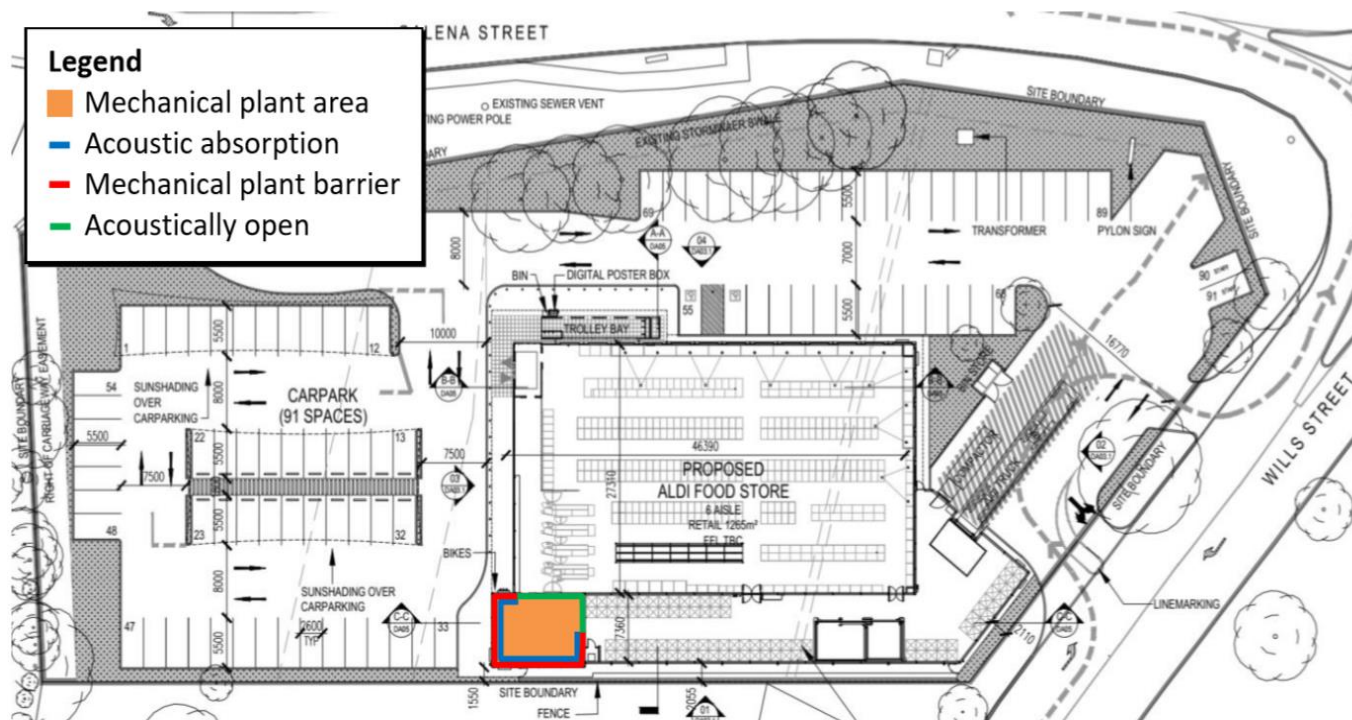
Noise

An acoustic report was provided as part of the Application documentation. The acoustic report (prepared by Sonus consultants) considers the noise-related impacts of the development on noise sensitive receivers within the locality. The acoustic assessment considered noise to be generated by carpark activity and vehicle movements, mechanical plant, service vehicle movements and the operation of the rubbish compactor.

The predicted noise level from general activity at the facility operating concurrently was determined and with the inclusion of the acoustic treatments detailed in this report will achieve the relevant requirements of the *Noise Policy for Industry* (2017) at all times.

The acoustic assessment concluded that it is therefore considered that the facility has been designed to protect against noise impacts such as speech interference, community annoyance and sleep disturbance, and will therefore achieve appropriate amenity at all nearby land uses.

ACOUSTIC TREATMENTS RECOMMENDED BY SONUS – THESE FORM PART OF THE PROPOSED WORKS



Section 4.15(c) Suitability of the site for the development

The site is not subject to any natural hazards such as bushfire risk, flooding etc. Utility services are available to the site and able to be upgraded if required. All services upgrades will be subject to the requirements of the local utility service providers. The developers have been in contact with the service providers and are aware that any extensions or alterations to services will need to meet with their satisfaction.

Surrounding Land uses/Development

The proposal is not inconsistent with the surrounding land use and the site is suitable for the proposed development. The property is located within a mixed-use area comprising commercial and residential properties.

Situated to the north-west is the Westside Plaza shopping centre, which accommodates a variety of retail uses. Several free-standing commercial tenancies are also situated on land surrounding Westside Plaza, including McDonald's, a service station and a mechanical/tyre workshop.

To the north-east of the site (on the opposite side of Galena Street) is the Rising Sun Hotel, which is surrounded by low density residential development, including Con Crowley Village (retirement living style units).

To the south-west is six (6) single storey dwellings adjoining the land, along Wills Street. Vehicle access to these dwellings is gained via a common driveway which connects with Wills Street.

The common driveway separates the proposed ALDI site from the closest dwelling situated at 266 Wills Street. This closest dwelling is set back from the side boundary by approximately 55 metres.

To the south of the site accommodates Essential Water, and a service station.

The retail shopping centre accommodating Coles, Target and Cheap as Chips (together with other small specialty shops) is in the vicinity, being located approximately 250 metres to the south east of the site.

Bushfire

The site is not within a Bushfire Protection area.

Section 4.15(d) Any submissions made in accordance with the Act or Regulations

The application was notified and placed on public exhibition, to allow for viewing of the documents and plans related to the proposal. As a result, 6 submissions were received (this comprised 5 objections (from 4 different objectors) and 1 person supported the proposal). (2 objections were lodged by the same person).

The issues raised in the objections have been summarised below:

Issue	Objection Comment	Assessment Comment
Impact on existing retailers	<ul style="list-style-type: none"> Established locally owned and operated business vs Coles vs Woolworths Already 2 major developed shopping precincts in Broken Hill that include Coles and Woolworths A number of locally owned and operated food business in Broken Hill Number of locally owned and operated liquor businesses in Broken Hill Look around at the city's empty shops in Argent, Oxide, Patton Streets and shopping complexes. 	<p>As a result of concerns raised, a Retail Analysis Study was submitted to Council. This Analysis, carried out by Deep End Services, provided details addressing concerns about impact on existing retailers.</p> <p>For details concerning economic impact – see section earlier in this report under heading “social and economic impacts”.</p> <p>The economic impact of a proposed development upon private individual traders is not a proper environmental or planning consideration.</p>
Employment	<ul style="list-style-type: none"> Existing supermarket and food businesses, and liquor outlets in town already employ locals. The number of employed locals would be far greater than the predicted employment numbers at ALDI. ALDI state 40-50 locals are to be employed – but at what cost to the existing locally owned sectors and 	<p>For details concerning economic impact – see section earlier in this report under heading “social and economic impacts”.</p> <p>It is also important to note that development assessment and decisions cannot be based on assumptions or thinking of what “may or may not” occur.</p>

Issue	Objection Comment	Assessment Comment
Previous concerns raised at the time of the Coles shopping centre development	<p>the larger shopping complexes.</p> <p>When DA was received (approximately 10 years ago) for the new Coles shopping complex, there were opponents – concerns about pressure on already decreasing number of local owned and smaller businesses; could Broken Hill enjoy two shopping domains without impacting negatively on already established businesses. Objector believes that majority of concerns have been realized – have lost businesses in the main street, Patton, Oxide Streets; lost businesses in Woolworths Plaza complex; negative impact of two shopping complexes.</p>	For details concerning economic impact – see section earlier in this report under heading “social and economic impacts”.
Liquor outlet	<ul style="list-style-type: none"> Seven liquor outlets already in town. Liquor sales vs abuse of alcohol – alcohol affects families financially and domestic violence. Another outlet (be it cheaper possibly) will only add to financial struggles and domestic violence. 	The store will include a dedicated area for the sale of liquor. <i>Broken Hill Local Environment Plan 2013</i> does not distinguish between the particular types of goods and products sold from a Supermarket. If Development consent is granted by Council, the developer needs to apply for consent for a Packaged Liquor License from NSW Liquor and Gaming.
Traffic increase	<ul style="list-style-type: none"> Concern over extra traffic at the roundabout, and will ambulances be hindered due to the extra traffic. 	See section earlier in this report under the heading “traffic and access”.
Suggest alternative location (South)	<ul style="list-style-type: none"> Welcome ALDI, but it should be developed in the “South” of Broken Hill; The “old Coles” building in Patton Street is suggested as the building is already there, it already has parking spaces, and the shelves are in the building. 	The suggestion that the supermarket is better located in the South (on land previously occupied by a Coles supermarket) is irrelevant to the assessment of this application. Assessment is required to be carried out based on the proposal as submitted.

Issue	Objection Comment	Assessment Comment
	<ul style="list-style-type: none"> • Elderly and vulnerable deserve a new shop in the South. • If ALDI is built where it is proposed, Coles and Woolworths will lose market share. • South already has a bleak abandoned shopping centre – the current Coles complex may become another one. Abandoned shopping centres are a deterrent to investors. • Can ALDI be subsidized in South Broken Hill? 	

The submission in support of the proposal provided the following points:

- Business model supports approximately Broken Hill sized populations;
- Understand the risk that too many may cause some to shut, however there must be a balance in vision towards continuity and renewal for the town, and not just a vision for our current sustained existence;
- Great quality products at competitive prices;
- May help lower Woolworths and Coles prices.

Submissions received are attached to this report (names removed to protect privacy).

(e) Public interest

The proposed development satisfies relevant planning controls and is considered to be in the wider public interest. The development application provides a development that is consistent with the zoning of the land and DCP 2016. The proposed development may be in the wider public interest with provision of additional investment in the region and broadening retail choice.

Conclusion: A key point when determining any Development Application is that Council is considering a proposal within what is primarily a merit-based assessment system. Benefits of a development must be weighed up against the negatives. Where there are negatives, consideration can be given to whether those negatives can be mitigated or managed through imposing conditions on a consent.

Based on the above assessment it is concluded that the proposed development does not result in impacts which are so unacceptable that it warrants the application being refused.

Recommendation: Section 4.16 of the *Environmental Planning and Assessment Act 1979* sets out that Council is to determine a development application by:

- (a) granting consent to the application, either unconditionally or subject to conditions,
- or (b) refusing consent to the application.

Conditions of consent are able to be imposed under Section 4.17 of the *Environmental Planning and Assessment Act 1979*. The courts have determined that, for a condition to come within the relevant statutory power, it must meet the 'Newbury Test', which requires a condition to:

- Be imposed for a planning purpose.
- Fairly and reasonably relate to the development for which permission is being given.
- Be reasonable.

It is recommended that Development Application 41/2020 be approved, subject to conditions of consent (outlined in the recommendation).

Options:

1. Council resolves to approve the development application subject to conditions
2. Council resolves to refuse the development application. (Under Clause 100 of the *Environmental Planning and Assessment Regulation 2000*, if the Application is refused, Council must state its planning based reasons for refusal).

Community Engagement:

The development application was advertised/notified for a one-month period to allow for public comment.

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 within its legal framework

Relevant Legislation:

Environmental Planning and Assessment Act 1979

Financial Implications:

Should the applicant be dissatisfied with the determination they have the right to appeal the decision in the Land and Environment Court which would incur financial costs to Council in defense.

The development application is subject to payment of section 7.12 Developer Contributions Levy to be paid to Council, prior to a Construction certificate be issued. The amount the developer must pay to Council is 1% of the value of work, being a levy amount of \$66,830.

Attachments

1. [↓](#) Proposed site plan - 1 Galena Street
2. [↓](#) Proposed landscaping plan - 1 Galena Street
3. [↓](#) Public submissions received relating to DA 1 Galena Street

JAMES RONCON
GENERAL MANAGER



ATTACHMENT – PROPOSED LANDSCAPING PLAN – 1 GALENA STREET



SUBMISSION 1.
1 of 3.

To: Broken Hill City Council
Subject: ALDI application for development - Objection

I would like to lodge an objection to the application for a development by the ALDI group in Broken Hill.

I would also like to receive an acknowledgement that my objection to the application will be counted, and presented, when it comes to BHCC – business and councillors, making a decision.

❖ Established locally owned and operated businesses V Coles V Woolworths V ALDI:

1. There are two major developed 'shopping' precincts in Broken Hill that include two major players in the food/liquor sector: Coles and Woolworths.
2. There are a number of 'locally owned and operated' food businesses in Broken Hill: Schinella's in Williams Street and Argent Street and IGA Blende Street
3. There are a number of 'locally owned and operated' liquor businesses in Broken Hill: Mulga Tavern, Black Lion Inn, The Southside Drive Inn bottle shop, Schinella's Argent Street plus the larger BWS in Oxide Street, and both Coles and Woolworths have liquor stores as well.
 - That is SEVEN liquor outlets – drive through and walk in, in Broken Hill – a population of less than 20,000.

All the above employ locals. I do not know how many, but I would estimate in the 'locally owned and operated' category, a min. 300.

In the Coles / Woolworths sector, I would think a min. of 500.

This number of employed 'locals' would be far greater than the predicated employment numbers at ALDI.

ALDI has stated 40-50 locals to be employed. I applaud this. But at what cost to the established 'locally owned & operated' sectors and to the larger shopping complexes?

How many food/liquor type businesses does Broken Hill need?

❖ Setting up a precedent of failure:

1. When BHCC received an application for the new 'Coles' complex, there were many opponents.
 - Some of the concerns were:

2 of 3.

- i. Pressure upon an already decreasing number of 'main', 'Patton Street' and the 'locally owned and operated' smaller businesses
 - ii. Pressure upon established 'like' businesses; that may or may not be locally owned and operated
 - iii. Could Broken Hill and its citizens enjoy two 'shopping' domains without impacting negatively on already established business?
 - A conclusion, that I believe, has impacted negatively on the smaller businesses locally.
 - The Coles complex has empty shops!
- In the above points I believe the majority of concerns have been realised.
 - i. We have lost businesses in the 'main' street, Patton Street and Oxide Street: take a look at the empty shops
 - ii. We have lost businesses in the Woollies complex: take a look at the empty shops
 - iii. Is Broken Hill enjoying the two shopping complexes: likely Yes
 - iv. Is Broken Hill enjoying the negative impact of two shopping complexes: No
- ❖ Liquor sales V abuse of alcohol
 - Alcohol effects families financially and domestic violence.
 - i. I don't need to spell this out. These factors are known. It is real.
 - ii. Another outlet (be it cheaper possibly) will only add to financial struggles and DV.
 - Loss of smaller businesses:
 - i. I don't need to spell this out. These factors are known. It is real. Look around at our city's empty shops in the Argent, Oxide, Patton Streets and too in the Shopping Complexes. Look at our city's loss of businesses. Look at the number of businesses that are for sale and cannot sell or be leased. Eg: BHCC's own 'Airport Kiosk'.

I implore the BHCC and its Councillors to think long and hard; look to the factors that will come to bite from the loss of employment to the loss of smaller businesses to the loss of locally employed (buy 50 jobs to lose how many?).

Look to the decisions of previous decisions – were they good decisions?

People will still travel to Mildura to shop. Likely Yes.

But how many people DO NOT travel to Mildura to shop? Has there ever been a study on this?

On-line shopping is likely to be our biggest opponent for shopping locally – so why place a bigger strain on an already strained economy?

Please, think this through.

My objection stands – strong – for the safety net of continuing to have local businesses – that I have always supported and will continue to support.

Will You?

Yours sincerely

SUBMISSION 4.

1 of 2.

- 7 MAY 2020

MAY 5TH 2020.

BROKEN HILL.

GENERAL MANAGER & CITY COUNCILLERS

DEAR MR RONCON,

I am responding to the article in B.I.T
Saturday May 2nd 2020. about Aldi's coming to
Broken Hill. I strongly object to that
happening.

Firstly I will explain, like you Mr. Roncon
I am a "B grader". I am 90 yrs old and have
lived in Broken Hill for 64 yrs. I little bit
more than you. I have seen a lot of highs
and lows for our city, but I have stayed.

I have seen a lot of small shops close and
there will be more if Aldi's come here.

I am very concerned for the 3 family owned
supermarkets. If they close there will be
more unemployed than Aldi's will employ
But will Aldi's move, I think not

We do not need another liquor outlet.!!

The Ambulance Station is not far away
are they to be hindered at the roundabout
in emergencies because of extra traffic.

Give it a thought please, it might
be your life they are trying to save.

2 of 2.

I know I am not the only one to object
but at least I have put pen to
paper not complaining and doing
nothing about it. Because of
isolation I have not spoken to as
many people as usual but those I
have, either on the phone or
personally are of the same opinion
as me. - they object strongly.

So please think long and hard
before you give approval.

SUBMISSION 3 . 1 OF 7.

14 MAY 2020

13, 5, 2020

Broken Hill COUNCIL

to be discussed at the "Meeting"

This is a feedback (public) on the proposed
ALDI building at/in GALENA Street/WILLS Street!

I am not opposed to ALDI a good German
Discount supermarket! but:

the location is oh so wrong it will

created mayhem and really is not needed

there ... I suggest a POLICE STATION, you know

the one that needs to be build, but some-

how has been forgotten ...

Now:

ALDI is welcome in the deep South
of Broken Hill ... like the old COLES

Building, which has got every thing and even

the Parking spaces and a guaranteed

3,000 customers ... and they are wel-

come with OPEN HEARTS and Wallet's

with NOT MUCH WORK TO BE DONE!

2 of 7.



3 of 7

This photo show's "parking area"

Wed. 20-8-14



4 of 7



5 of 7

this photo shows the shop (COLES)
in the "late stage" and shows the
"trolley's"



6 of 7.



7 of 7.

COLES FORMER GLORIOUS SHOP
at Patton Str. South Broken Hill NSW
PICTON POTS and PLANTS
made it nice LOOKING

Spare block to be used
by ACDI

Thur. 30-10-14



SUBMISSION 4. 1 of 1.

12 MAY 2020

Mon, 4/5/20

Dear General Manager

the Broken Hill City Council

1,
1,

object to the area (position) where ALDI
proposes to build. ABSURD! "KRAZZZY"

I do welcome ALDI after all it's a good
GERMAN business but it must go to:

Broken Hill "SOUTH" where we lost COLES

(16.4.14) a building is still available,
also shelves are in there, parking spots for
a hundred cars are "still there"...

I welcome and many of my friends (elderly
and vulnerable (ALDO "91" me = "77") deserve
a new shop so "WELCOME" TO ALDI
but in the South!!!

and don't tell me I am wrong, 'cause
I am NOT... [REDACTED]

Subject:

FW: Feedback on ALDI development

To Sir or Madam,

I wish to note the hardship experienced by many South residents in the prolonged absence of a supermarket, particularly elderly residents who need to travel over the overpass on their mobility scooters for groceries.

If ALDI is built in its proposed location, Coles and Woolworths will lose market share. If ALDI creates a shared carpark with Woolworths, Coles may close, as well as the small businesses in its shopping centre. South Broken Hill already has a bleak, abandoned, shopping centre. Despite K-Mart, the Coles complex may become another one and abandoned shopping centres are a deterrent to investors.

Is there any way that ALDI can be subsidised in South Broken Hill?

- * Increased rates, particularly for South residents?

- * A small delay of one month so South Broken Hill can launch a campaign to increase its foot traffic?

Patton Park is popular and new initiatives are about to occur in Patton St

- * A fundraiser amongst former locals?

SUBMISSION 6.

1 of 1

Stephens, Tracey

Subject: FW: Support for approving application (10 - 2020 - 41 - 1)

Sent: Friday, 1 May 2020 8:41 PM

To: Broken Hill City Council <council@brokenhill.nsw.gov.au>

Subject: Support for approving application (10 - 2020 - 41 - 1)

The General Manager,

Support for approving application (10 - 2020 - 41 - 1)

The benefit of Aldi is they target neighbourhood sized populations for their shops (similar to IGA), and their business model supports approximately Broken Hil sized populations.

Woolies and Coles in my view tend to target larger populations (with their express shops serving smaller neighbourhoods); resultantly I believe Aldi will still be here long after Woolies and Coles have moved on, but if we decide to block them, then we may just end up with IGA's similar to many other small towns whose populations have shrunk to below the minimum business model requirements for Woolies and Coles.

I understand the risk that too many may cause some to shut, however I believe there must also be a balance in vision towards continuity and renewal for the town, and not just a vision for our current sustained existence.

Aldi brings great quality products at very competitive prices; something I believe many will appreciate. There can also be no doubt about Aldi's value, when considering how quickly they claimed their market share in our country. When the mines closes one day in the future and the towns' population shrinks overnight to 8 to 10,000 people, then people will appreciate having an Aldi here.

With Aldi being here it'll also help lower Coles and Woolies prices. Aldi also pays for their own building; they don't use the old big w site but they like to have buildings that's not in shopping centres, which ensures their sustainability. Also Aldi are now trying to source local produce and Australian products.

Bring it on I say!

Best regards

ORDINARY MEETING OF THE COUNCIL

July 2, 2020

ITEM 8BROKEN HILL CITY COUNCIL REPORT NO. 101/20

SUBJECT: SALE OF 118 BROWN STREET 12/109

Recommendation

1. That Broken Hill City Council Report No. 101/20 dated July 2, 2020, be received.
2. That Council engage a real estate agent to sell the land at 118 Brown Street (Lot 2244 DP 757298).
3. That the General Manager be authorised to negotiate and finalise the sale of 118 Brown Street.
4. That the Mayor and General Manager be authorised to sign and execute any documents related to the sale under the Common Seal of Council.

Executive Summary:

118 Brown Street (Lot 2244 DP 757298) is a block of vacant land owned by Council. The land is zoned R1 General Residential and is classified as 'operational land' under the *Local Government Act 1993*. The land is surplus to Council's requirements and ideal for residential development. It is recommended that Council engage a real estate agent to sell the land, and that the General Manager be authorised to negotiate and finalise the sale.

Report:

118 Brown Street (Lot 2244 DP 757298) is vacant freehold land owned by Broken Hill City Council, located between Bromide and Sulphide Streets. The block is approximately 4047 metres square (one acre) in area and generally flat. The land is zoned R1 General Residential, and the size and location of the block is ideal for residential development.

The land has been owned by Council since the late 1990s. Council staff are in the process of reviewing the status of Council owned land and have confirmed there are no plans to develop this block, and it is surplus to Council's current operational requirements. The land is classified as operational land under the *Local Government Act 1993*, and Council is able to sell the land without restriction.

As the land is surplus to Council's current requirements, and Council has resolved to identify available land for residential development, it is recommended that Council engage a real estate agent to sell the land. A real estate agent will be engaged through Council's usual procurement procedures. The current unimproved land value determined by the NSW Valuer General is \$105,000. However, Council will obtain a formal appraisal from the appointed real estate agent, and the real estate agent will also recommend the best method of sale based on current market conditions. It is recommended that the General Manager be authorised to negotiate and finalise the sale, and that the Mayor and General Manager be authorised to sign and execute any documents related to sale under the Common Seal of Council.



Image 1. Aerial view of 118 Brown Street (NSW SIX Maps)

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	2	Our Economy
Objective:	2.1	Our economy is strong and diversified and attracts people to work, live and invest
Strategy:	2.1.3	Advocate for affordable housing

Relevant Legislation:

Local Government Act 1993

Financial Implications:

Additional income from sale of land.

Attachments

There are no attachments for this report.

JAMES RONCON
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

July 15, 2020

ITEM 9BROKEN HILL CITY COUNCIL REPORT NO. 102/20

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

Recommendation

1. That Broken Hill City Council Report No. 102/20 dated July 15, 2020, be received.
2. That the minutes for the Local Traffic Committee Meeting No.404 held Tuesday, 7 July 2020 be received.
3. That the following Item 403.6.7 – Request Loading Zone – Trinder Astra; be approved to change the first car parking space in Oxide Street past Crystal Lane (after the 'No Parking Zone') to a 'Loading Zone'.

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 July 2020 which details recommendations to Council for consideration and adoption.

Community Engagement:**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. [!\[\]\(13dd0e1ab3baa23f7c1ed52b3eec2756_img.jpg\)](#) Minutes - Local Traffic Committee - Meeting No 404, 7 July 2020

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER

LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING NO 404

Held 2.30pm Tuesday, 7 July 2020
Video conference/teleconference via BlueJeans

Chairperson Rajkumari Navis, Strategic Asset Manager opened the meeting at 2.13pm and welcomed all representatives present.

404.1 Present

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

404.2 Apologies

Inspector Yvette Smith	NSW Police
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404.3 Disclosure of interest – NIL

404.4 Adoption of previous minutes

Previous minutes of meeting No 403 held 9 June 2020 were confirmed via online voting as follows:

Noted: Error - Brown Street does not run into Silver City Highway runs into Silverton Road.

All in favour: RMS, Council and Local Member's Representative

404.5 Council Resolutions

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

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 83/20 - DATED JUNE 15, 2020 - MINUTES OF THE
LOCAL TRAFFIC COMMITTEE MEETING NO 403 HELD TUESDAY, 9 JUNE 2020** 11/397

RESOLUTION

Minute No. 1

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

Resolved

1. That Broken Hill City Council Report No. 83/20 dated June 15, 2020, be received.
2. That the minutes for the Local Traffic Committee Meeting No.403 held Tuesday, 9 June 2020 be received.
3. That the following Item 403.6.5 – RV Friendly Signage, be approved to install 'RV Friendly Signage' at locations included in the attached map.

CARRIED UNANIMOUSLY

404.6 Correspondence In

Item No.	EDRMS No.	Details
404.6.1	D20/22740	23 Sulphide Street – Request Disability Parking Spot – Benevolent Society
Discussion Notes		<p>Discussion around need for a disabled park being a community need just specific to each business.</p> <p>If a disabled park were to be created kerbs significant works would need to be undertaken including indenting kerb, changed parking arrangements and ramps.</p> <p>Discussion around location and room to be able to install disabled park.</p> <p>Nearby solutions being x2 disabled car parks in Argent Street out front of the Demo and in the rear laneway.</p> <p>Establish the need, how many clients do they have that are disabled?</p> <p>If disabled parking is installed a minimum of x3 general car parks will be removed which means neighbouring businesses would need to be consulted.</p> <p>Huge expenses involved installing a disabled car park if there are other nearby solutions.</p> <p>Contact Benevolent Society to get a better understanding of the need.</p>
Recommendation		All in favour of a letter being sent to Benevolent Society requesting an explanation on the need of a disabled park. Committee to suggest parking near Demo and explain loss of general parking if disabled park is installed and that community consultation would need to be undertaken.

404.7 Correspondence Out

Item No.	EDRMS No.	Details
404.7.1	D20/23860	Response – Speeding Motorist – Brown Street – Ann Evers
404.7.2	D20/23857	Response – Dangerous Road – Bromide and Gossan Streets – Robyn Slater
404.7.3	D20/23852	Response – Excelsior area needs a crossing – Renee Zammit
404.7.4	D20/23848	Response – New parking sign for Sufi Bakery Bromide Street – Leah Billeam
404.7.5	D20/23871	Response – RV Friendly Signage – Patrick Kreitner

404.8 General Business

Local Member's Representative, Peter Beven would like to congratulate Broken Hill City Council for installation of the Street Signs which are going up around town.

Item No.	EDRMS No.	Details
404.8.1		Bus stop – Newsworld
Discussion Notes		<p>The white lines around the bus stop outside Newsworld are very faint and need to be reinstated. Cars are parking in the area not realising it is a bus stop.</p> <p>Request that Council complete line marks. Council doesn't have line marking resources, so a contractor has to be engaged. Due to Covid-19, contractors organised from Melbourne are unable to come. Hopefully arrange an alternative to come out in August.</p>
Recommendation		Council to arrange for line marking to be completed in August.

404.9 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

Action Date	Running Actions
October 2019	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.

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.

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.

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.

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.

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.

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.

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.

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.

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

	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.
May 2020	Chairperson, Raji to follow up and provide an update at June meeting.
June 2020	Council's Asset Officer, Paul Bezzina, spoke with both Taxi companies (Yellow and Independent) on Wednesday, 3 June 2020 who advised they have not been able to trial the new arrangements due to Covid-19. The Theatre Royal Hotel has only just re-opened and the Night Trian will not be reopening until Covid-19 has been cleared. Both Taxi companies have requested that the first cab parking spot be shifted down to be in line with the Night Train front door. Committee could not justify moving the cab parking. Trial period extended for another 3 months.
July 2020	Trial period still being undertaken.

Item No.	403.6.2
EDRMS No.	D20/20316
CRM No.	
Responsible Officer	Chairperson, Raji Navis
Current Status	Pending
Date	Item Details
June 2020	37 Mica Street – Dangerous Road – Robyn Slater
Date	Committee Recommendation/s
June 2020	Install traffic classifiers
Action Date	Running Actions
June 2020	Discussion around location and road terminating close to the house.

Possibly place some classifiers down to see if there is a speeding issue. This would commence an investigation and if a pattern is identified can be given to the Police.

Frequently used street as vehicles use it to go to the plaza not just school traffic. A lot of vehicles park along the side of the street.

Not necessarily speeding but a lot of cars for a narrow road.

A route that was identified in the Active Transport Plan for a footpath, but Council have been unable to action as there is no room for a footpath unless a bridge is built on existing rocks which is an expensive process.

Need to substantiate the complaint by installing classifiers to start an investigation and if there is a pattern identified then might be able to work out a solution. Start investigation to get an idea of usage, times in the street and speed in the street.

July 2020

Classifiers have been installed but data needs to be reviewed – update at August Meeting.

Item No.	403.6.3
EDRMS No.	
CRM No.	
Responsible Officer	Chairperson, Raji Navis
Current Status	Pending
Date	Item Details
June 2020	St Vinnies - Disabled Ramp & Footpath Development
Date	Committee Recommendation/s
June 2020	Resubmit design plan for next LTC and then if approved, can go to public consultation.
Action Date	Running Actions
June 2020	Request was raised by Vinnies and Meals and Wheels to Council's Planning Department. Council's Asset Inspector conducted a site visit and after the proposed ramp is installed there will only be 3.3m in the verandah area. Discussion around how the request came to traffic, current two disabled ramps will need to be moved to allow installation of new proposed ramp. No public or community consultation has occurred.

What is the justification for moving the ramp as the initial ramps have been placed in current location for a reason.

Current position of disabled ramp is straight at the entrance. However, the entrance is not compliant to have the wheelchair as there are no ramps to enter buildings from the footpath.

Ramp will need to be built to conform to Australian Standards and be signed posted as a disabled park.

Current parking arrangements are not desirable for disabled parking.

Based on current proposal design is not ideal. If it is an existing crossing you have don't have to retrofit however with a new crossing you should be looking at rear to kerb, 90 degrees or parallel parking.

Two concerns:

- After ramp has been built only allows 2 metres for passing pedestrian foot traffic.
- Wheelchair has to travel a fair distance along the ramp and turn on the ramp to enter shop.

Suggestion to move ramp further down towards first entrance and then allow Community consultation to see views on the space for pedestrians to pass along the front of the ramp.

Another issue before the new ramp is installed, the current disabled ramps will have to be removed as it is a trip hazard and there will not be enough width for pedestrians to walk through. The street ramps will have to go before works commence.

Change handrail to anchor to footpath where the step is.

Australia standard, one long kerb return ramp or the two that is in the design.

Only proposing two spaces same as out front of the Demo.

Design to be updated and reviewed by LTC.

July 2020

Chairperson, Raji Navis has contacted the architect requesting modifications to the plans and an updated plan to be sent through. Nothing has been received yet.

Raji will follow up with Planning, Development and Compliance.

Update to be provided at the next meeting.

Item No.	403.6.4
EDRMS No.	D20/21069
CRM No.	
Responsible Officer	Chairperson, Raji Navis
Current Status	Pending

Date	Item Details
June 2020	Excelsior area needs a crossing – Renee Zammit
Date	Committee Recommendation/s
June 2020	Install traffic classifiers
Action Date	Running Actions
June 2020	<p>Discussion around if a crossing can be justified in that location. There is little activity on the western side with most activity on the northern side.</p> <p>Does not meet criteria for a pedestrian crossing. Unsure where the desire line would be.</p> <p>There is an island in the middle of the road that pedestrians can use whilst crossing.</p> <p>Does not meet the requirements of a pedestrian crossing as there is not a constant flow of pedestrian traffic.</p> <p>Install classifiers to start the investigation and get a better idea of what is happening in the area.</p>
July 2020	Classifiers have been installed but data needs to be reviewed – update at August Meeting.

Item No.	403.6.6
EDRMS No.	D20/21069
CRM No.	
Responsible Officer	Chairperson, Raji Navis
Current Status	Pending
Date	Item Details
June 2020	Brown Street – Speeding Motorists – Ann Evers
Date	Committee Recommendation/s
June 2020	Install traffic classifiers
Action Date	Running Actions

June 2020	<p>Inspection conducted at Brown Street and there were no visible marks on the road of dangerous driving.</p> <p>This is the third email regarding the corner of Brown Street and corner of Silver City Highway. People are coming at a high speed down the street and turning. Part of the issue is that line marking has not yet been completed.</p> <p>A matter of people of driving properly. Speed bumps will not resolve the issue.</p> <p>Discussion around installing classifiers to see what is happening. Most of this issue is driver behaviour and LTC cannot do much about driver behaviour. Can make physical changes but if it is a driver behaviour issue, it comes down to enforcement.</p>
July 2020	<p>Signs and speed bumps as per the Brown Street design will be installed within the next couple weeks.</p> <p>Centre line marking has been completed, the giveway sign marking is yet to be completed due to covid-19.</p> <p>Hopefully the above will resolve the issue. Follow up at next meeting.</p>

Item No.	403.6.7
EDRMS No.	D20/22610
CRM No.	
Responsible Officer	Chairperson, Raji Navis
Current Status	Pending
Date	Item Details

June 2020 Request Loading Zone – Trinder Astra

Date	Committee Recommendation/s
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June 2020 Raji to arrange site visit/meeting with Trinder and report back to next LTC meeting.

Action Date	Running Actions
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June 2020 Discussion around location of suggested loading zone and if rear lane access can be utilised.

Is there another loading zone within close proximity, can it be justified to have two loading zones in the same area.

There is off street parking further up the lane however the lane is rather narrow and no stopping either side, therefore there would not be enough room for unloading a truck – access to the lane would be blocked.

Gas tankers are large vehicles and need a fair space to be able to park them.

If they did service from the yard they would have to reverse out across a footpath into a busy road. Basically, from the driveway down to the corner of Repco, it is no stopping so they can't pull up there.

There are only four parking spaces, two spaces would need to be utilised for the loading zone.

There is an outdoor eating area and it might not be ideal to have a truck loading zone right by.

Inspection to be arranged, to confirm location and days/times required.

July 2020

First car parking space in Oxide Street past Crystal Lane, after the no parking zone to be changed to a 'Loading Zone' park.

All in favour.

Next Meeting Date – Tuesday, 4 August 2020 (2pm to 3.30pm).

404.11 Meeting Closed – 2.50pm

ORDINARY MEETING OF THE COUNCIL

July 15, 2020

ITEM 10BROKEN HILL CITY COUNCIL REPORT NO. 103/20SUBJECT: ACTION LIST REPORT11/21**Recommendation**

1. That Broken Hill City Council Report No. 103/20 dated July 15, 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. [!\[\]\(30a147af384f9f71632c2ff17bc706c8_img.jpg\)](#) Action List - Ordinary Council Meetings
2. [!\[\]\(9b33568d5c136f08ca688ce48be37574_img.jpg\)](#) 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: 1/04/2018 Date To: 17/07/2020 Printed: Friday, 17 July 2020 8:50:13 AM
Action Sheets Report – Ordinary Council Meetings		

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> <p>8 May 2020 - 11:58 AM - Leisa Bartlett Still in progress.</p> <p>10 Jun 2020 - 2:35 PM - Leisa Bartlett Matter in progress.</p> <p>15 Jul 2020 - 1:45 PM - Leisa Bartlett Matter still in progress.</p>			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 17/07/2020 Printed: Friday, 17 July 2020 8:50:13 AM
Action Sheets Report – Ordinary Council Meetings		

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>			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 77/19 dated December 17, 2018, be received. 2. That Council consent to the proposed transfer of lease, with the current lease for the North Mine Hall to be transferred from Far West HACC Services to Livebetter Services Limited. 3. That the terms and conditions of the current lease agreement remain the same, including the rent of \$1 per year. 4. That Livebetter Services Limited are responsible for any legal fees incurred by Council. 5. That the Mayor and General Manager be authorised to sign the transfer of lease documents under the Common Seal of Council. <p>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 Have followed up with LiveBetter as Council is still awaiting a signed copy of the lease. 8 May 2020 - 12:02 PM - Leisa Bartlett Transfer document still with Livebetter for signature. 10 Jun 2020 - 2:36 PM - Leisa Bartlett Another email sent chasing up signed lease. 15 Jul 2020 - 1:45 PM - Leisa Bartlett LiveBetter have advised that they have misplaced the transfer lease documents. Due to the time lapse, the original lease to Far West HACC has now expired and a new lease will now be negotiated directly with LiveBetter. A new report to Council will be presented in the coming months to consider approval of a lease offer to LiveBetter, and this item can then be removed.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/11/2019	VanDerBerg, Francois Roncon, James	Reports	ACQUISITION OF FEDERATION WAY
<u>Resolved</u>			
<ol style="list-style-type: none"> 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). 3. That the acquisition be undertaken in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, under Section 186 of the <i>Local Government Act 1993</i> and for the purposes of a public road under Section 177 of the <i>Roads Act 1993</i>. 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 <i>Roads Act 1993</i>. 			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 17/07/2020 Printed: Friday, 17 July 2020 8:50:13 AM
Action Sheets Report – Ordinary Council Meetings		

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.
8 May 2020 - 12:16 PM - Leisa Bartlett
Application to OLG is being drafted.
10 Jun 2020 - 2:38 PM - Leisa Bartlett
Application sent to Office of Local Government
15 Jul 2020 - 1:54 PM - Leisa Bartlett
Matter still with the OLG.

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			
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<p>20 Apr 2020 - 9:24 AM - Leisa Bartlett Follow-up letters/emails advising of Council's resolution sent 20 April. 8 May 2020 - 2:27 PM - Leisa Bartlett Awaiting the return of financial records of the Committee from the Chairperson.</p>			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 17/07/2020 Printed: Friday, 17 July 2020 8:50:13 AM
Action Sheets Report – Ordinary Council Meetings		

12 Jun 2020 - 1:36 PM - Leisa Bartlett

Finance Department still awaiting return of financial records from the Committee Chairperson.

15 Jul 2020 - 2:27 PM - Leisa Bartlett

Contact has been made again with Committee member who has advised he will gather and return financial records ASAP.

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/06/2020	Schipanski, Louise Roncon, James	Reports	CORRESPONDENCE REPORT - FEDERAL GOVERNMENT SUPPORT OF THE LOCAL GOVERNMENT SECTOR
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 74/20 dated June 17, 2020, be received. That correspondence dated 16 June 2020 from The Hon Ben Morton MP, Assistant Minister to the Prime Minister and Cabinet in reply to Council's letter to the Prime Minister seeking Federal Government support of the Local Government sector, be received. That Council notes that its correspondence to the Prime Minister has been referred to the Minister for Regional Health, Regional Communications and Local Government, the Hon Mark Coulton MP. That further correspondence be sent to relevant Ministers advocating for support of the Local Government sector through increased Financial Assistance Grants funding to assist Councils to recover from the impact of the COVID19 pandemic. 			
CARRIED UNANIMOUSLY			
<p>7 Jul 2020 - 3:53 PM - Leisa Bartlett Correspondence sent. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/06/2020	Schipanski, Louise Roncon, James	Reports	CORRESPONDENCE REPORT - CONSTRUCTION OF THE WARRI GATE ROAD
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 75/20 dated June 17, 2020, be received. That correspondence from the Mayor John Ferguson of Bulloo Shire Council dated 18 May 2020 advising of the progress of the construction and sealing of the Warri Gate Road and including Warri Gate Road Investing in the Bush Report, be received. That Council provides its support to the Warri Gate Road Project and sends correspondence to the relevant Federal Ministers, advocating for the Federal Government to invest in the Warri Gate Road project to completion. 			
CARRIED UNANIMOUSLY			
<p>7 Jul 2020 - 3:53 PM - Leisa Bartlett Correspondence sent. COMPLETE</p>			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 17/07/2020 Printed: Friday, 17 July 2020 8:50:13 AM
Action Sheets Report – Ordinary Council Meetings		

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/06/2020	Bartlett, Leisa Roncon, James	Reports	PROCUREMENT FRAMEWORK AND POLICY REVIEW
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 78/20 dated June 12, 2020, be received. 2. That Council endorse the Draft Procurement Framework & Policy for public exhibition. 3. That that Draft Procurement Framework and Policy be placed on public display for 28 days in accordance with legislation. 			
CARRIED			
<p>29 Jun 2020 - 4:52 PM - Leisa Bartlett Draft document placed on public exhibition closing 26 July 2020. Further report will be presented to the August Council Meeting. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/06/2020	Bartlett, Leisa Roncon, James	Reports	DRAFT BROKEN HILL LOCAL STRATEGIC PLANNING STATEMENT
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 79/20 dated May 13, 2020, be received. 2. That Council endorse the draft Broken Hill Local Strategic Planning Statement for the purpose of public exhibition. 3. That Council publicly exhibits the draft Local Strategic Planning Statement and accepts submissions from the public for a period of 28 days. 			
CARRIED			
<p>29 Jun 2020 - 4:53 PM - Leisa Bartlett Draft document placed on public exhibition closing 26 July 2020. Further report will be presented to the August Council Meeting. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/06/2020	Nankivell, Jay Roncon, James	Reports	ADOPTION OF DRAFT QUEEN ELIZABETH PARK PLAN OF MANAGEMENT
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 80/20 dated June 4, 2020, be received. 2. That Council refer the Draft Plan of Management for Queen Elizabeth Park to the Minister administering the <i>Crown Land Management Act 2016</i> 3. That following consent from the Minister, Council publicly exhibit the Draft Plan of Management for a period of no less than 28 days, in accordance with the <i>Local Government Act 1993</i>. 4. That the General Manager be authorised to sign any documents required to notify the Minister. 			
CARRIED UNANIMOUSLY			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 17/07/2020 Printed: Friday, 17 July 2020 8:50:13 AM
Action Sheets Report – Ordinary Council Meetings		

15 Jul 2020 - 1:57 PM - Leisa Bartlett
Draft Plan of Management has been sent to the Minister for Crown Lands for approval. Once approval is received the Draft Plan can be placed on public exhibition.

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/06/2020	Bartlett, Leisa Roncon, James	Reports	COMMUNITY ASSISTANCE GRANTS AWARDED FOR ROUND 1 OF 2020/2021 AND AMENDMENT OF THE COMMUNITY ASSISTANCE GRANTS POLICY FOR PUBLIC EXHIBITION
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 82/20 dated June 5, 2020, be received. 2. That Council notes the Community Assistance Grants awarded for Round One of 2020/2021 which were recommended by the Panel on 4 June 2020 and approved by the Acting General Manager. 3. That the unspent grant money of \$2,006.00 from Round 1 be rolled over to Round 2 of 2020/2021. 4. That the Assessment Criteria of the Community Assistance Grants Policy be amended at Clause 4.5.2(a) to remove the words "in the fields of arts, culture or environment" to allow applications from all eligible registered not-for-profit community organisations to be assessed equally. 			
CARRIED UNANIMOUSLY			
29 Jun 2020 - 4:54 PM - Leisa Bartlett Policy amended and updated on Council's website. Community Assistance Grants Assessment weighting matrix updated ready for Round 2. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/06/2020	Nankivell, Jay Roncon, James	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 403 HELD TUESDAY, 9 JUNE 2020
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 83/20 dated June 15, 2020, be received. 2. That the minutes for the Local Traffic Committee Meeting No.403 held Tuesday, 9 June 2020 be received. 3. That the following Item 403.6.5 – RV Friendly Signage, be approved to install 'RV Friendly Signage' at locations included in the attached map. 			
CARRIED UNANIMOUSLY			
17 Jul 2020 - 8:47 AM - Leisa Bartlett Installation of signs has been placed in Council's works program. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/06/2020	Bartlett, Leisa Roncon, James	Committee Reports	MEMBERSHIP OF SECTION 355 COMMITTEES
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 85/20 dated June 15, 2020, be received. 			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 17/07/2020 Printed: Friday, 17 July 2020 8:50:13 AM
Action Sheets Report – Ordinary Council Meetings		

2. That Council accepts the resignation from Ms. Tracy Fraser as a community representative on the Broken Hill Regional Art Gallery Advisory Committee and sends a letter of appreciation to Ms. Fraser for her service on the Committee.

CARRIED UNANIMOUSLY

7 Jul 2020 - 3:55 PM - Leisa Bartlett
Correspondence sent to Ms Fraser.
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/06/2020	Nankivell, Jay Roncon, James	Confidential Matters	331 MURTON STREET
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 87/20 dated June 16, 2020, be received. 2. That Broken Hill City Council issue an expression of interest to partner with a not-for-profit community housing provider(s) to develop 331 Murton Street as a social and affordable housing project. 3. That a site inspection of 331 Murton Street be arranged for Councillors prior to the results of the Expression of Interest process being reported to Council. 			
CARRIED UNANIMOUSLY			
<p>15 Jul 2020 - 2:39 PM - Leisa Bartlett EOI will be in the marketplace next week (prior to the July Council Meeting). Councillor site visit will be arranged to take place before the results of the EOI are reported back to Council. COMPLETE</p>			

Overdue For Action	Division: Committee: Extraordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/05/2020 Date To: 17/07/2020 Printed: Friday, 17 July 2020 9:11:22 AM
Action Sheets Report – Extraordinary Council Meetings		

Meeting	Officer/Director	Section	Subject
Extraordinary Council 30/06/2020	Nu'man, Razija Roncon, James	Reports	DRAFT DELIVERY PROGRAM 2020-2022 INCORPORATING OPERATIONAL PLAN 2020/2021, INCLUSIVE OF THE STATEMENT OF REVENUE POLICY AND DRAFT SCHEDULE OF FEES AND CHARGES 2020/2021
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 89/20 dated June 1, 2020, be received. That Council adopts the Draft Delivery Program 2020-2022 incorporating Operational Plan 2020/2021, inclusive of the Statement of Revenue Policy and Draft Schedule of Fees and Charges 2020/2021 as Strategic documents of Council. That Council make and levy the following rates and charges under the Local Government Act 1993 for the 2020/2021 year. <ol style="list-style-type: none"> A general residential rate under Sections 535 and 537 on all land categorised as residential and consisting of a 49.00% base rate of \$530.00 and a rate in the dollar on land value of 3.198323 cents; A rural-residential rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as rural-residential and consisting of a 49.00% base rate of \$507.00 and a rate in the dollar on land value of 0.470740 cents; A residential-1(a) rate, being a sub-category of the general residential rate, under Sections 535 and 537 on all land categorised as residential-1(a) and consisting of a 49.00% base rate of \$362.00 and a rate in the dollar on land value of 1.002414 cents; A general business rate under Sections 535 and 537 on all land categorised as business and consisting of a 15.00% base rate of \$895 and a rate in the dollar on land value of 8.092894 cents; A mixed development business rate under Sections 535 and 537 on all land categorised as mixed development business and consisting of a 39.00% base rate of \$895 and a rate in the dollar on land value of 8.092894 cents; A mixed development residual rate under Sections 535 and 537 on all land categorised as mixed development residual and consisting of a 50.00% base rate of \$515.00 and a rate in the dollar on land value of 3.263029 cents; A general mine rate under Sections 535 and 537 on all land categorised as mining and consisting of a nil base rate and a rate in the dollar on land value of 9.491418 cents; A domestic waste management charge under Section 496 on each parcel of rateable residential land of \$49.00 per annum payable quarterly for domestic waste service available plus a user charge under Section 502 of \$282.00 per annum payable quarterly (one mobile garbage container only). A commercial waste user charge under Section 502 of \$419.00 per annum payable quarterly (3 x MGB containers), A commercial waste user charge under Section 502 of \$385.00 per annum payable quarterly (1x600l bin only), An additional MGB service user charge under Section 502 of \$149.00 per annum payable quarterly. That in accordance with Section 566(3) of the Local Government Act, 1993, Council adopts a 0% rate of interest charge payable on overdue rates and charges for the period 1 July 2020 to 31 December 2020 and a 7% rate of interest charge payable on overdue rates and charges for the period 1 January 2021 to 30 June 2021. That Council recommence debt recovery action previously suspended due to COVID-19 on unpaid rates and charges as at 1 July 2020. 			

Overdue For Action	Division: Committee: Extraordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/05/2020 Date To: 17/07/2020 Printed: Friday, 17 July 2020 9:11:22 AM
Action Sheets Report – Extraordinary Council Meetings		

5. That Council authorise the General Manager on behalf of Broken Hill City Council to borrow from NSW TCORP; the sum of \$10,000,000 at the determined fixed rate of 1.85% interest from NSW TCORP for a period of ten (10) years.	
6. That Council authorise the Mayor and General Manager to sign loan documents and apply the Common Seal of Council to loan documents as necessary.	
	CARRIED
15 Jul 2020 - 2:31 PM - Leisa Bartlett Adoption process complete, document replaced on Council's website. COMPLETE	

Meeting	Officer/Director	Section	Subject
Extraordinary Council 30/06/2020	Nankivell, Jay Roncon, James	Reports	DRAFT LONG TERM FINANCIAL PLAN 2021-2030
Resolved			
1. That Broken Hill City Council Report No. 90/20 dated June 1, 2020, be received.			
2. That Council adopts the Draft Long Term Financial Plan 2021-2030 as a Strategic document of Council.			
			CARRIED
15 Jul 2020 - 2:31 PM - Leisa Bartlett Adoption process complete, document replaced on Council's website. COMPLETE			

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETINGS

1. QUESTIONS ON NOTICE NO. 8/20 - DATED JUNE 26, 2020 -
COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE JUNE 2020
ORDINARY COUNCIL MEETING (11/21, 20/368, 20/388, 18/117, 12/54)
.....168

ORDINARY MEETING OF THE COUNCIL

June 26, 2020

ITEM 1QUESTIONS ON NOTICE NO. 8/20

SUBJECT: COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE JUNE 2020 ORDINARY COUNCIL MEETING 11/21, 20/368, 20/388, 18/117, 12/54

Summary

The report provides a response to questions raised by Councillors during the June 2020 Council Meeting, which were taken on notice.

Recommendation

1. That Questions On Notice No. 8/20 dated June 26, 2020, be received.

Background

Following are the responses to questions raised by Councillors which the Mayor and/or General Manager did not answer and took on notice at the June 2020 Council Meeting.

Question:	<u>Council Meetings</u> <i>The Mayor requested that a report be presented to the July Council Meeting outlining a plan for how Council can return to holding Council Meetings in the Council Chambers given that the Council Chambers does not have facilities to be able to have a combination of Councillors joining by videoconference and Councillors attending in person.</i>
Response:	See separate report on this subject.
Question:	<u>Bird Wildlife</u> <i>Councillors Licul, Adams and Nolan asked if a report can be presented to Council outlining any options that Council may have to deter cockatoos from stripping the gum trees of new growth and the associated mess that they make in Sturt Park; at the Picton Oval; Council's Administrative Building and at the Civic Centre.</i>
Response:	Attached is a link to the NSW Environment dealing with such matters as they relate to Sulphur crested cockatoos. I have also reached out to NSW Environment more formally to ascertain further options but on the face of it, the only 'humane' option appears to lie with large models of 'birds of prey' such as Eagles, Owls or Hawks that for a short time may act as a deterrent. https://www.environment.nsw.gov.au/questions/cockatoo-attack-property

	I will circulate any further information received from NSW Environment out of session, as it comes to hand.
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Attachments

There are no attachments for this report

JAMES RONCON
GENERAL MANAGER

CLOSED

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

1. **BROKEN HILL CITY COUNCIL REPORT NO. 104/20 - DATED JUNE 23, 2020 - WILLYAMA COMMON TRUST LEASE OF PART LOT 7421 DP 1183597 TO AXICOM PTY LIMITED - CONFIDENTIAL**

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

2. **BROKEN HILL CITY COUNCIL REPORT NO. 105/20 - DATED JULY 01, 2020 - WILLYAMA COMMON TRUST LICENCE OF PART LOT 7315 DP 1183447 TO BROKEN HILL SPEEDWAY CLUB - CONFIDENTIAL**

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

3. **BROKEN HILL CITY COUNCIL REPORT NO. 106/20 - DATED JULY 21, 2020 - CIVIC CENTRE LITIGATION - CONFIDENTIAL**

(General Manager's Note: This report considers litigation proceedings and is deemed confidential under Section 10A(2) (e) (g) of the Local Government Act, 1993 which provides for information that would, if disclosed, prejudice the maintenance of law; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).