

August 19, 2020

**ORDINARY MONTHLY MEETING**  
**TO BE HELD**  
**WEDNESDAY, AUGUST 26, 2020**


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

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, August 26, 2020** commencing at 6:30pm to consider the following business:

ABN 84 873 116 132

- 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,  
July 29, 2020.

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL  
HELD JULY 29, 2020

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*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 6:35pm

**PRESENT:**

Councillor D. Turley (Mayor) Councillor C. Adams (Deputy Mayor)  
Councillors B. Algate, M. Browne, 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:**

Councillor M. Clark

**RESOLUTION**

Minute No. 46301

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

**Resolved**

That the apology submitted by Councillor Clark  
be accepted and leave of absence granted.

CARRIED UNANIMOUSLY

**PRAYER**

Councillor Adams delivered the prayer.

**ACKNOWLEDGEMENT OF COUNTRY**

Councillor Gallagher delivered the Acknowledgment of Country.

**MINUTES FOR CONFIRMATION**

**RESOLUTION**

Minute No. 46302 -

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

**Resolved**

That the Minutes of the Ordinary Meeting of the  
Council of the City of Broken Hill held June 24,  
2020 be confirmed.

CARRIED UNANIMOUSLY

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

Minute No. 46303

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

**Resolved**

That the Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held June 30, 2020 be confirmed.

CARRIED

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

**RESOLUTION**

Minute No. 46304

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

**Resolved**

That the Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held July 09, 2020 be confirmed.

CARRIED

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

**RESOLUTION**

Minute No. 46305

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

**Resolved**

That the Minutes of the Extraordinary Meeting of the Council of the City of Broken Hill held July 20, 2020 be confirmed.

CARRIED

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

**DISCLOSURE OF INTEREST**

Councillor Kennedy declared:

- An insignificant non-pecuniary conflict of interest in Report No 100/20 and advised that he will remain in the meeting and will vote on the item.

**MAYORAL MINUTES**

**ITEM 1 - MAYORAL MINUTE NO. 9/20 - DATED JULY 27, 2020 - LOCAL GOVERNMENT  
EXCLUSION FROM NATIONAL CABINET**

11/161

**RESOLUTION**

Minute No. 46306

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

**Resolved**

1. That Mayoral Minute No. 9/20 dated July 27, 2020, be received.
2. That Council sends correspondence to the Premier of NSW, the Federal Member for Parkes and the State Member for Barwon,

highlighting the critical necessity for Local Government representation on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.

3. That Council seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda.
4. That Council notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

CARRIED

FOR: Crs Adams, Browne, Gallagher, Licul, Turley, Page and Nolan

AGAINST: Crs Algate and Kennedy

### **NOTICES OF MOTION**

Nil.

### **RESCISSION MOTIONS**

Nil.

### **REPORTS FROM DELEGATES**

Nil.

**REPORTS**

**ITEM 2 - 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

*During consideration of Item 2 Councillor Nolan left the meeting at 6:52pm and returned to the meeting at 6:55pm.*

Motion

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

Amendment

- Councillor T. Kennedy moved )  
Councillor B. Algate seconded )
1. That Broken Hill City Council Report No. 94/20 dated July 17, 2020, be received.
  2. That Council Meetings be held in the Council Chamber starting from and including the August 2020 meeting.
  3. That the Council Chamber be updated to include access to Councillors wishing to use virtual meeting equipment.
  4. That the expenditure required for the upgrade comes from the infrastructure loan.

LOST

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

The original motion was put.

**RESOLUTION**

Minute No. 46307

- Councillor C. Adams moved )  
Councillor M. Browne seconded )
- Resolved**
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.

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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).

CARRIED

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

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 95/20 - DATED JUNE 01, 2020 - ADOPTION OF THE DRAFT BROKEN HILL REGIONAL ART GALLERY POLICIES** 12/14

**RESOLUTION**

Minute No. 46308

Councillor J. Nolan moved )

Councillor M. Browne seconded )

**Resolved**

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

CARRIED

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

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**ITEM 4 - 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

**RESOLUTION**

Minute No. 46309

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

**Resolved**

1. That Broken Hill City Council Report No. 96/20 dated July 9, 2020, be received.
2. That consideration of the report be deferred pending a Councillor Workshop on the Draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy.

CARRIED

FOR: Crs Adams, Browne, Gallagher, Licul, Nolan, Page and Turley  
AGAINST: Crs Algate and T Kennedy

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 97/20 - DATED JULY 09, 2020 - DRAFT  
SMOKE FREE PLAYGROUNDS AND SPORTING RESERVES POLICY** 12/14

**RESOLUTION**

Minute No. 46310

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

**Resolved**

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.

CARRIED

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

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 98/20 - DATED JULY 15, 2020 - DRAFT  
PUBLIC ART POLICY FOR PUBLIC EXHIBITION** 12/14

**Motion**

Councillor M. Browne moved )  
Councillor B. Licul seconded )

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 with the following amendments:
  - a) to clarify, where reference is made to publicly facing art on private property where projects do not require development consent,



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that no additional approval is required but Council's guidance is available and recommended.

b) to indicate that the Chairperson be one of the two independent panel members on the interdepartmental group/panel co-opted from the Broken Hill Regional Art Gallery Advisory Committee.

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.

Amendment

Councillor T. Kennedy moved )  
Councillor B. Algate seconded )

1. That Broken Hill City Council Report No. 98/20 dated July 15, 2020, be received.
2. That the policy be amended at clause 6.1 Roles and Responsibilities – to indicate that the staff members on the panel will be non-voting advisory members and that an additional voting panel of 15 members of the Broken Hill community be selected by Council to serve for a two year period.

LOST

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

The original motion was put.

**RESOLUTION**

Minute No. 46311

Councillor M. Browne moved )  
Councillor B. Licul seconded )

**Resolved**

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 with the following amendments:

a) to clarify, where reference is made to publicly facing art on private property where projects do not require development consent, that no additional approval is required but Council's guidance is available and recommended.

b) to indicate that the Chairperson be one of the two independent panel members on the interdepartmental group/panel co-opted from the Broken Hill Regional Art Gallery Advisory Committee.

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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.

CARRIED

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

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 99/20 - DATED JULY 20, 2020 - INVESTMENT REPORT FOR JUNE 2020**

17/82

**RESOLUTION**

**Resolved**

Minute No. 46312

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

1. That Broken Hill City Council Report No. 99/20 dated July 20, 2020, be received.

CARRIED UNANIMOUSLY

**ITEM 8 - 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

Disclosure of Interest

*At the commencement of item 8 the Mayor sought clarification from Councillor Kennedy as to the type and nature of his disclosure of interest in this item.*

*Councillor Kennedy advised that the disclosure was an insignificant non-pecuniary conflict of interest, and that the interest was due to his wife's relative in another business that may be impacted.*

Motion

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

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 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 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 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 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 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 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 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.

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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"> <li>• Location Plan – Rev A</li> <li>• Titles – Existing</li> <li>• Titles – Proposed</li> <li>• Existing Site Plan – Rev A</li> <li>• Demolition Site Plan – Rev C</li> <li>• Proposed Site Plan – Rev F</li> <li>• Proposed Roof Plan – Rev B</li> <li>• Proposed Service Protection Detail – Rev A</li> <li>• ALDI External Elevations – Rev D</li> <li>• Proposed Sections – Rev B</li> <li>• Signage Plan – Rev C</li> <li>• Signage Details - Sheet 1 – Rev A</li> <li>• Signage Details - Sheet 2 – Rev B</li> </ul>	Nielsen Architects
Landscape plan	22/2/19 – Rev A	Outerspace

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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.



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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](http://www.brokenhill.nsw.gov.au)

Contribution Type	Proposed Cost of Development	Levy Percentage	Total Contribution
Section 7.12 Contribution	\$6,683,000	1%	\$66,830

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](http://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 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 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

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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 out entirely within the allotment boundaries.
24. During construction, all works are to be 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 out within three months.
25. During construction, works are to be 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 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 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 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

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- 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 10:00pm.
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.

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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 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 out in a manner that protects the amenity of the locality.

Disclosure of Interest

*As Councillor Kennedy indicated he wished to speak against the motion, the Mayor questioned why Councillor Kennedy was speaking against the motion when he had declared an interest in the matter.*

*Councillor Kennedy advised that he had declared an insignificant non-pecuniary conflict of interest and that he would remain in the meeting, participate in debate and vote on the item.*

Amendment

Councillor T. Kennedy moved )  
Councillor B. Algate seconded )

1. That Broken Hill City Council Report No. 100/20 dated July 9, 2020, be received.
2. That Council engage an independent third party to prepare a report on the following matters if development application 41/2020 is approved:
  - a) The affect the development will have on existing businesses.
  - b) The affect the development will have on the location.
  - c) Whether the development would be better suited to another part of town including South Broken Hill.
  - d) Will the development be a net positive or negative to the community.

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- e) The affect the development will have on foot traffic in Argent Street.

LOST

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

The original motion was put

**RESOLUTION**

Minute No. 46313

Councillor J. Nolan moved )

Councillor D. Gallagher seconded )

**Resolved**

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 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 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 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 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 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 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 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

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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"> <li>• Location Plan – Rev A</li> <li>• Titles – Existing</li> <li>• Titles – Proposed</li> <li>• Existing Site Plan – Rev A</li> <li>• Demolition Site Plan – Rev C</li> <li>• Proposed Site Plan – Rev F</li> <li>• Proposed Roof Plan – Rev B</li> <li>• Proposed Service Protection Detail – Rev A</li> <li>• ALDI External Elevations – Rev D</li> <li>• Proposed Sections – Rev B</li> <li>• Signage Plan – Rev C</li> <li>• Signage Details - Sheet 1 – Rev A</li> <li>• Signage Details - Sheet 2 – Rev B</li> </ul>	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).

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- 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](http://www.brokenhill.nsw.gov.au)

Contribution Type	Proposed Cost of Development	Levy Percentage	Total Contribution
Section 7.12 Contribution	\$6,683,000	1%	\$66,830

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](http://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 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 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 out entirely within the allotment boundaries.
24. During construction, all works are to be 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 out within three months.
25. During construction, works are to be 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 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 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 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.

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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 10:00pm.
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.

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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 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 out in a manner that protects the amenity of the locality.

CARRIED

FOR: Crs Adams, Browne, Gallagher, Licul, Nolan, Page and Turley

AGAINST: Crs Algate and Kennedy

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 101/20 - DATED JULY 02, 2020 - SALE OF 118 BROWN STREET** 12/109

Motion

Councillor D. Gallagher moved )

Councillor J. Nolan seconded )

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.

Amendment

Councillor T. Kennedy moved )

Councillor B. Algate seconded )

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).

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3. That the General Manager be authorised to negotiate and finalise the sale of 118 Brown Street within a percentage determined by Council during a confidential session.
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.

LOST

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

The original motion was put.

**RESOLUTION**

Minute No. 46314

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

**Resolved**

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.

CARRIED

FOR: Crs Adams, Browne, Gallagher, Licul, Nolan, Page and Turley  
AGAINST: Crs Algate and T Kennedy

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL  
HELD JULY 29, 2020

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**ITEM 10 - 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**

**RESOLUTION**

Minute No. 46315

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

**Resolved**

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'.

CARRIED UNANIMOUSLY

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 103/20 - DATED JULY 15, 2020 - ACTION LIST REPORT 11/21**

**RESOLUTION**

Minute No. 46316

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

**Resolved**

1. That Broken Hill City Council Report No. 103/20 dated July 15, 2020, be received.

CARRIED UNANIMOUSLY

**COMMITTEE REPORTS**

Nil.

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

**ITEM 12 - 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**

**RESOLUTION**

Minute No. 46317

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

**Resolved**

1. That Questions On Notice No. 8/20 dated June 26, 2020, be received.

CARRIED UNANIMOUSLY

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

COVID-19 Travel Procedure

*Councillor Kennedy asked for a report on the cost of the defence against the United Services Union in the Commission.*

**CONFIDENTIAL MATTERS**

**RESOLUTION**

Minute No. 46318

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

**Resolved**

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 considered.

CARRIED UNANIMOUSLY

**ITEM 13 - 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** 11/63

**(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).

**RESOLUTION**

Minute No. 46319

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

**Resolved**

1. That Broken Hill City Council Report No. 104/20 dated June 23, 2020, be received.
2. That the Willyama Common Trust lease Part Lot 7421 DP 1183597 (being a telecommunications compound on the Line of Lode) to Axicom Pty Limited for a period of 20 years for telecommunications purposes.
3. That the annual rent be \$12,000.00 per annum with an annual 2.5% increase.
4. That the Mayor and General Manager be authorised to sign and execute the lease documents under the Common Seal of Council, in the absence of a Trust Seal.

CARRIED UNANIMOUSLY

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL  
HELD JULY 29, 2020

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**ITEM 14 - 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**

11/63

**(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).

**RESOLUTION**

Minute No. 46320

Councillor T. Kennedy moved )  
Councillor B. Licul seconded )

**Resolved**

1. That Broken Hill City Council Report No. 105/20 dated July 1, 2020, be received.
2. That Council (as Trust Manager for the Willyama Common Trust) lease Part Lot 7315 in Deposited Plan 1183447 to the Broken Hill Speedway Club for the purpose of a motocross track extension and associated access.
3. That the lease term be 25 years and the annual rental be the minimum Crown Lands rental.
4. That the Mayor and General Manager be authorised to sign and execute any documents under the Common Seal of Council, the absence of a Trust Seal.

CARRIED UNANIMOUSLY

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 106/20 - DATED JULY 21, 2020 - CIVIC CENTRE LITIGATION - CONFIDENTIAL**

17/114

**(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).

**RESOLUTION**

Minute No. 46321

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

**Resolved**

1. That Broken Hill City Council Report No. 106/20 dated July 21, 2020, be received.
2. That Council adopt option two and further commit to proceed with litigation.
3. That Council adopt an increase in budget in accordance with the option two as detailed within the report.

CARRIED

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

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MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL  
HELD JULY 29, 2020

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*Councillor Algate left the meeting at 8:30 p.m.*

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

There being no further business the Mayor closed the meeting at 8:33 p.m.

THE FOREGOING MINUTES WERE READ )  
AND CONFIRMED AT THE ORDINARY )  
MEETING OF THE BROKEN HILL CITY )  
COUNCIL HELD ON 26 AUGUST 2020. )

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CHAIRPERSON



**MAYORAL MINUTES**

1. MAYORAL MINUTE NO. 10/20 - DATED AUGUST 11, 2020 - LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 22-24 NOVEMBER 2020 (11/364).....42

## ORDINARY MEETING OF THE COUNCIL

August 11, 2020

**ITEM 1**MAYORAL MINUTE NO. 10/20

SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 22-24  
NOVEMBER 2020 11/364

**Summary**

The 2020 Local Government NSW (LGNSW) Conference will be held in Lovedale, Hunter Valley on 22-24 November 2020.

The theme for the Conference is “Growing Community Resilience” and a Draft Program has been released which outlines the Conference presenters, workshops and business sessions (see attached). The full Conference Business Paper will be available on the LGNSW website two weeks prior to the Conference.

Attendance to this conference will ensure that remote areas such as the Far West are not placed at a disadvantage by decisions made. LGNSW have advised that the Conference will follow government COVID-19 guidelines and will have Safety Plans in place to ensure a safe event for all participants.

Given the current climate of the COVID-19 pandemic, I am recommending that Council writes to Local Government NSW requesting that they consider the option of providing a virtual conference to ensure the safety of participating Councillors and Council staff across NSW. If this cannot be achieved then I recommend that only myself attend the Conference, and I advise that I will comply with all COVID-19 regulations in place for travel and attendance at the event.

Conference

The LGNSW Conference is the annual policy-making event for councils of NSW. The Conference is the pre-eminent event of the local government year where local Councillors come together to share ideas and debate issues that shape the way we are governed.

The theme for the Conference is “Growing Community Resilience” and the Draft Program attached outlines the following guest speakers and the topics of presentations and workshops which will be held during the Conference along with consideration of the items of conference business.

## Presentations:

- “Cooling Our Cities”
- “It’s a jungle out there. Biosecurity can bite. Are you ready for it?”
- “Regional renaissance: How to help regional communities bounce back and thrive in a post pandemic world”
- “Tapping into the Here and Now: Social and Community Strength”
- “Control is the Source of Community Resilience”

The “Meet the Politicians Forum” and will include addresses from:

- The Hon Shelley Hancock MP, Minister for Local Government
- Ms Jodie McKay, Leader of the Opposition

Politicians’ Panel:

- The Hon Shelley Hancock MP, Minister for Local Government
- The Hon Melinda Pavey MP, Minister for Water, Property and Housing
- Mr David Shoebridge, MLC
- Mr Greg Warren MP, Shadow Minister for Local Government
- The Hon John Barilaro MP, Deputy Premier and Minister for Regional NSW Trade and Industry (invited)
- The Hon Adam Marshall MP, Minister for Agriculture and Western NSW

Keynote Addresses:

- Building resilience through partnerships – Presented by Commissioner of Resilience NSW, Shane Fitzsimmons

Keynote Panel:

- Recovery and Resilience – Local strategies and actions to prepare for, recover from and build resilience to disasters and crises.

Workshops include:

- Leading a Safe Organisation – the roles and responsibilities of Councils to lead in child protection and domestic violence prevention.
- Collaborating for Informed Decision Making.
- Population migration panel session – a facilitated panel session on population shifts, migration and successful refugee resettlement.
- Big Expectations – how to make a difference and why community is important.

### Voting

Voting delegates must be registered to attend the Conference and be registered as a nominated voting delegate.

To vote on motions, delegates must be an elected member of a council, county council, the Lord Howe Island Board (LHIB), Norfolk Island Regional Council (NIRC) or Related Local Government Body (RLGB) or an Administrator appointed in accordance with the *Local Government Act 1993*.

As per the Rules of the Local Government NSW (Rule 23) the formula to determine the number of voting delegates for a Council with the population between 10,001 to 20,000 is 2, therefore Broken Hill City Council is entitled to 2 voting delegates.

Ordinary members need to advise LGNSW of the name(s) of their nominated voting delegate(s) for voting on motions.

Members are required to advise LGNSW of the names of their nominated voting delegates by 12:00 noon (AEDT) on Tuesday, 3 November 2020.

Motions

The Board encourages submission of motions along with the accompanying Council Resolution by **12 midnight (AEST) on Monday 28 September 2020** to allow printing and distribution of the Business Paper before the Conference. In line with the LGNSW rules, the latest date motions can be accepted as late motions is 12 midnight (AEST) on Sunday 25 October 2020.

The Board has resolved that motions will be included in the Business Paper for the conference only where they:

1. are consistent with the objectives of the Association (as per Rule 4 of the Association's Rules)
2. relate to Local Government in NSW and/or across Australia
3. concern or are likely to concern Local Government as a sector
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members. Members are encouraged to review Action Reports from the previous conference(s) before submitting motions for the 2020 conference to ensure newly proposed motion wording reflects recent developments and does not duplicate existing positions.

As a Council Resolution must accompany any motions that Council wishes to submit, these motions must be determined at the August 2020 Council Meeting in order to meet the submission deadline of 28 September 2020.

Attached to the report is a guide for the submission of motions to the Conference.

Financial Implications

Following are the costs associated with attending the 2018 Local Government NSW Annual Conference per person:

Early Bird Registration Fee 2020 (paid by 25 September 2020)	\$840.00
OR - Standard Registration Fee 2020 (paid by 11 November 2020)	\$940.00
Conference Dinner Ticket 2020	\$132.00
ALGWA event	\$55.00
Councillor Training Session	\$44.00
Travel costs to the Hunter Valley	\$1,036.00
Accommodation (as per Council policy) – per night	\$244.00

Councillors will also be reimbursed for any out-of-pocket travel expenses incurred as per Council's adopted Councillor Support Policy.

**Recommendation**

1. That Mayoral Minute No. 10/20 dated August 11, 2020, be received.
2. That Council writes to Local Government NSW requesting that they consider the option of providing a virtual conference to ensure the safety of Councillors and Council staff across NSW; If this cannot be achieved then I recommend that only the Mayor attends the Local Government NSW Annual Conference and that the Mayor complies with all COVID-19 regulations in place with regards to travel and attending the event.
3. That Council determine motions to the NSW Local Government Annual Conference in line with the criteria for motions.
4. That motions along with the accompanying Council Resolution be submitted prior to the closing date of 28 September 2020.

**Attachments**

1. [↓](#) Draft Conference Program
2. [↓](#) Guide to submission of motions

D TURLEY AM  
MAYOR



## Local Government NSW Annual Conference 2020

Sunday 22 November – Tuesday 24 November 2020

Main conference venue: Crowne Plaza Hunter Valley, 430 Wine Country Drive, Lovedale NSW 2325

Theme: Growing Community Resilience

### DRAFT PROGRAM (as of 16 July 2020)

PRE – OPENING OF CONFERENCE, OPTIONAL WORKSHOPS AND SPECIAL EVENTS	
SUNDAY 22 NOVEMBER 2020, CROWNE PLAZA HUNTER VALLEY	
1.00pm – 7.00pm	Registration opens at the Galleria, Conference and Events Centre
1.30pm – 3.00pm	<p>1. Presentation Panel: Semillon 1</p> <p><b>Cooling Our Cities</b></p> <ul style="list-style-type: none"> <li>• <b>Dr Sebastian Pfautsch</b>, Senior Research Fellow – Western Sydney University, Climate and environmental changes</li> <li>▪ <b>Rod Simpson</b>, Environment Commissioner, Greater Sydney Commission (invited)</li> <li>▪ <b>Dr Rebecca Huntley</b>, Principal Consultant, Vox Populi Research</li> </ul>
1.30pm – 3.00pm	<p>2. Workshop: Semillon 2</p> <p><b>Leading a Safe Organisation:</b> The roles and responsibilities of councils to lead in child protection &amp; domestic violence prevention presented by the Office of the Children’s Guardian and Domestic Violence (DVNSW)</p> <p><b>and</b></p> <p><b>Collaborating for Informed Decision Making</b> presented by <b>Maire Sheehan</b>, Facilitator, Educator and former mayor and councillor</p>
1.30pm – 3.00pm	<p>3. Workshop: Semillon 3</p> <p><b>Population migration panel session</b> facilitated by <b>Cr Dai Le</b>, LGNSW Board Member. A facilitated panel session on population shifts, migration and successful refugee resettlement. Panel presentations will be followed by a 30 minute question and answer session.</p> <p>Panel members:</p> <ul style="list-style-type: none"> <li>• Multicultural NSW (MNSW)</li> <li>• Settlement Services International (SSI)</li> </ul>
1.30pm – 2.30pm	<p>4. Presentation: The Verdelho Room</p> <p><b>“It’s a jungle out there. Biosecurity can bite. Are you ready for it?”</b> <b>Nicola Dixon</b>, Development Officer, Community Weeds Management Invasive Species Biosecurity, and <b>Ian Turnbull</b>, Invasive Species Officer, Department of Planning, Industry and Environment</p>

2.00pm – 3.00pm	Bus transfers begin departing from select hotels going to Crowne Plaza Hunter Valley for the Ministers sessions and the welcome reception
3.00pm – 5.00pm	<p>The Galleria, Conference and Events Centre, Cabernet Merlot Room</p> <p><b>Meet the Politicians Forum</b> with Masters of Ceremony: <b>Cr Linda Scott, President</b> and <b>Scott Phillips, CE, LGNSW</b></p> <p>Addresses from:</p> <ul style="list-style-type: none"> <li>• <b>The Hon Shelley Hancock MP</b>, Minister for Local Government</li> <li>• <b>Ms Jodi McKay</b>, Leader of the Opposition</li> </ul> <p>Followed by the <b>Politicians' panel</b>:</p> <ul style="list-style-type: none"> <li>• <b>The Hon Shelley Hancock MP</b>, Minister for Local Government</li> <li>• <b>The Hon Melinda Pavey MP</b>, Minister for Water, Property and Housing</li> <li>• <b>Mr David Shoebridge, MLC</b></li> <li>• <b>Mr Greg Warren MP</b>, Shadow Minister for Local Government</li> <li>• <b>The Hon John Barilaro MP</b>, Deputy Premier and Minister for Regional NSW Trade and Industry (invited)</li> <li>• <b>The Hon Adam Marshall MP</b>, Minister for Agriculture and Western NSW</li> </ul> <p><b>Presentation of the AR Bluett Awards by the Trustees</b></p> <p>This session is optional. Attendance is free to members registered to attend the conference. RSVPs are required as part of the conference registration.</p>

#### CONFERENCE OPENS – WELCOME RECEPTION

##### SUNDAY 22 NOVEMBER 2020, POOLSIDE AT CROWNE PLAZA HUNTER VALLEY

5.00pm – 8.00pm	<p>President's Welcome Reception:</p> <ul style="list-style-type: none"> <li>• Welcome by Master of Ceremonies <b>Cr Bob Pynsent</b>, Mayor, Cessnock City Council</li> <li>• Address by <b>Cr Linda Scott</b>, President, LGNSW</li> <li>• Sponsor address by <b>Chair</b>, Statewide Mutual</li> </ul> <p>Registration will be available at this event.</p>
From 7.30pm	Bus transfers back to conference hotels to commence

##### MONDAY 23 NOVEMBER 2020 – Business Session Day 1, Crowne Plaza Hunter Valley

7.30am – 5.00pm	Registration opens at the Galleria, Conference and Events Centre
8.00am – 4.00pm	Trade exhibition opens at the Exhibition Centre and Sauvignon Room Delegate Lounge opens for networking
8.45am	Doors open for official conference proceedings Distribution of voting materials and electronic handsets
9.05am – 9.10am	Conference introduction by <b>Scott Phillips</b> , Chief Executive, LGNSW

9.10am – 9.15am	Welcome to Country
9.15am – 11.00am	Address by <b>Cr Linda Scott</b> , President, LGNSW  Opening of the Federal Conference including demonstration of voting units, adoption of standing orders, presentation of the auditor's report, general financial report and operating report to members, business session and consideration of motions.  Opening of the State Conference including adoption of standing orders, presentation of the auditor's report, general financial report and operating report to members, business sessions, and consideration of motions.  Chaired by <b>Cr Linda Scott</b>
11.00am – 11.30am	Morning tea in trade exhibition, sponsored by <b>Local Government Super</b>
11.30am – 1.00pm	Consideration of conference business continued, chaired by LGNSW President
1.00pm – 2.00pm	Lunch in trade exhibition, sponsored by <b>Local Government Super</b>
1.00pm – 2.00pm	<b>StateCover</b> General Manager's Lunch - Semillon 1 and 2, Level 2 (exclusive to GMs)
2.00pm – 2.05pm	Distinguished sponsor topic by <b>Local Government Super</b>
2.00pm – 3.30pm	Consideration of conference business continued, chaired by LGNSW President
3.30pm – 4.00pm	Afternoon tea in trade exhibition
4.00pm – 5.00pm	Consideration of conference business continued, chaired by LGNSW President Collection of all electronic handsets and motions voting cards
5.00pm	Conference business session closes
5.30pm – 6.00pm	<a href="#">Transfer buses begin departing for the conference hotels</a>
7.00 pm – 7.30pm	<a href="#">Transfer buses to pick up from designated hotels, going to Hope Estate</a>
<b>Conference Dinner at Hope Estate, 2213 Broke Road, Pokolbin NSW 2320</b>	
7.30pm	<b>StateCover</b> sponsor address
8.00pm	LGNSW President and Elite Sponsor present Outstanding Service Awards to elected members
8.30pm	Dinner and entertainment begins
10.00pm	<a href="#">Transfer buses to begin departing back to conference hotels</a>
11.00pm	Dinner ends
<b>TUESDAY 24 November 2020 – Business Session Day 2, Crowne Plaza Hunter Valley</b>	



7.30am – 5.00pm	Registration opens at the Galleria, Conference and Events Centre
7.30am – 8.45am	Semillon 1 and 2 Australian Local Government Women’s Association (ALGWA NSW) Breakfast “Big Expectations: how to make a difference and why community is important” Panel guest speakers: <b>The Shahrouk Sisters</b> , facilitated by <b>Ellen Fanning</b>
8.00am – 4.00pm	Trade exhibition opens, The Exhibition Centre and Sauvignon Room Delegate Lounge opens for networking
8.45am	Doors open for conference official proceedings Distribution of voting materials and electronic handsets if required
9.00am	Introduction by <b>Ellen Fanning</b> , Master of Ceremonies
9.05am – 9.30am	Keynote address: Building resilience through partnerships. Presented by Commissioner of Resilience NSW, <b>Shane Fitzsimmons</b>
9.30am – 9.35am	Planning sponsor address by <b>Resilience NSW</b>
9.35am – 10.30am	Opening Keynote Panel: Recovery and Resilience: local strategies and actions to prepare for, recover from and build resilience to disasters and crisis. <ul style="list-style-type: none"> <li>• <b>Leanne Barnes OAM</b>, GM, Bega Shire Council</li> <li>• <b>Mick Willing</b>, NSW Assistant Police Commissioner, Bushfire Recovery (invited)</li> <li>• <b>Suzie Wright</b>, Vice Chair, Governance, Greater Sydney Landcare network, regarding strategies to manage bushfires moving forward (invited)</li> <li>• <b>James McTavish</b>, NSW Cross Border Commissioner, Department of Planning, Industry and Environment (invited)</li> </ul>
10.30am – 11.00am	Morning tea in trade exhibition, sponsored by <b>Landcom</b>
11.00am – 11.05am	Distinguished sponsor address by <b>Landcom</b>
11.05 – 11.20am	Address from <b>Cr Linda Scott</b> , President, LGNSW, on Association Initiatives
11.20am – 11.30am	Treasurer’s report, <b>Cr Jerome Laxale</b> , Treasurer, LGNSW
11.30am – 12.30pm (one hour)	Presentation: <b>Panel Regional Services: ‘Regional renaissance: how to help regional communities bounce back and thrive in a post pandemic world’</b> <ul style="list-style-type: none"> <li>▪ <b>The Hon Mark Coulton MP</b>, Minister Regional Health, Regional Communications and Local Government</li> <li>▪ <b>The Hon Jason Clare MP</b>, Shadow Minister for Regional Services, Territories and Local Government</li> <li>▪ <b>Brendan Nelson</b>, CEO Regional Growth, Department of Regional NSW (invited)</li> </ul>

12.30pm – 1.00pm (30 mins)	Presentation: <b>Craig Foster</b> , Former Soccerroo, Broadcaster, Adjunct Professor of Sport & Social Responsibility and Humanist presents 'Tapping into the Here and Now: Social and Community Strength'
1.00pm – 1.05pm	Distinguished sponsor topic
1.05pm – 2.00pm	Lunch in trade exhibition, sponsored by <b>Landcom</b>
2.05pm – 3.05pm	Closing Address: <b>Dr Norman Swan</b> , Medical & Health Broadcaster, Host, Health Report ABC RN, Commentator & Journalist ABC TV, cofounder Tonic Health Media, presents Control is the Source of Community Resilience.  How can systems and organisations acknowledge and allow for individual and community control?
3.05pm – 3.15pm	Close of conference, <b>Cr Linda Scott</b> , LGNSW President
3.15pm – 3.45pm	Afternoon tea in trade exhibition

*This program is correct at the time of publication; speakers and program details may have changed due to unforeseen circumstances.*



# LGNSW 2020 Annual Conference Motions Submission Guide

**LOCAL GOVERNMENT NSW**  
GPO BOX 7003 SYDNEY NSW 2001  
L8, 28 MARGARET ST. SYDNEY NSW 2000  
T 02 9242 4000. F 02 9242 4111  
**LGNSW.ORG.AU** LGNSW@LGNSW.ORG.AU  
ABN 49 853 913 882

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## LGNSW Annual Conference Motions Submission Guide

### 1. Introduction

The Local Government NSW (LGNSW) Annual Conference is the pre-eminent policy making event for the local government sector. At Conference, delegates vote on motions which help determine the policies and priorities for LGNSW and the sector. It is a key event for local government where councillors come together to share ideas and debate issues that shape the way the sector functions and is governed.

LGNSW member councils are invited to submit motions for possible debate at Conference to advance the sector wide policy agenda. Motions are strategic local government issues which affect members state-wide and introduce new or emerging policy issues and actions.

This guide outlines the process for councils to submit motions for LGNSW's Annual Conference.

### 2. Deadlines

Members are encouraged to submit motions [online](#) by **12 midnight (AEST) on Monday 28 September 2020** to allow assessment of the motions and distribution of the Business Paper before the Conference. However, in line with the LGNSW Rules, the latest date motions can be accepted for inclusion in the Business Paper is **12 midnight (AEDT) on Sunday 25 October 2020** (28 days prior to Conference).

### 3. Criteria for motion submission

The LGNSW Board has resolved that motions will be included in the Business Paper for the Annual Conference only where they:

1. are consistent with the objects of the Association (see Rule 4 of the Association's rules<sup>1</sup>);
2. relate to local government in NSW and/or across Australia;
3. concern or are likely to concern local government as a sector;
4. seek to advance the local government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members.

Council members are encouraged to review Action Reports<sup>2</sup> from previous Conference(s) before submitting motions for this year's Annual Conference to ensure the proposed motion wording reflects any recent developments and does not duplicate existing positions.

### 4. How to write a motion

Motions adopted at the Annual Conference inform LGNSW's advocacy actions on behalf of the local government sector. LGNSW includes the exact wording of motions when writing to ministers, departments and agencies post-conference and so it is important that the wording of motions clearly outlines your council's policy intent or objective.

The format of motions, as much as possible, should call on a specific body (e.g. LGNSW, state government, federal government, a specific Department or Minister) and have a specific outcome

<sup>1</sup> LGNSW registered rules: [fwc.gov.au/registered-organisations/find-registered-organisations/local-government-nsw-lgnsw](http://fwc.gov.au/registered-organisations/find-registered-organisations/local-government-nsw-lgnsw)

<sup>2</sup> Action Reports outline the advocacy actions taken by LGNSW for each Conference Resolution and the outcomes of these actions. Action reports are available via the Annual Conference page of the LGNSW website [www.lgnsw.org.au](http://www.lgnsw.org.au).

that the motion is aiming to achieve. The motion should state whether it is seeking to change a LGNSW Fundamental Principle<sup>3</sup>. The wording should be unambiguous.

*Examples of clearly-worded Annual Conference motions:*

**Minister for Rural and Regional NSW**

That LGNSW lobbies the NSW State Government to appoint a Minister for Rural and Regional NSW with suitable resources to undertake meaningful representative activities.

**Natural Disaster Funding, Day Labour**

That LGNSW requests the Australian and NSW governments reinstate the claimable expense for the use of council staff during their normal working hours to attend to natural disaster relief and recovery funded works and reverse the present policy that effectively requires the mandatory use of contractors for recovery works.

**Companion Animal Act matters**

That LGNSW advocates that the NSW Government takes the following steps to improve the management of companion animals:

- establish an integrated on-line statewide registration process as an improved service to companion animal owners;
- resolve difficulties with the *Companion Animals Act 1998* definition of an "Authorised Officer", by using the definition contained in the *Impounding Act 1993* as the definition in both Acts, allowing councils choice in the business model for its area; and
- review the dismissal of charges under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in relation to offences under the *Companion Animals Act 1998*.

For more examples see Business Papers from past Conferences on the LGNSW website.

## 5. Demonstrating evidence of council support for motion

The member submitting the motion must provide accompanying evidence of support for the motion. Such evidence may include an attachment note or extract from the minutes of the Council meeting, at which the member Council resolved to submit the motion for consideration by the Conference. In the absence of a council meeting, the evidence should be a letter signed by both the Mayor and General Manager.

LGNSW has developed a template council report for members to use to resolve at their own council meetings to submit motions to LGNSW for Conference at [Attachment C](#) of this Guide.

## 6. How to submit a motion

LGNSW members are invited to submit motions through an [online portal](#)<sup>4</sup> from **17 July 2020**.

Each motion submission should include responses to the following eight fields:

1. Council name
2. Contact details of relevant officer
3. Motion category (*e.g. planning, economic, environment etc. This assists with assigning motions to the relevant policy staff and grouping related motions in the Conference Business Paper.*)
4. Motion title (*a few words*)
5. Motion (*a sentence or two which states the issue and the call to action*)
6. Background note (*a paragraph or two to explain the context and importance of the issue to the local government sector*)
7. Indicate if the motion conflicts with one or more of the Fundamental Principles<sup>3</sup>
8. Evidence of council support for the motion (*e.g. council meeting minutes*)

A sample motion submission form is at [Attachment B](#).

<sup>3</sup> For more information on LGNSW's Fundamental Principles please see **Part 9** of this guide.

<sup>4</sup> Online motion submission portal: <https://lgnsw-grants.fluidreview.com/>

Once a motion has been submitted it cannot be edited without contacting LGNSW so please review the content carefully before submission.

## 7. How LGNSW manages incoming motions

The LGNSW Board has established a sub-committee and delegated the function of managing incoming motions for the Annual Conference to this sub-committee. The Chief Executive will refer motions to the sub-committee that are outside the criteria, or if it is unclear whether they meet the criteria. The sub-committee will make the final decision on inclusion of those motions into the Annual Conference Business Paper.

Prior to the sub-committee making a final decision, LGNSW may contact the council that submitted the motion to seek clarity on its intent or wording.

Incoming motions which seek to change any long-held Fundamental Principles<sup>3</sup>, will be brought to the attention of the motions sub-committee and highlighted in the Business Paper for members' information at time of voting.

Motions which are consistent with current LGNSW actions or existing LGNSW positions may still be printed in the Business Paper but will not be debated at the Annual Conference.

## 8. What happens to motions at the LGNSW Annual Conference

Standing orders are outlined at the front of the Business Paper and adopted at the commencement of each Annual Conference. They outline the manner in which the Conference deals with motions. The standing orders adopted at the 2019 Conference can be found in [Attachment A](#).

During debate on motions at Conference, the standing orders generally permit councillor delegates to speak in support of or against each motion. Following a vote on a motion, the motion is either carried and then becomes a resolution of the Annual Conference, or the motion is defeated.

## 9. Post-conference: Updates to the LGNSW Policy Platform

LGNSW's Policy Platform consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance to the sector. Importantly, the Policy Platform guides LGNSW in its advocacy on behalf of the local government sector.

The Policy Platform consists of two parts: LGNSW's Fundamental Principles, and the more targeted Position Statements.

- **Fundamental Principles** are the overarching principles that direct LGNSW's response to broad matters of importance to the local government sector. These Fundamental Principles are endorsed (or amended) by LGNSW members at the Annual Conference.
- **Position Statements** contain the more detailed positions of LGNSW on specific issues. Position Statements are subordinate to LGNSW's Fundamental Principles but are more agile and are targeted at specific policy issues as they arise. Position Statements are formed and updated through:
  - Resolutions of the Annual Conference
  - Issues raised by members outside of Annual Conference, including through LGNSW surveys of members
  - Input from the LGNSW Board
  - Positions developed in response to government policy or emerging issues
  - Positions developed in the process of making LGNSW submissions.

Position Statements are endorsed by the LGNSW Board.

### ***Changing Fundamental Principles***

Councils submitting motions to the Annual Conference will be asked to indicate whether the motion conflicts with any of LGNSW's Fundamental Principles.

Where a motion conflicts or may conflict with a Fundamental Principle, this will be clearly highlighted for delegates in the Conference Business Paper. If the motion is adopted as a resolution at Conference, then the relevant Fundamental Principle will be changed.

It is expected that changes to the Fundamental Principles will be uncommon, given their broad focus and general acceptance among the local government sector.

### ***Changing Position Statements***

Following each Annual Conference, LGNSW will review resolutions of that Conference to determine whether the intent of each resolution is adequately covered by existing Position Statements. Where the Position Statements do not adequately include the intent of a resolution, LGNSW will update an existing Position Statement or draft a new Position Statement, to be endorsed by the LGNSW Board as part of the LGNSW Policy Platform.

LGNSW members will be informed of updates to the LGNSW Policy Platform.

## **10. Post-conference: Determining LGNSW Advocacy Priorities**

Following the LGNSW Annual Conference, LGNSW will review the resolutions and identify key areas of focus to guide LGNSW's advocacy for the coming year. These areas of focus will also be informed by member feedback, the strategic plan, position statements, emerging issues, and Board input.

This broad review will result in the development of LGNSW's Advocacy Priorities for the following year, for endorsement by the LGNSW Board and communication to members.

As LGNSW undertakes advocacy actions on each of the Conference resolutions throughout the year, these actions and their outcomes will be published in LGNSW's Action Report<sup>5</sup>.

## **11. Further information**

For further information on the motion submission process, please contact Elle Brunsdon, Policy Officer at [elle.brunsdon@lgnsw.org.au](mailto:elle.brunsdon@lgnsw.org.au).

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<sup>5</sup> LGNSW's Action Reports are available via the Annual Conference page of the LGNSW website: [lgnsw.org.au](http://lgnsw.org.au)



## Frequently Asked Questions

- **How do I know if my motion conflicts with a Fundamental Principle?**

Identifying whether a motion conflicts with a Fundamental Principle can be difficult, particularly if you are unfamiliar with them. The knowledge expert within council is best placed to identify this (for example, if the motion relates to a planning matter, this question should be answered by the Planning Manager). Knowledge experts are encouraged to review the Fundamental Principles in LGNSW's Policy Platform. It can be helpful to review the relevant Position Statements as well to gain a further understanding of LGNSW's position on a particular matter to help identify whether your motion is conflicting.

- **What is the deadline for submitting motions?**

Members are encouraged to submit motions [online](#) by **12 midnight (AEST) on Monday 28 September** to allow assessment of the motions and distribution of the Business Paper before the Conference. However, in line with the LGNSW Rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is **12 midnight AEST on Sunday 25 October 2020** (28 days prior to Conference).

LGNSW can receive up to 300 motions for an Annual Conference. Submitting motions as early as possible helps LGNSW to manage the large volume of motions received within a short period of time and allows LGNSW to seek clarification on any motions if required.

- **I'm unsure which motion category or sub-category I should select in the online portal**

We have aligned the motion categories with the general council department streams. However, there may not be a suitable sub-category for your motion. Should this be the case, please feel free to leave this blank.

- **Who should be the council contact for motions?**

We recommend the council contact is someone who is available during the months that motions are open, and able to respond promptly to communications between the knowledge expert, your council and LGNSW. Some councils have identified the General Manager and others have identified the Governance Officer – it is a decision for each council.

- **Will the COVID-19 pandemic affect the motions process?**

The LGNSW Annual Conference motions process is an important policy setting process for the local government sector. The LGNSW Annual Conference will be following government guidelines on safe events and social distancing. COVID-19 precautions may change in the future and so LGNSW is considering suitable contingency plans to ensure that motions are appropriately managed and that this important process continues.

## Attachment A – Excerpt of LGNSW 2019 Annual Conference Standing Orders

### **Manner of dealing with Conference Business**

11. *Conference Business will be dealt with in any order at the discretion of the Chairperson.*
12. *Nothing in these Standing Orders shall prevent the Chairperson from dealing with motions concurrently.*

### **In the case of motions**

13. *The Chairperson, upon coming to a motion set out in the Business Paper, must ask whether there is any dissent to the proposed resolution the subject of the item and, if no dissent be signified, may at any time, declare the motion carried.*
14. *Where dissent is signified, the Chairperson shall require the motion to be moved and seconded.*
15. *If the motion is moved and seconded, the Chairperson may, at any time during debate, make such inquiries as to the nature of the dissent so as to confine any debate to the issues genuinely in dispute or to explore amendments to the proposed resolution which satisfactorily accommodate the moving and dissenting Delegates and Delegates generally.*
16. *Movers of motions shall be permitted two (2) minutes to introduce their proposed resolution into debate and one and a half (1.5) minutes in reply. All other speakers shall each be permitted to speak once for one and a half (1.5) minutes. The Conference may, on application by a speaker, permit that speaker to have one, but only one, further period of one and a half (1.5) minutes in which to speak.*
17. *A Delegate seconding a motion shall not be permitted to speak until at least one Delegate has spoken in dissent.*
18. *The Chairperson may, during the course of debate direct a speaker to confine his or her speech so as to:*
  - a. *limit repetition of matters addressed by other speakers;*
  - b. *limit debate about matters or issues not genuinely disputed.*
19. *Except as otherwise provided herein, it shall not be in order to move that any resolution be immediately put until at least two Delegates, in addition to the mover and the seconder, shall have had an opportunity to speak on the resolution then before the Conference.*
20. *A Delegate can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the Conference until a decision is made on the motion of dissent;*
  - a. *If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course; and*
  - b. *Despite any clause to the contrary, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.*
21. *A Delegate may not substitute from the floor of the Conference a new motion for one listed in the Business Paper unless the new motion is substantially the same, and dealing with the same subject matter, as the original motion, and the new motion is accompanied by written evidence that it has the support of the member concerned.*
22. *When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.*
23. *No more than one amendment upon any motion shall be considered unless notice of such further amendment is given before the amendment then under discussion has been dealt with.*

24. The mover of an amendment which has been adopted as the motion shall (as in the case of the mover of an original motion) have the right of reply to any further amendments submitted.

**New motions from the floor of Conference**

25. At least 24 hours' notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(d)).

26. Where a Member seeks to introduce a new motion during the Conference, they shall submit the motion and evidence that the motion has the support of the member concerned, to the Association's Chief Executive (or the Chief Executive's nominee), in writing.

27. The Chief Executive (or the Chief Executive's nominee), upon receiving a new motion submitted during the Conference, shall immediately record the time that they receive the motion and make arrangements for copies of the motion to be provided to Delegates.

**Motions that reflect existing LGNSW policy**

28. Motions submitted for inclusion in the Business Paper to the Conference which reflect existing LGNSW policy (Category 2 motions) shall remain existing LGNSW policy unless superseded or replaced by a subsequent Conference resolution.

**In the case of all other Conference Business**

29. All other Conference Business will be dealt with at the discretion of the Chairperson.

**Manner of voting**

30. Only Members' nominated voting Delegates and members of the Board may debate and vote on motions.

31. Except as hereinafter provided voting on any matter shall be on the show of cards.

32. The Chairperson may direct that voting on any matter be taken by show of voting cards or by use of electronic voting.

33. After a show of voting cards or on conclusion of an electronic vote the Chairperson may either:

- a. declare the question resolved in the affirmative or negative; or
- b. if voting cards have been used, call for a new vote using electronic voting.

34. A Division may be called following a vote on the show of cards by no less than 10 Delegates.

35. A Division will be taken by use of electronic voting.

**Suspending Standing Orders**

36. Standing Orders may be suspended by a majority of those present, provided the meeting is in quorum. A motion to this effect shall be open to debate.

**Outstanding business**

37. In the event that the Conference, having commenced in quorate, subsequently loses a quorum and is unable to consider any item(s) of business properly put before the Conference, they shall be referred to the Association's Board for consideration.

## Attachment B - Sample Motion Submission Form

During the motion submission period, this form is available on the online motion submission portal:  
<https://lgnsw-grants.fluidreview.com/>

### Council Name

### Contact Details of Relevant Council Officer

### Motion Category *(drop down list)*

- Industrial relations and employment
- Governance and accountability
- Economic
- Infrastructure and planning
- Social and community
- Environment
- Don't know

### Motion Title

### Motion Wording

### Motion Background

*Maximum 1 or 2 paragraphs*

Please note: LGNSW may make minor amendments to the title and background of the motion for clarity.

## Fundamental Principles conflict?

*Fundamental Principles<sup>6</sup> are the overarching principles that are important to our members and direct our response to key issues. To change a Fundamental Principle, a motion to conference is required.*

### Does this motion conflict with one or more of the Fundamental Principles?

- No. The motion does not conflict with the Fundamental Principles.
- Unsure
- Yes, this motion does or may conflict with the Fundamental Principles (select all that apply below)

#### Economic

- A.** Local government must have control of its revenue raising and investment decisions and be fairly funded by the Commonwealth and State/NSW Governments to meet its infrastructure and service responsibilities.
- B.** Local government promotes local and regional economic development and employment growth.

#### Infrastructure

- C.** Local government is best placed to plan for, deliver and manage essential local infrastructure.

#### Planning

- D.** Local government is best placed to lead and influence local and regional planning processes according to the needs and expectations of local communities.
- E.** Our communities' quality of life is a priority of local government planning.

#### Environment

- F.** Local government actions reflect Ecologically Sustainable Development (ESD). ESD requires the effective integration of economic, environmental and social considerations in decision making processes and is based on the following principles:
  - Intergenerational equity – today's actions maintain or enhance the environment for future generations
  - Precautionary principle – prevent environmental degradation and manage and mitigate risk
  - Conservation of biological diversity and ecological integrity
  - Improved valuation and pricing of environmental resources – recognising the value of the environment to the community.

#### Social and Community

- G.** Local government is committed to the principles of:
  - Equity – fair distribution of resources
  - Rights – equality for all people
  - Access – to services essential to quality of life
  - Participation – of all people in their community
  - Recognition – of the unique place of Aboriginal people in NSW and the right of Aboriginal people to be involved in all decisions affecting Aboriginal communities
  - Health and Safety – for all in the community.

#### Governance

- H.** Local government must be constitutionally recognised and respected as an equal sphere of government.
- I.** Local government is democratically elected to shape, serve and support communities.
- J.** Local government is committed to the principles of good governance.

#### Accountability

- K.** Local government is responsible and accountable to the citizens and the communities it represents, through consultative processes, legislative accountabilities, efficient delivery of services and effective customer service.
- L.** Local government is recognised as a responsible and place-based employer.

<sup>6</sup> For more information on LGNSW's Fundamental Principles please see **Section 9** of this guide.

## Attachment C – Template – Council Meeting Report

<b>Item number</b>	XX	<b>Division</b>	XX
<b>Responsible officer</b>	XX	<b>Confidentiality</b>	XX
<b>Date</b>	XX	<b>Reference</b>	XX
<b>Subject</b>	2020 Local Government NSW Annual Conference Motions, Voting Delegates and Attendance		

### **Purpose of report/summary**

To provide Council with the opportunity to nominate motions, voting delegates and attendance for the upcoming Local Government NSW (LGNSW) Annual Conference.

### **Overview**

The 2020 LGNSW Annual Conference will be held from 22-24 November 2020 at the Crowne Plaza Hunter Valley, 430 Wine Country Drive, Lovedale, NSW.

The LGNSW Annual Conference is the pre-eminent policy making event for the local government sector. Delegates will vote on motions which help determine the policies and priorities for LGNSW and the sector. It is a key event for local government where councillors come together to share ideas and debate issues that shape the way the sector functions and is governed.

For Council to participate fully in the Annual Conference, it is recommended the Council register attendees, nominate voting delegates and submit motions for debate within the timeframes specified in this paper.

### **Registration to attend the Conference**

Conference attendees are invited to register from 17 July 2020.

- Early bird registration rate is \$840 and applies if you register and pay by 25 September 2020
- Standard registration rate is \$940 for all registrations made between 26 September and 11 November 2020.

The following optional events are available to attendees at an additional cost:

- Conference Dinner - \$132 per delegate
- Councillor Training Sessions - \$44 per delegate
- ALGWA Breakfast - \$55 per delegate

The 2020/21 Council budget contains provision for all Councillors to attend the Conference should they wish to do so.

Accommodation has been secured at the XXXX hotel, with studio rooms accommodating up to two people incurring a cost of \$XXX per night for two nights.

Attached to this report is a copy of Conference Registration Brochure (Attachment X) and a copy of the draft program for the Conference (Attachment X).

### **Registration as a voting delegate**

Voting delegates must be registered to attend the Conference and be registered as a voting delegate.

Confirmation has been received from LGNSW that Council will have XX<sup>7</sup> voting entitlements at the Conference to vote on motions.

It is proposed that Council nominates the Mayor and XX number of Councillors to attend.

<sup>7</sup> Find your council's voting entitlements via the Annual Conference page of the LGNSW website: [lgnsw.org.au](http://lgnsw.org.au).

The deadline to provide LGNSW with the names of voting delegates is **12 noon (AEDT) on Tuesday 3 November 2020**. Additional nominations received after the closing date cannot be accepted. However, the names of voting delegates may be substituted at any time, in line with Rule 34 of the LGNSW Rules.

Voting delegates may not appoint a proxy to attend or vote at formal business sessions on their behalf.

#### **Conference Motions Submission Guide**

Council is invited to submit motions for possible debate at the Annual Conference to advance the sector wide policy agenda. Motions are strategic local government issues which affect members state-wide and introduce new or emerging policy issues and actions.

Important information on the motions process, including submitting motions, motion criteria and a sample submission form are available in the *LGNSW 2020 Annual Conference Motions Submission Guide* at Attachment XX.

#### **Deadlines**

Members are encouraged to submit motions online by **12 midnight (AEST) on Monday 28 September 2020** to allow assessment of the motions and distribution of the Business Paper before the Annual Conference. However, in line with the LGNSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is **12 midnight (AEDT) on Sunday 25 October 2020**.

#### **Draft motions for consideration for LGNSW Annual Conference**

Having regard to the above motion requirements set out by the LGNSW Board, the following draft motions are provided for consideration by Council:

##### *Proposed motion 1*

Motion category

Motion title

Motion Background note

Indicate if the motion conflicts with one or more of the Fundamental Principles

##### *Proposed motion 2*

Motion category

Motion title

Motion Background note

Indicate if the motion conflicts with one or more of the Fundamental Principles

{please repeat for the number of proposed motions required}

#### **Recommendations**

1. Approve attendance by all interested Councillors at the 2020 LGNSW Annual Conference
2. Confirm one of the voting delegates at the LGNSW Conference to be the Mayor
3. Determine the other XX Councillors to attend the Conference as Council's voting delegates
4. Adopt the proposed motions for submission to the 2020 LGNSW Business Paper
5. Determine any additional motions for submission at this meeting
6. That the Mayor be given delegated authority to submit any further proposed motions after consulting with Councillors prior to the deadline for submitting motions.

## NOTICES OF MOTION

1. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 10/20 - DATED AUGUST 14, 2020 - SOUTH AUSTRALIAN BORDER CLOSURE DURING THE COVID-19 PANDEMIC (11/161).....65
  
2. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 11/20 - DATED AUGUST 14, 2020 - SEALING OF THE BROKEN HILL TO TIBOOBURRA ROAD (11/161) .....70
  
3. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 12/20 - DATED AUGUST 14, 2020 - MENINDEE LAKES WATER SAVING PROPOSALS - WATER NSW (11/426).....73



## ORDINARY MEETING OF THE COUNCIL

August 14, 2020

**ITEM 1**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 10/20

SUBJECT: SOUTH AUSTRALIAN BORDER CLOSURE DURING THE COVID-19 PANDEMIC 11/161

**Recommendation**

1. That Motions of Which Notice has been Given No. 10/20 dated August 14, 2020, be received.
2. That Broken Hill City Council's Mayor Darriea Turley ring, write and liaise with the South Australian Government's leader of the opposition Peter Malinauskas for the Labor opposition to lobby the South Australian Government to exempt Broken Hill addressed residents from South Australian border restrictions.

**Summary**

Council has received a Notice of Motion submitted by Councillor Kennedy on 14 August 2020 regarding the closure of the South Australian border to Broken Hill residents during the COVID-19 pandemic.

Councillor Kennedy's Notice of Motion reads:

- "1. That Broken Hill City Council's Mayor Darriea Turley ring, write and liaise with the South Australian Government's leader of the opposition Peter Malinauskas for the Labor opposition to lobby the South Australian Government to exempt Broken Hill addressed residents from South Australian border restrictions.*

**Reasons and argument**

*The leader of the opposition will be able to debate Broken Hill's case directly to South Australian Parliament.*

*Many Broken Hill residents rely on South Australia for medical needs. Many residents have family that live in South Australia and many students study in South Australia.*

*Broken Hill remains COVID-19 free and poses no risk to South Australia. Exemptions can be removed if needed from a COVID-19 outbreak in Broken Hill.*

*The Mayor of Broken Hill, Darriea Turley, is a member of the Labor party and holds the most influential position in Broken Hill. I cannot understand why the Mayor has not taken a lead and used her position as a member of Labor Party and Mayor of the City to contact colleagues to support Broken Hill's cause.*

*Previous Labor Mayors such as Peter Black and independent Mayor Ron Page kept close ties with South Australian Politicians and Mayors and were able to use those contacts to further the needs of Broken Hill.*

*It is disappointing for me and the community as a whole that Mayor Darriea Turley has not used or tried all the influence she has available.”*

The Notice of Motion is attached to the report.

### General Manager’s Comment

Below is a list of the advocacy initiatives undertaken by the Mayor in relation to Covid-19 and the South Australian border closures.

### CORRESPONDENCE

DATE	DESCRIPTION
14 August 2020	<p>Letter to the Premier of South Australia seeking consent for Broken Hill to be included in a “border bubble” as a border town with South Australia as the Queensland government have included towns with a 2880 postcode in a border bubble with Queensland.</p> <p>copy of letter sent to:</p> <ol style="list-style-type: none"> <li>1. SA Leader of the Opposition</li> <li>2. SA State Coordinator</li> <li>3. Premier of NSW</li> <li>4. NSW Leader of the Opposition</li> <li>5. NSW Cross Border Commissioner</li> <li>6. Member for Barwon</li> </ol>
7 August 2020	<p>Letter to the Premier of South Australia seeking clarification of the 50 km limit that applies to border communities and whether this means that residents of Broken Hill (which lies 40km from the border) can travel into South Australia or whether Broken Hill residents can only travel 50km into South Australia.</p> <p>copy of letter sent to:</p> <ol style="list-style-type: none"> <li>1. SA Leader of the Opposition</li> <li>2. SA State Coordinator</li> <li>3. Premier of NSW</li> <li>4. NSW Leader of the Opposition</li> <li>5. NSW Cross Border Commissioner</li> <li>6. Member for Barwon</li> </ol>
31 July 2020	<p>Letter to the Premier of South Australia seeking consent for Broken Hill to be considered a “low transmission community zone” to allow residents of Broken Hill to travel into South Australia without the need to self-isolate.</p> <p>Copy of letter sent to:</p> <ol style="list-style-type: none"> <li>1. SA Leader of the Opposition</li> <li>2. SA State Coordinator</li> <li>3. Premier of NSW</li> <li>4. NSW Leader of the Opposition</li> <li>5. NSW Cross Border Commissioner</li> <li>6. Member for Barwon</li> </ol>

24 July 2020	<p>Letter to the Premier of South Australia seeking consent to permit Broken Hill residents to travel into South Australia, without the need to self-isolate, if that travel is for supporting compassionate grounds.</p> <p>Copy of letter sent to:</p> <ol style="list-style-type: none"> <li>1. SA Leader of the Opposition</li> <li>2. SA State Coordinator</li> <li>3. Premier of NSW</li> <li>4. NSW Leader of the Opposition</li> <li>5. NSW Cross Border Commissioner</li> <li>6. Member for Barwon</li> </ol>
17 July 2020	<p>Letter to the Premier of South Australia seeking clarification as the Barrier Highway entry into South Australia is not included on the SAPOL website and whether this means that Broken Hill residents cannot travel on the Barrier Highway into South Australia and must enter via Wentworth Road to Renmark.</p> <p>Copy of letter sent to:</p> <ol style="list-style-type: none"> <li>1. SA Leader of the Opposition</li> <li>2. SA State Coordinator</li> <li>3. Premier of NSW</li> <li>4. NSW Leader of the Opposition</li> <li>5. NSW Cross Border Commissioner</li> <li>6. Member for Barwon</li> </ol>
16 June 2020	<p>Letter to the Premier of South Australia seeking consent to permit the residents of Broken Hill to travel into South Australia, without the need to self-isolate, if that travel is health, education or family related.</p> <p>Copy of letter sent to:</p> <ol style="list-style-type: none"> <li>1. SA Leader of the Opposition</li> <li>2. SA State Coordinator</li> <li>3. Premier of NSW</li> <li>4. NSW Leader of the Opposition</li> <li>5. NSW Cross Border Commissioner</li> </ol>

### VIDEOCONFERENCE / MEETINGS

DATE	DESCRIPTION
23 July 2020	Teleconference with Local Member Roy Butler
15 July 2020	Meeting with Federal Member Mark Coulton
07 July 2020	Webinar OLG and Cross-Border Commissioner – multiple webinars
02 July 2020	Videoconference meeting with Local Member Roy Butler
25 June 2020	Teleconference with the SA State Coordinator

### MEDIA RELEASES & INTERVIEWS / SOCIAL MEDIA

DATE	DESCRIPTION
12 August 2020	Council Media Release – teleconference held with State Government officials seeking clarity over medical travel (also posted to website and social media)
05 August 2020	Ask the Mayor Anything video – update on SA/NSW advocacy efforts (posted to website and social media)
03 August 2020	2BH radio interview
02 August 2020	Mayoral Column in BDT – update on SA/NSW advocacy efforts
27 July 2020	2BH radio interview
20 July 2020	2BH radio interview

14 July 2020	Council Media Release – Mayor’s advocacy efforts re SA border closure (also posted to website and social media)
13 July 2020	2BH radio interview
06 July 2020	2BH radio interview
06 July 2020	ABC radio Riverland SA interview
01 July 2020	ABC radio SA interview

**Attachments**

1. [↓](#) Councillor Kennedy's Notice of Motion

T. KENNEDY  
COUNCILLOR

## Notice of motion

### Ordinary meeting of the Broken Hill City Council

To be held on August 2020

From Councillor Tom Kennedy

1. That BHCC's Mayor Darriea Turley ring, write and liaise with the South Australia Government's leader of the opposition Peter Malinauskas for the Labor opposition to lobby the South Australia Government to exempt Broken Hill addressed residents from South Australian border restrictions.

Reasons and argument:

The leader of the opposition will be able to debate Broken Hill's case directly to South Australian Parliament.

Many Broken Hill residents rely on South Australia for medical needs. Many residents have family that live in South Australia and many students study in South Australia.

Broken Hill remains Covid-19 free and poses no risk to South Australia. Exemptions can be removed if needed from a Covid-19 outbreak in Broken Hill.

The Mayor of Broken Hill Darriea Turley is a member of the Labor party and holds the most influential position in Broken Hill. I cannot understand why the Mayor has not taken a lead and used her position as a member of Labor Party and Mayor of the city to contact colleagues to supports Broken Hill's cause.

Previous Labor Mayors such as Peter Black and independent Mayor Ron Page kept close ties with South Australian Politicians and Mayors and were able to use those contacts to further the needs of Broken Hill.

It is disappointing for me and the community as a whole that Mayor Darriea Turley has not used or tried all the influence she has available.

Councillor Tom Kennedy



RECEIVED  
14 AUG 2020  
BY: 11:20am KC

## ORDINARY MEETING OF THE COUNCIL

August 14, 2020

**ITEM 2**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 11/20SUBJECT:                    SEALING OF THE BROKEN HILL TO TIBOOBURRA ROAD 11/161**Recommendation**

1. That Motions of Which Notice has been Given No. 11/20 dated August 14, 2020, be received.
2. That Broken Hill City Council write to the Local Member Roy Butler and appropriate Minister asking that former Mayor and Local Member Peter Black be acknowledged for the role he played in ensure the Broken Hill to Tibooburra Road was sealed and that over half of the road was sealed during his tenure.
3. That Broken Hill City Council have a Civic Reception to honour Peter Black for his contribution to the sealing of the Broken Hill to Tibooburra Road and the opportunities this has opened to the region.

**Summary**

Council has received a Notice of Motion from Councillor Kennedy submitted on 14 August 2020 regarding the sealing of the Broken Hill to Tibooburra Road.

Councillor Kennedy's Notice of Motion reads:

- "1. That Broken Hill City Council write to the Local Member Roy Butler and appropriate Minister asking that former Mayor and Local Member Peter Black be acknowledged for the role he played in ensuring the Broken Hill to Tibooburra Road was sealed and that over half of the road was sealed during his tenure.*
- 2. That Broken Hill City Council have a Civic Reception to honour Peter Black for his contribution to the sealing of the Broken Hill to Tibooburra road and the opportunities this has opened to the region.*

**Argument and reasons**

*It is important that Peter Black is given credit for his contribution as Mayor and Local Member.*

*Peter Black rarely went long without mentioning or pushing the benefits of the sealing of the Tibooburra Road.*

*It was disappointing that Peter Black was not acknowledged at the opening of the finishing of the sealing of the Tibooburra Road and that the Mayor of Broken Hill was not included. I am sure this was an oversight and can be rectified by passing this motion."*

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

### General Manager's Comment

Below is Council's resolution of June 2016 following Peter Black's verbal announcement at the June Council Meeting of his resignation from Local Government effective 13 July 2016:

#### RESOLUTION

Minute No. 45311

Councillor D. Turley moved )

Councillor J. Nolan seconded )

That Council acknowledges Councillor Peter Black's contribution to Council and the community of Broken Hill during his term as a Councillor.

CARRIED

If Council are of a mind to do so, this adopted resolution could be utilised to hold a Mayoral function to acknowledge Peter Black's contribution to the City of Broken Hill, once COVID-19 restrictions have eased.

### Attachments

1. [↓](#) Councillor Kennedy's Notice of Motion

T. KENNEDY  
COUNCILLOR

## Notice of motion

### Ordinary meeting of the Broken Hill City Council

To be held on August 2020

From Councillor Tom Kennedy

1. That BHCC write to the local Member Roy Butler and appropriate minister asking that former Mayor and Local Member Peter Black be acknowledge for the role he played in ensuring the Broken Hill to Tibooburra road was sealed and that over half of the road was sealed during his tenure.
2. That BHCC have a Civic reception to honour Peter Black for his contribution to the sealing of the Broken Hill to Tibooburra road and the opportunities this has opened to the region.

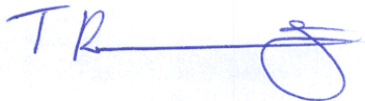
Arguments and reasons:

It is important that Peter Black is given credit for his contribution as Mayor and Local member.

Peter Black rarely went long without mentioning or pushing the benefits of the sealing of the Tibooburra road.

It was disappointing that Peter Black was not acknowledged at the opening of the finishing of the sealing of the Tibooburra road and that the Mayor of Broken Hill was not included. I am sure this was an oversight and can be rectified by passing this motion.

Councillor Tom Kennedy





## ORDINARY MEETING OF THE COUNCIL

August 14, 2020

**ITEM 3**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 12/20

SUBJECT: MENINDEE LAKES WATER SAVING PROPOSALS - WATER NSW  
11/426

**Recommendation**

1. That Motions of Which Notice has been Given No. 12/20 dated August 14, 2020, be received.
2. That Broken Hill City Council supports those that were in attendance at a public meeting held in Menindee on 18 July 2020 and attended by 85 people. At that public meeting it was unanimously voted to oppose the 12 Menindee Lake water saving proposals that have been pushed by NSW bureaucracy to save/return 106GL to the environment.
3. That Broken Hill City Council oppose all of the 12 proposals within the Menindee Lakes Water Saving Project that are part of the agenda that is being pushed on key stakeholders by NSW Water and other bureaucratic departments.
4.
  - (i) That Broken Hill City Council write to the Local Member Roy Butler and the Minister for NSW Water Melinda Pavey explaining that the 12 proposals that have been highlighted and pushed at all Menindee Lake Stakeholder Advisory Group (SAG) Meetings are not supported within the community, the Broken Hill City Council or by a majority of members of organisation represented by stakeholders.
  - (ii) That Broken Hill City Council does not believe that the SAG process has been at all transparent and the vast majority of the community and the Broken Hill City Council have not been part of the development of a plan. Input from stakeholders has been limited to proposals already chosen from Water NSW.
  - (iii) The proposed 106GL of savings from the Menindee Lakes for the environment relies on reducing water kept in the Menindee Lakes to an unsustainable level (as low as 80GL) and if implemented will have significant effects on the Menindee Lakes environment and also the communities that rely on it.
  - (iv) It is unacceptable to destroy the Menindee Lakes environment, effectively reducing a storage and ecosystem that can hold up to 200GL under the guise of environmental savings to be used to improve the environment.
5.
  - (i) That Broken Hill City Council asks that the Minister indefinitely delay the October date for reconfiguration of the Menindee Lakes System and that key stakeholders be given the opportunity to have input into a Menindee Lakes reconfiguration that benefits all.
  - (ii) The proposed 106GL savings target needs to be withdrawn and replaced with a water savings figure that is identified by key stakeholders after accurate data is provided and community input engaged. The group needs to be supplied with up-to-date data that reflects current situations so any plan and savings identified are based on fact not political spin.

- (iii) This is an opportunity for you as the NSW Minister for Water to lead and create a truly community based approach to water saving within the Menindee Lakes that has the support of the community and protects the interests of NSW and an important environmental asset.

### Summary

Council has received a Notice of Motion from Councillor Kennedy submitted on 14 August 2020 regarding the Water NSW Menindee Lakes water savings proposals.

Councillor Kennedy's Notice of Motion reads:

- “1. That Broken Hill City Council supports those that were in attendance at a public meeting held in Menindee on 18 July 2020 and attended by 85 people. At that public meeting it was unanimously voted to oppose the 12 Menindee Lake water saving proposals that have been pushed by NSW bureaucracy to save/return 106GL to the environment.
2. That Broken Hill City Council oppose all of the 12 proposals within the Menindee Lakes Water Saving Project that are part of the agenda that is being pushed on key stakeholders by NSW Water and other bureaucratic departments.
3. (i) That Broken Hill City Council write to the Local Member Roy Butler and the Minister for NSW Water Melinda Pavey explaining that the 12 proposals that have been highlighted and pushed at all Menindee Lake Stakeholder Advisory Group (SAG) Meetings are not supported within the community, the Broken Hill City Council or by a majority of members of organisations represented by stakeholders.
- (ii) That Broken Hill City Council does not believe that the SAG process has been at all transparent and the vast majority of the community and the Broken Hill City Council have not been part of the development of a plan. Input from stakeholders has been limited to proposals already chosen from Water NSW.
- (iii) The proposed 106GL of savings from the Menindee Lakes for the environment relies on reducing water kept in the Menindee Lakes to an unsustainable level (as low as 80GL) and if implemented will have significant effects on the Menindee Lakes environment and also the communities that rely on it.
- (iv) It is unacceptable to destroy the Menindee Lakes environment, effectively reducing a storage and ecosystem that can hold up to 200GL under the guise of environmental savings to be used to improve the environment.
4. (i) That Broken Hill City Council asks that the Minister indefinitely delay the October date for reconfiguration of the Menindee Lakes System and that key stakeholders be given the opportunity to have input into a Menindee Lakes reconfiguration that benefits all.
- (ii) The proposed 106GL savings target needs to be withdrawn and replaced with a water savings figure that is identified by key stakeholders after accurate data is provided and community input engaged. The group needs to be supplied with up-to-date data that reflects current situations so any plan and savings identified are based on fact not political spin.

(iii) *This is an opportunity for you as the NSW Minister for Water to lead and create a truly community based approach to water saving within the Menindee Lakes that has the support of the community and protects the interests of NSW and an important environmental asset.*

Reasons and argument

*The arguments and reasons are explained within the motion and all Councillors are aware of the importance of the Menindee Lakes to Broken Hill and the region.*

*If more explanation and argument is required please let me know.”*

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

**General Manager's Comment**

Nil comment.

**Attachments**

1. [↓](#) Councillor Kennedy's Notice of Motion

T. KENNEDY  
COUNCILLOR

## Notice of motion

### Ordinary meeting of the Broken Hill City Council

To be held on August 2020

From Councillor Tom Kennedy

1. That BHCC supports those that were in attendance at a public meeting held in Menindee on 18/07/2020 and attended by 85 people. At that public meeting it was unanimously voted to oppose the 12 Menindee lake water saving proposals that have been pushed by NSW bureaucracy to save/ return 106GL to the environment.
2. That BHCC oppose all of the 12 proposals within Menindee Lakes water savings project that are part of the agenda that is being pushed on key stakeholders by NSW water and other bureaucratic departments.
  3. i) That the BHCC write to the Local Member Roy Butler and the Minister for NSW water Melinda Pavey explaining that the 12 proposals that have been highlighted and pushed at all Menindee Lake stakeholder advisory group (SAG) meetings are not supported within the community, the BHCC or by a majority of members of organisation represent by stakeholders.
  - ii) That BHCC does not believe that the SAG process has been at all transparent and the vast majority of the community and the BHCC have not been part of the development of a plan. Input from stakeholders has been limited to proposals already chosen from Water NSW.
  - iii) The proposed 106GL of savings from the Menindee Lakes for the environment relies on reducing water kept in the Menindee Lakes to an unsustainable level (as low as 80GL) and if implemented will have significant affects on the Menindee Lakes environment and also the communities that rely on it.
  - iv) It is unacceptable to destroy the Menindee Lakes environment, effectively reducing a storage and ecosystem can hold up to 2000GL under the guise of environmental savings to be used to improve the environment.
4. i) That the BHCC asks that the minister indefinitely delay the October date for reconfiguration of the MLS and that key stakeholders been given the opportunity to have input into a Menindee Lakes reconfiguration that benefits all.
  - ii) The proposed 106GL savings target needs to be withdrawn and replaced with a water savings figure that is identified by key stakeholders after accurate data is provided and community input engaged. The group needs to be supplied with up to date data that reflects current situations so any plan and savings identified are based in fact not political spin.

iii) This is an opportunity for you as the NSW minister for water to lead and create a truly community based approach to water saving within the Menindee Lakes that has the support of the community and protects the interests of NSW and an important environmental asset.

Reasons and arguments:

The arguments and reasons are explained within the motion and all councillors are aware of the importance of the Menindee Lakes to Broken Hill and the region.

If more explanation and argument is required please let me know.

Councillor Tom Kennedy



## REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 107/20 - DATED AUGUST 13, 2020 - MODEL CODE OF CONDUCT FOR LOCAL COUNCILS 2020 AND PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT 2020 (12/14) .....80
  
2. BROKEN HILL CITY COUNCIL REPORT NO. 108/20 - DATED AUGUST 05, 2020 - DECEMBER AND JANUARY COUNCIL MEETING ARRANGEMENTS AND CHRISTMAS SHUT DOWN PERIOD (11/21) ..204
  
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## ORDINARY MEETING OF THE COUNCIL

August 13, 2020

**ITEM 1****BROKEN HILL CITY COUNCIL REPORT NO. 107/20**

**SUBJECT:** **MODEL CODE OF CONDUCT FOR LOCAL COUNCILS 2020 AND PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT 2020** **12/14**

**Recommendation**

1. That Broken Hill City Council Report No. 107/20 dated August 13, 2020, be received.
2. That Council's adopted Code of Conduct Policy be amended to reflect the new provisions in the 2020 Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.
3. That Council's adopted Gifts and Benefits Policy be amended to reflect the new provisions in the 2020 Model Code of Conduct for Local Councils in NSW:
  - a) that Council resolve to retain the current cap on gifts and benefits at \$50.00.
  - b) that items up to the value of \$10.00 are not classed as "gifts and benefits" and do not need to be declared.
  - c) that benefits and facilities provided by Council (as opposed to third parties) to staff and Councillors are not "gifts and benefits" for the purpose of the Model Code of Conduct.
  - d) that there be no cap on the value of meals and refreshments that may be accepted by Council officials in conjunction with the performance of their official duties.
4. That Council notes that the adopted Code of Meeting Practice Policy does not require amendment as it already states that recordings of Council Meetings are to be available on Council's website for the current financial year and the previous financial year (the 2020 Model Code of Conduct requires recordings of Council Meeting to be available on Council's website for a 12 month period).

**Executive Summary:**

The Model Code of Conduct for Local Councils in NSW 2018 has been reviewed by the State Government as part of its commitment to improving the integrity, transparency and accountability of the local government sector. The 2020 Model Code of Conduct for Local Councils in NSW was gazetted on 7 August 2020 and prescribed by Regulation on 14 August 2020.

The Model Code of Conduct for Local Councils in NSW 2020 sets the minimum standards of conduct for Council officials in NSW. Council officials are described as Councillors, members of staff, administrators, Council committee members, delegates of Council and Council advisers.



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

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

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

The Procedures for the Administration of the Model Code of Conduct has similarly been reviewed and updated.

Public exhibition of the Model Code of Conduct for Local Councils in NSW is not required as confirmed by the Office of Local Government; and that the amendments to the Model Code of Conduct take effect immediately.

Councils are required to amend and adopt their Code of Conduct Policy as soon as possible in order to comply with the Model Code of Conduct for Local Councils in NSW 2020.

### **Report:**

The Minister for Local Government has circulated the prescribed 2020 Model Code of Conduct for Local Councils (and Joint Organisations) in NSW and Model Code of Procedures for Administration of the Model Code of Conduct. These Codes replace the 2018 Codes.

The changes to the Model Code of Conduct 2020 include the strengthening of investigation processes and penalties for Councillor misconduct to further enforce the high standards of conduct introduced in the Model Code of Conduct 2018.

The Office of Local Government has advised that the changes to the Model Codes take effect immediately.

The changes that have been made in the 2020 version of the Model Code of Conduct include:

### **Amendments to the Model Code of Conduct for Local Council's in NSW 2020**

- The Model Code of Conduct has been amended to:
  - remove as a breach, failure to comply with a Council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
  - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards

- include in the definition of Council committee and Council committee members, members of Audit, Risk and Improvement Committees (ARICs) in anticipation of the commencement of the requirement for all Councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some Councils. The amendments:
  - lift the \$50.00 cap on the value of gifts that may be accepted to \$100.00
  - clarify that items with a value of \$10.00 or less are not “gifts or benefits” for the purposes of the Model Code of Conduct and do not need to be disclosed
  - clarify that benefits and facilities provided by Councils (as opposed to third parties) to staff and Councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
  - remove the cap on the value of meals and refreshments that may be accepted by Council officials in conjunction with the performance of their official duties.
- Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to Councils to retain the existing \$50.00 cap or to impose another cap that is lower than \$100.00.

### **Amendments to the Procedures**

- Consistent with the Supreme Court’s decision, Councils have the following options when taking disciplinary action against Councillors for breaches of their codes of conduct under the new Procedures:
  - that a Councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or
  - that a Councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring Councillors for breaches of the Code of Conduct has been significantly strengthened to ensure Councillors are made publicly accountable to their electors for their conduct. When censuring Councillors, Councils are required to specify in their resolution the grounds on which the Councillor is being censured by disclosing the investigator’s findings and determination and any other grounds that the Council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the Code of Conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct

or to give undertakings not to repeat their conduct before the investigator finalises their report to the Council. Investigators can finalise their investigations without a report to the Council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.

- The process for referral by Councils of Code of Conduct breaches by Councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
  - allow panels of conduct reviewers to be appointed without a resolution of the Council, and
  - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

The 2020 Model Code of Conduct and Procedures were published in the Government Gazette on 7 August 2020 and the prescribed in the Regulation on 14 August 2020.

### **Policy Impacts to Changes in Code of Conduct**

A review of Council's policies was undertaken to ensure that they align with the 2020 changes to the Model Code of Conduct. The policies affected are:

- **Code of Meeting Practice Policy**

#### Webcasts of Council Meetings

Council's Code of Meeting Practice Policy complies with the Model Code of Conduct 2020 and does not require further amendment.

Council's adopted Policy already states:

*"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."*

Therefore, Council's Code of Meeting Practice Policy does not require amendment.

- **Gifts and Benefits Policy**

Should Council wish to increase the cap on the amount from \$50.00 (currently) to \$100.00 for gifts or benefits received from a person or organisation either per single gift, or where gifts from the same person or organisation when aggregated over a twelve month period do not exceed the cap, the following amendments will be required to be made (amendments are in bold):

#### 4.1 General Principles

4.1 d) accept any gift or benefit of more than token value (**\$100.00**) per single gift, or where gifts from a person or organisation over a twelve month period, when aggregated, do not exceed a value of **\$100.00 (this excludes items with a value of \$10.00 or less as they are not classed as “gifts or benefits” for the purpose of the Model Code of Conduct and do not need to be disclosed)**.

#### 4.5 Gifts and Benefits of Token Value

Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a twelve month period that, when aggregated, do not exceed a value of **\$100.00**. These gifts and benefits may be accepted but MUST be declared and the gift surrendered along with the declaration form pending the General Manager's decision (other than flowers and perishable food (e.g. home baked goods)). They include by are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed **\$100.00**.
- b) gifts of alcohol that do not exceed a value of **\$100.00**.
- c) ties, scarves, coasters, tie pins, diaries, chocolates, flowers or the like.
- d) prizes or awards that do not exceed **\$100.00** in value.
- e) Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single twelve month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same twelve month period would exceed **\$100.00** in value.
- f) offers of cash or a cash-like gift MUST NOT be accepted, regardless of the amount (e.g. gift vouchers, credit cards or debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons).

Token gifts and benefits are listed above must be declared as required by Council's Code of Conduct Policy and Gifts and Benefits Policy and the gift surrendered along with the declaration form pending the General Manager's decision (other than flowers and perishable food (e.g. home baked goods)).

#### 4.6 Gifts and Benefit of Value

*Gifts and Benefits of more than token value (those that exceed **\$100.00** for one or more gifts or benefits received from a person or organisation over a twelve month period that, when aggregated, exceed a value of **\$100.00**). These gifts and benefits MUST be declared:*

*Gifts and benefits of value, that is, which have more than a token value include, but are not limited to:*

- a) tickets to major sporting events (such as state or international cricket matches or matches in other national sporting does (including NRL, AFL, FFA, NBL) with a ticket value exceeding **\$100.00**.*
- b) corporate hospitality at a corporate facility at major sporting events.*
- c) free or discounted products or services for person use provided on terms that are not available to the general public or a broader class of persons.*
- d) the use of holiday homes.*
- e) free or discounted travel.*
- f) items of clothing or jewellery and similar.*
- g) offer of cash or a cash-like gift MUST NOT be accepted, regardless of the amount (e.g. gift voucher, credit cards or debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons).*

Amendments to Council's Gifts and Benefits Policy are recommended to be made as follows:

- to retain the cap of gifts at \$50.00, or alternatively, Council may wish to increase the cap to an amount between \$50.00 and \$100.00.
- clarification that items up to the value of \$10.00 or less are not classed as "gifts and benefits" for the purpose of the Model Code of Conduct and do not need to be disclosed.
- clarification that benefits and facilities provided by Council (as opposed to third parties) to staff and Councillors are not "gifts and benefits" for the purpose of the Model Code of Conduct.
- no cap on the value of meals and refreshments that may be accepted by Council officials in conjunction with the performance of their official duties.

The Office of Local Government has advised that the changes to the Model Codes take effect immediately.

Therefore, the Model Code of Conduct for Local Councils in NSW 2020 and the Procedures for the Administration of the Model Code of Conduct are presented to Council in order for

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Council to adopt to amend its current adopted Code of Meeting Practice Policy to include the new provisions of the 2020 Model Code of Conduct.

**Strategic Direction:**

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

**Relevant Legislation:**

*Local Government Act 1993, section 440*

*Local Government (General) Regulation 2005*

**Financial Implications:**

There are no associated financial implications.

**Attachments**

1. [↓](#) Office of Local Government Circular to Councils 20-23
2. [↓](#) Model Code of Conduct for Local Councils in NSW 2020
3. [↓](#) Procedures for the Administration of the Model Code of Conduct 2020

RAZIJA NU'MAN  
DIRECTOR CORPORATE

JAMES RONCON  
GENERAL MANAGER

<b>Circular Details</b>	20-32 / 14 August 2020 / A708384
<b>Previous Circular</b>	19-25 – <i>Penalties available to councils for code of conduct breaches by councillors</i>
<b>Who should read this</b>	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers
<b>Contact</b>	Council Governance Team/ 02 4428 4100/ <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

## Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures

### What's new or changing

- The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.
- Amendments have also been made to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
- The new Model Code of Conduct and Procedures have been prescribed under the *Local Government (General) Regulation 2005*.
- The new prescribed Model Code of Conduct and Procedures are available on the Office of Local Government's (OLG) website.

### What this will mean for your council

- The new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature.
- Councils should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.
- Councils' complaints coordinators should bring this circular to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.

### Key points

#### **Amendments to the Procedures**

- Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
  - that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 20 770 707 468

- that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
  - allow panels of conduct reviewers to be appointed without a resolution of the council, and
  - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

#### ***Amendments to the Model Code of Conduct***

- The Model Code of Conduct has been amended to:
  - remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
  - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
  - include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
  - lift the \$50 cap on the value of gifts that may be accepted to \$100
  - clarify that items with a value of \$10 or less are not "gifts or benefits" for the purposes of the Model Code of Conduct and do not need to be disclosed

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 20 770 707 468



- clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
- remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.
- Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

**Where to go for further information**

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



**Tim Hurst  
Deputy Secretary  
Local Government, Planning and Policy**

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 20 770 707 468

# Model Code of Conduct

for Local Councils  
in NSW

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2020



**MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW  
2020**

**ACCESS TO SERVICES**

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

Website: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

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# Part 1: Introduction

This *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

**Note:** References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

**Note:** In adopting the Model Code of Conduct, 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”.

**Note:** In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

## Part 2: Definitions

Definitions

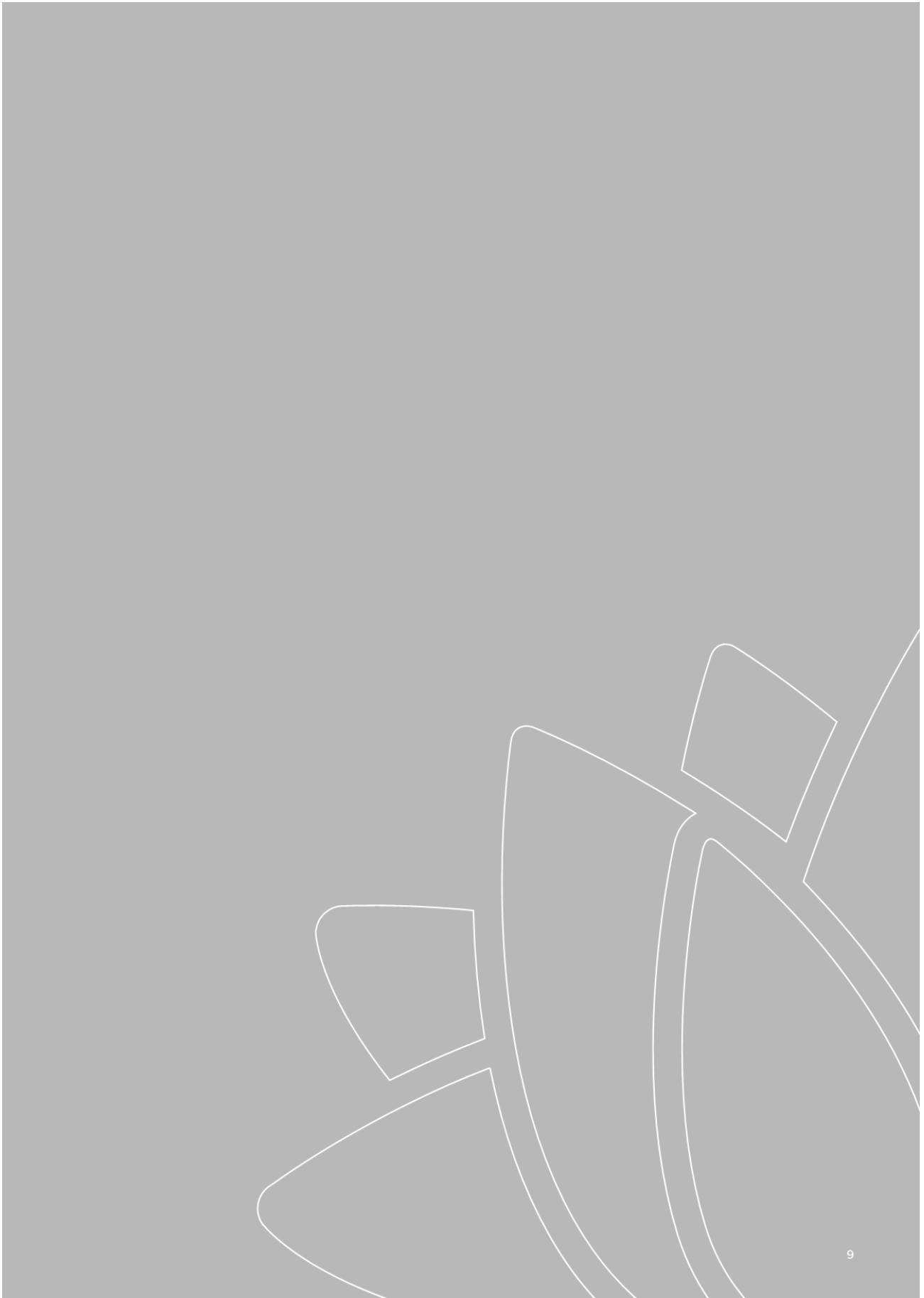
In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation



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members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to





**Part 3:**  
**General Conduct**  
**Obligations**

---

## General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
  - b) is contrary to statutory requirements or the council's administrative requirements or policies
  - c) is improper or unethical
  - d) is an abuse of power
  - e) causes, comprises or involves intimidation or verbal abuse
  - f) involves the misuse of your position to obtain a private benefit
  - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

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## Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

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## Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.

---

## Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
  - b) belittling or humiliating comments

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- c) spreading malicious rumours
  - d) teasing, practical jokes or 'initiation ceremonies'
  - e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards
  - f) legitimately exercising a regulatory function
  - g) legitimately implementing a council policy or administrative processes.
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
  - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

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## **Land use planning, development assessment and other regulatory functions**

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

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## **Work health and safety**

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

### **Binding caucus votes**

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

### **Obligations in relation to meetings**

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
  - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
  - c) deliberately seek to impede the consideration of business at a meeting.

## Part 4: Pecuniary Interests

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## What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

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## What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
  - (b) your interest as a ratepayer or person liable to pay a charge
  - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
  - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code



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- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
  - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
  - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
  - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
  - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
    - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - ii) security for damage to footpaths or roads
    - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
  - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
  - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
  - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
  - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
  - (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
  - (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

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## What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- (a) the general manager
  - (b) other senior staff of the council for the purposes of section 332 of the LGA
  - (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
  - (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
  - (b) must disclose pecuniary interests in accordance with clause 4.10.

- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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## What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

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## What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

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## What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

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## What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
  - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

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## Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a councillor or designated person in the preceding 3 months.

Pecuniary Interests

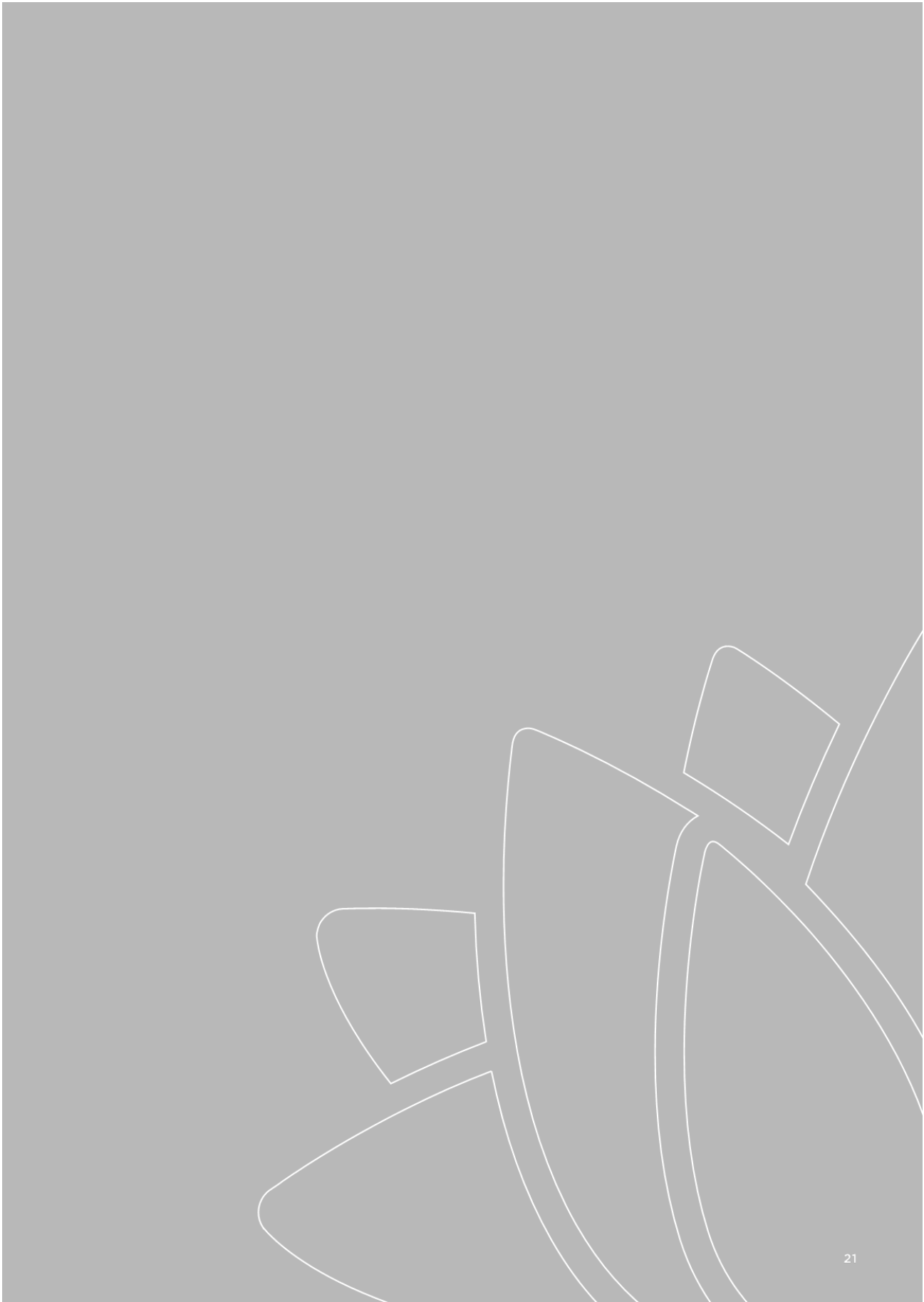
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.
- (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

## **Disclosure of pecuniary interests at meetings**

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

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- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



# Part 5: Non-Pecuniary Conflicts of Interest

## What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

## Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household



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- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

**Non-Pecuniary Conflicts of Interest**

5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

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## Political donations

5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 For the purposes of this Part:

- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
- b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.

5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

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## Loss of quorum as a result of compliance with this Part

5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
  - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
  - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

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## Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted

[Non-Pecuniary Conflicts of Interest](#)

- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

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## **Personal dealings with council**

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

## Part 6:

# Personal Benefit

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
  - b) a political donation for the purposes of the *Electoral Funding Act 2018*
  - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - d) a benefit or facility provided by the council to an employee or councillor
  - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

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## Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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## How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.

- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- the nature of the gift or benefit
  - the estimated monetary value of the gift or benefit
  - the name of the person who provided the gift or benefit, and
  - the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

## Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
  - gifts of alcohol that do not exceed a value of \$100
  - ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - prizes or awards that do not exceed \$100 in value.

## Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

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## “Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

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## Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.



# Part 7: Relationships Between Council Officials

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## Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

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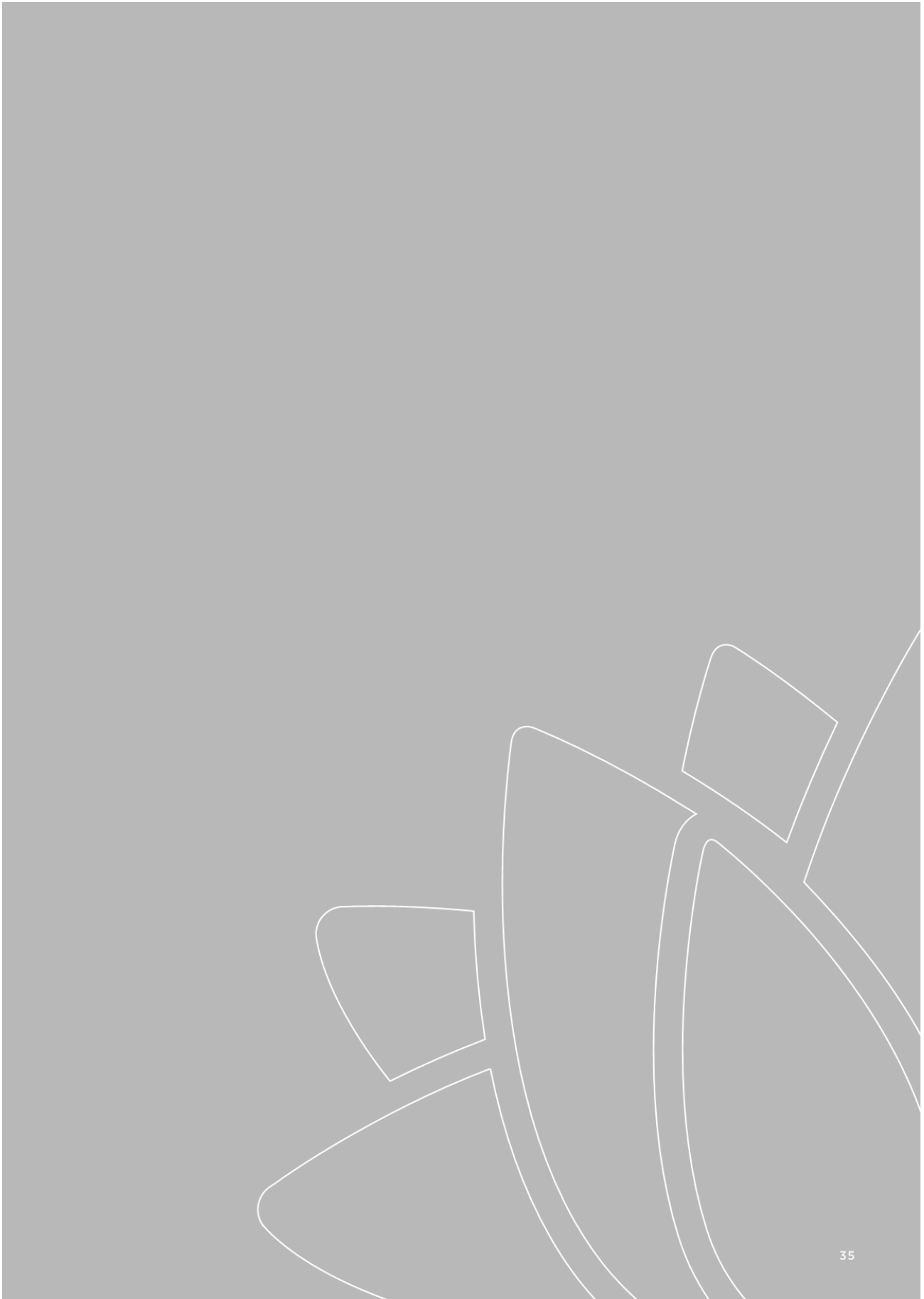
## Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
  - b) ensure that their work is carried out ethically, efficiently, economically and effectively
  - c) carry out reasonable and lawful directions given by any person having authority to give such directions
  - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
  - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

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## **Inappropriate interactions**

- 7.6 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
  - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
  - e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
  - f) councillors and administrators being overbearing or threatening to council staff
  - g) council staff being overbearing or threatening to councillors or administrators
  - h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
  - i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
  - j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
  - k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
  - l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.



## Part 8:

# Access to Information and Council Resources

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## Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

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## Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

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## Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

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## Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- subject to clause 8.14, only access council information needed for council business
  - not use that council information for private purposes
  - not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
  - only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

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## Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - protect confidential information
  - only release confidential information if you have authority to do so
  - only use confidential information for the purpose for which it is intended to be used

- not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

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## Personal information

- 8.12 When dealing with personal information you must comply with:
- the *Privacy and Personal Information Protection Act 1998*
  - the *Health Records and Information Privacy Act 2002*
  - the Information Protection Principles and Health Privacy Principles
  - the council's privacy management plan
  - the Privacy Code of Practice for Local Government

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## Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.

- 8.19 You must not convert any property of the council to your own use unless properly authorised.

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## Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

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## Council record keeping

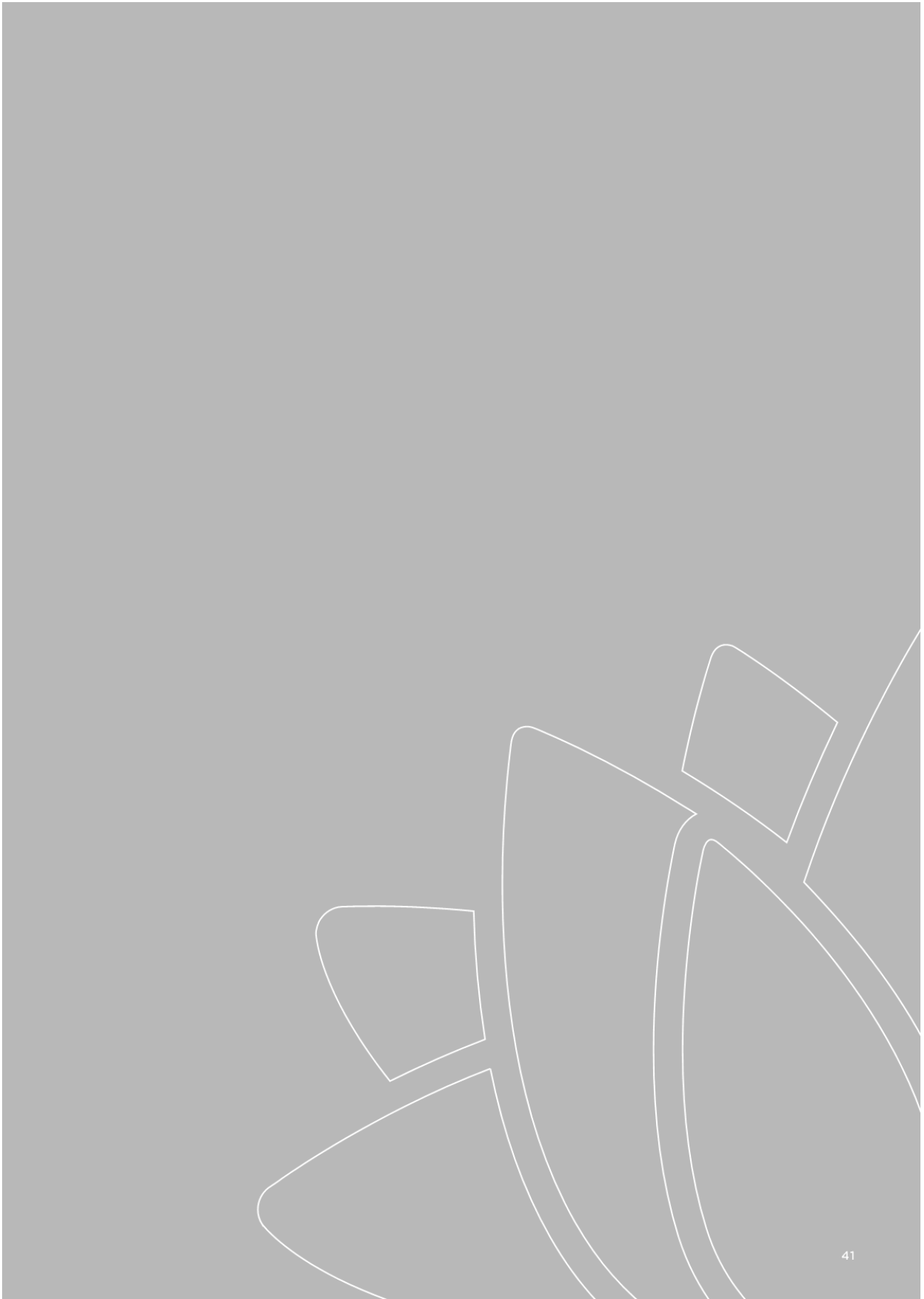
- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.



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## **Councillor access to council buildings**

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.



## Part 9: Maintaining the Integrity of this Code

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## Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i) to prevent or disrupt the effective administration of this code under the Procedures.

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## Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

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## Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

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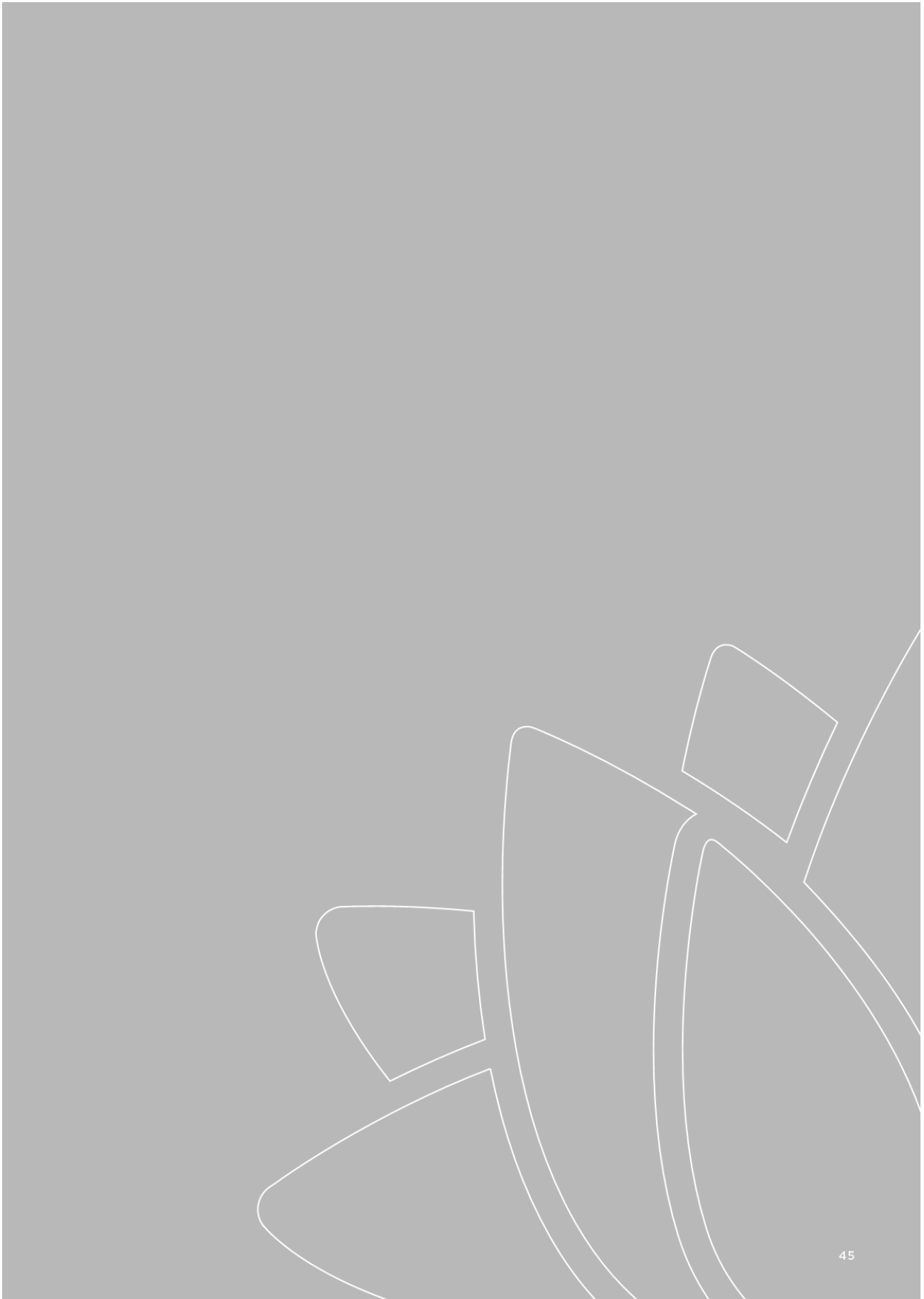
## **Disclosure of information about the consideration of a matter under the Procedures**

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

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## **Complaints alleging a breach of this Part**

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.



**Schedule 1:**  
**Disclosures of Interest and Other**  
**Matters in Written Returns**  
**Submitted Under Clause 4.21**

# Part 1: Preliminary

## Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.



*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

## Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:*  
A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:*  
A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:*  
For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

## Part 2: Pecuniary interests to be disclosed in returns

### Real property

5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

### Gifts

9. A person making a return under clause 4.21 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
  - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

### Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and

- b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

## Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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## Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

*close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

*property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

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## Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

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## Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

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## Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- in relation to income from an occupation of the person:
    - a description of the occupation, and
    - if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - in relation to income from a trust, the name and address of the settlor and the trustee, or
  - in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

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## Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- on the return date, and
  - at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

- (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
- (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
  - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
  - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

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## Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

**Schedule 2:**  
**Form of Written Return of**  
**Interests Submitted Under**  
**Clause 4.21**

## 'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

## Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.



Model Code of Conduct for Local Councils in NSW

Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

*[councillor's or designated person's signature]*

*[date]*

### A. Real Property

Street address of each parcel of real property in which I had an interest at the Nature of interest  
return date/at any time since 30 June

### B. Sources of Income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing  
on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
---------------------------	--	---

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the  
first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
-----------------------------	-----------------------------

3 Sources of other income I reasonably expect to receive in the period commencing on the first  
day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which,  
that income was received]*

### C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
--	---------------------------

**D. Contributions to travel**

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

**E. Interests and positions in corporations**

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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**F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)**

**G. Positions in trade unions and professional or business associations**

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

**H. Debts**

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

**I. Dispositions of property**

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

**J. Discretionary disclosures**

## Schedule 3:

# Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

---

### **Important information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because

you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Model Code of Conduct for Local Councils in NSW

**Special disclosure of pecuniary interests by** *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the  
*[name of council or council committee (as the case requires)]*

to be held on the            day of            20   .

**Pecuniary interest**

**Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)**

Relationship of identified land to councillor

*[Tick or cross one box.]*

- The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- An associated person of the councillor has an interest in the land.
- An associated company or body of the councillor has an interest in the land.

**Matter giving rise to pecuniary interest<sup>1</sup>**

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)<sup>2</sup>

*[Tick or cross one box]*

- The identified land.
- Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

*[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]*

- 1 Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.
- 2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

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Proposed change of zone/planning control

*[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]*

---

Effect of proposed change of zone/planning control on councillor or associated person

*[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]*

---

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]*

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]



Procedures for the  
Administration of

# The Model Code of Conduct

for Local Councils in NSW

2020





**PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF  
CONDUCT FOR LOCAL COUNCILS IN NSW**

2020

**ACCESS TO SERVICES**

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

Website: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

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# Part 1:

## Introduction

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

**Note:** References in these procedures to councils are also to be taken as references to county councils and joint organisations.

**Note:** In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

**Note:** In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

**Note:** Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

## Part 2: Definitions

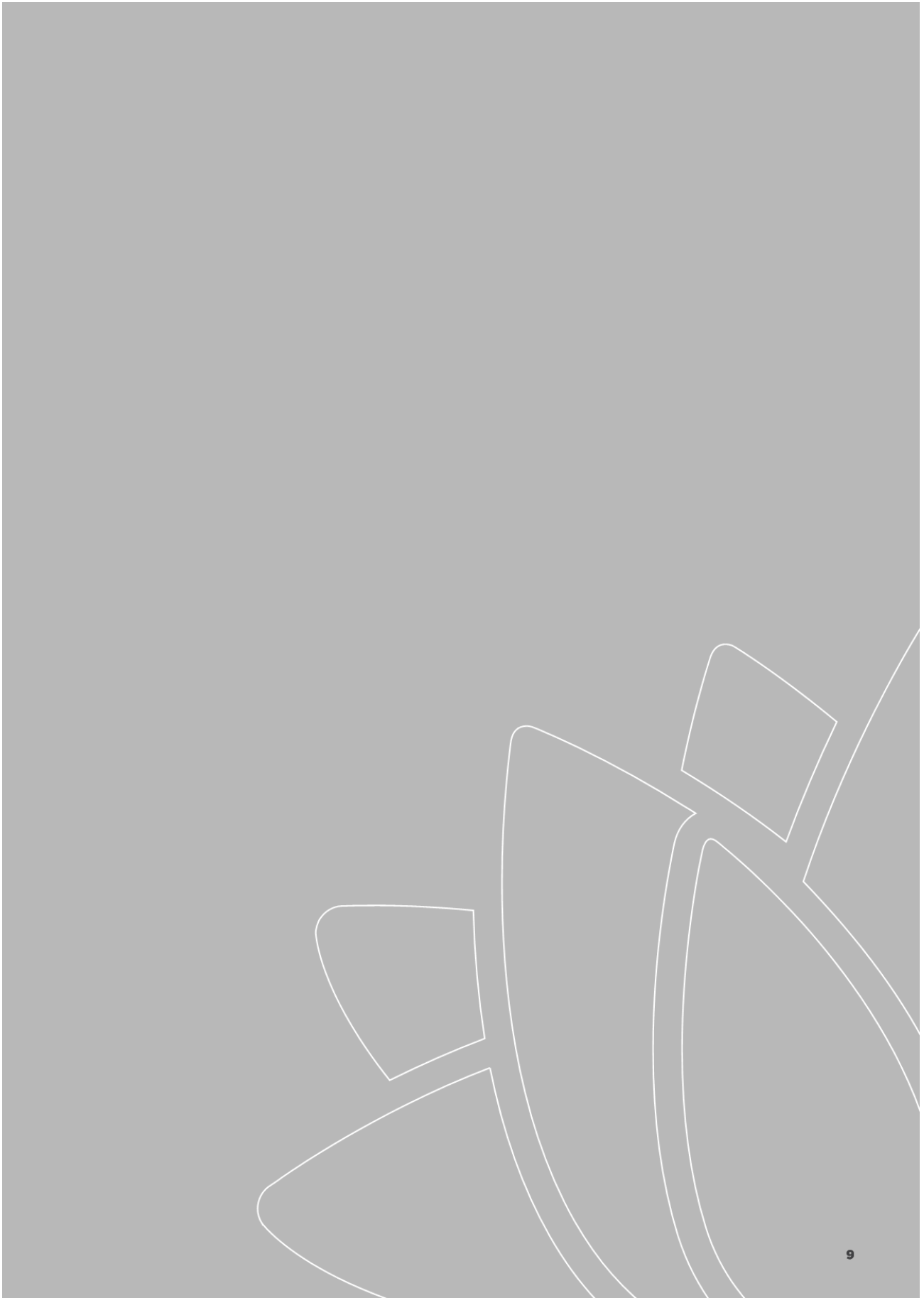
**Definitions**

In these procedures the following terms have the following meanings:


administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to







**Part 3:**  
**Administrative**  
**Framework**

## The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations
    - ii) law
    - iii) public administration
    - iv) public sector ethics
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

**Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW**

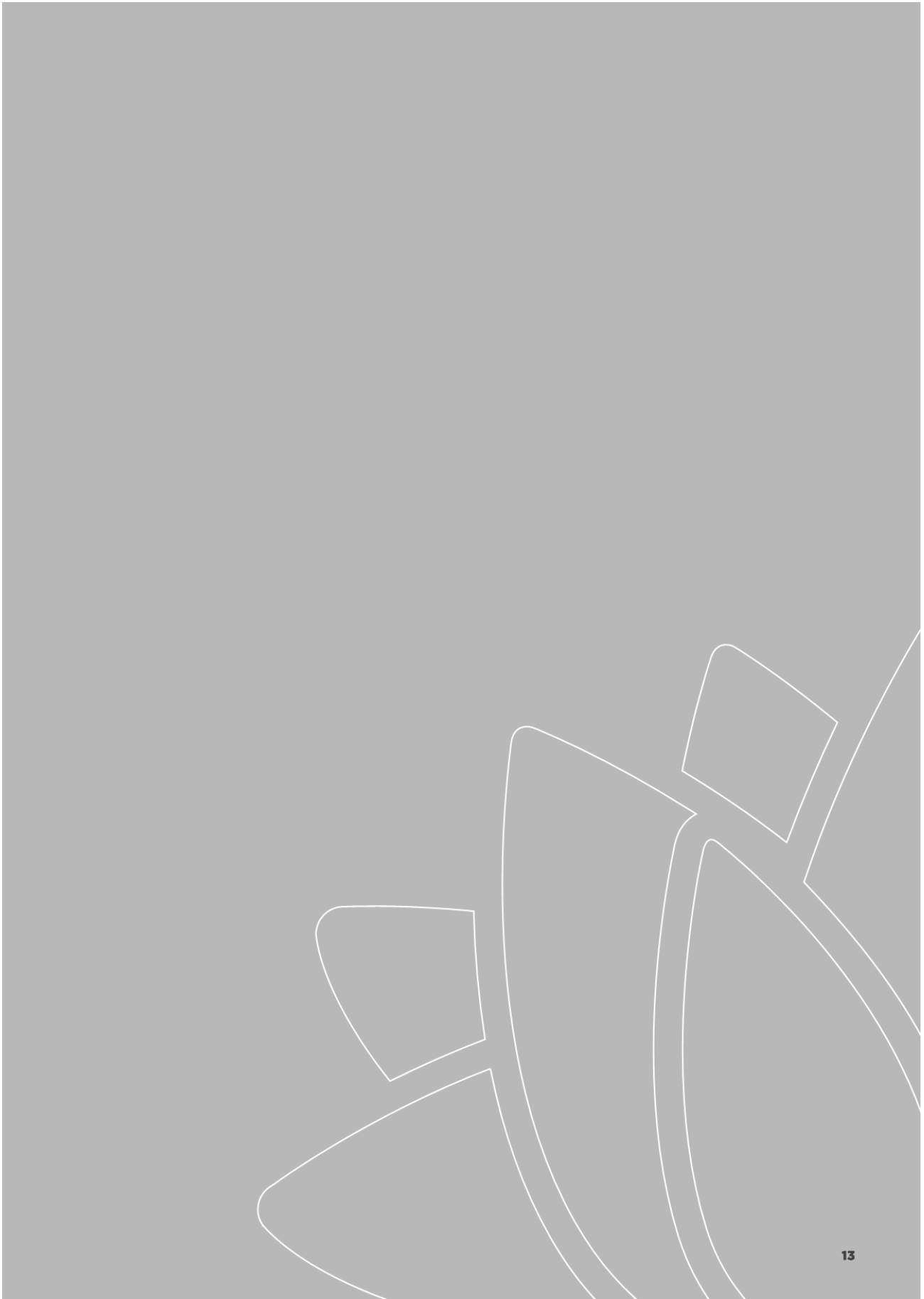
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

### **The appointment of an internal ombudsman to a panel of conduct reviewers**

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

### **The appointment of complaints coordinators**

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- coordinate the management of complaints made under the council's code of conduct
  - liaise with and provide administrative support to a conduct reviewer
  - liaise with the Office, and
  - arrange the annual reporting of code of conduct complaints statistics.



## Part 4:

# How May Code of Conduct Complaints be Made?

**How May Code Of Conduct Complaints be Made?**

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## **What is a code of conduct complaint?**

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
  - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
  - c) complaints about the policies or procedures of the council
  - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

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## **When must a code of conduct complaint be made?**

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

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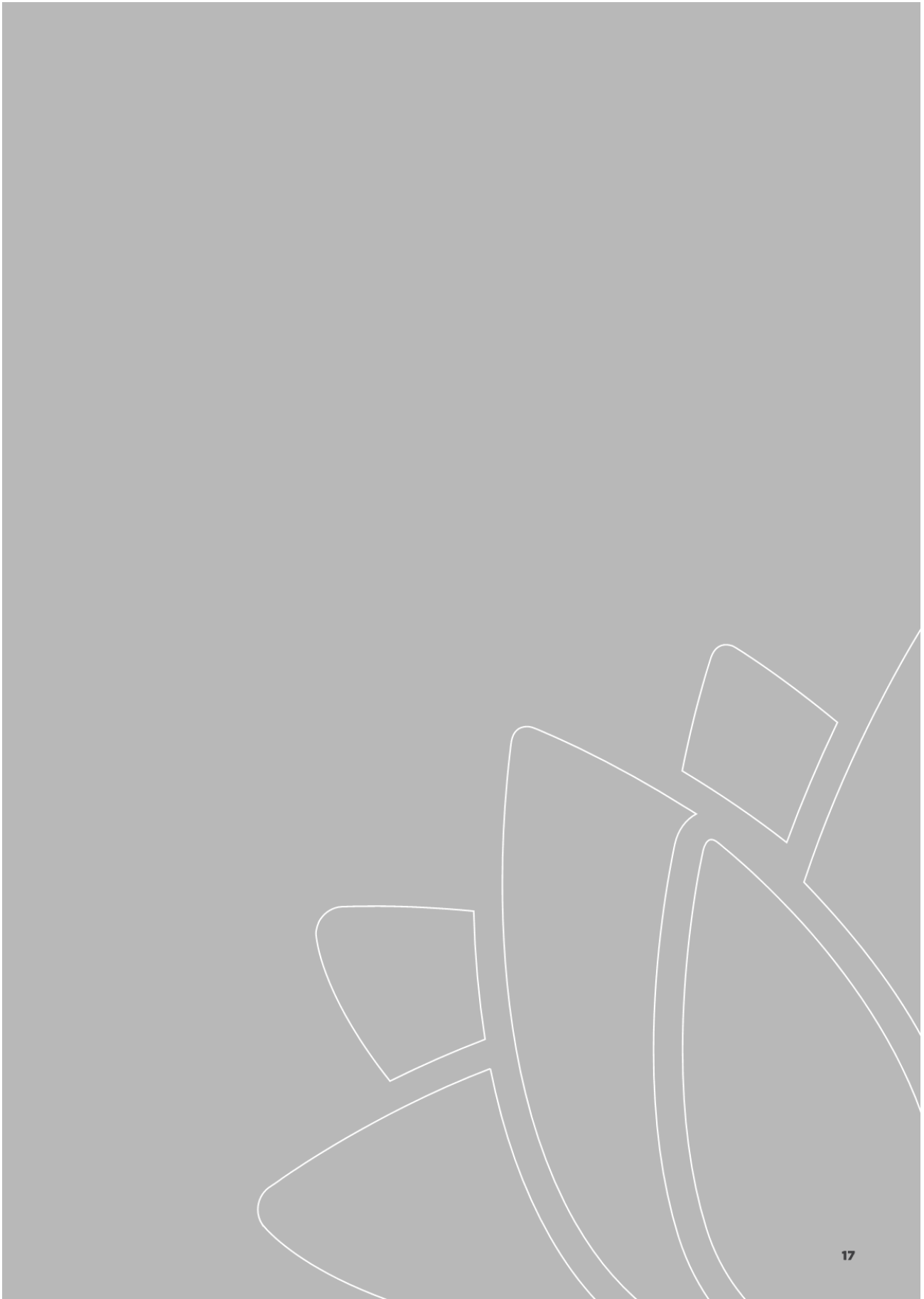
## **How may a code of conduct complaint about a council official other than the general manager be made?**

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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## **How may a code of conduct complaint about the general manager be made?**

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.





## Part 5:

# How are Code of Conduct Complaints to be Managed?

How are Code of Conduct Complaints to be Managed?

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## Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

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## Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

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## What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
  - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or

- d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

---

## How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

**Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW**

- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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## **How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?**

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
  - c) prosecution for any breach of the law

**How are Code of Conduct Complaints to be Managed?**

- d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

---

**How are code of conduct complaints about administrators to be dealt with?**

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

---

**How are code of conduct complaints about councillors to be dealt with?**

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

**Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW**

- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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## **How are code of conduct complaints about the general manager to be dealt with?**

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

**How are Code of Conduct Complaints to be Managed?**

- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

---

**How are complaints about both the general manager and the mayor to be dealt with?**

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
  - refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

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**Referral of code of conduct complaints to external agencies**

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

**Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW**

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

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## **Disclosure of the identity of complainants**

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:

- a) the complainant consents in writing to the disclosure, or
- b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
- c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

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## **Code of conduct complaints made as public interest disclosures**

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

**How are Code of Conduct Complaints to be Managed?**

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

---

### **Special complaints management arrangements**

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.



## **Part 6:**

# **Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers**

Preliminary Assessment of Code of Conduct Complaints About  
Councillors or the General Manager by Conduct Reviewers

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## Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
  - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

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- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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## **Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer**

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

**Preliminary Assessment of Code of Conduct Complaints About  
Councillors or the General Manager by Conduct Reviewers**

- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

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## **Referral back to the general manager or mayor for resolution**

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

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## **Complaints assessment criteria**

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
  - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

**Preliminary Assessment of Code of Conduct Complaints About  
Councillors or the General Manager by Conduct Reviewers**

- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

## Part 7:

# Investigations of Code of Conduct Complaints About Councillors or the General Manager

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## What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

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## How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- a) disclose the substance of the allegations against the respondent, and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and

- d) advise the respondent of the requirement to maintain confidentiality, and
- e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
- f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:



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- a) advise them of the matter the investigator is investigating, and
- b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

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## **Written and oral submissions**

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

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## **How are investigations to be conducted?**

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Investigations of Code of Conduct Complaints About Councillors or the General Manager

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## Referral or resolution of a matter after the commencement of an investigation

7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- c) refer the matter to an external agency.

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

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## Draft investigation reports

7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

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- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

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## **Final investigation reports**

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,
    - i) constitutes a breach of the code of conduct, or
    - ii) does not constitute a breach of the code of conduct, and
  - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
  - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
  - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
  - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
  - e) a description of any attempts made to resolve the matter by use of alternative means
  - f) the steps taken to investigate the matter
  - g) the facts of the matter
  - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - i) the investigator's determination and the reasons for that determination
  - j) any recommendations.

**Investigations of Code of Conduct Complaints About Councillors or the General Manager**

- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor, that the council resolves as follows:
    - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
  - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - b) the investigator's determination and the reasons for that determination
  - c) any recommendations, and
  - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

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7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

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## **Consideration of the final investigation report by council**

7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.

7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

7.52 Prior to imposing a sanction, the council may by resolution:

- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
- b) seek an opinion from the Office in relation to the report.

7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.

7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

**Investigations of Code of Conduct Complaints About Councillors or the General Manager**

- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor:
    - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

## Part 8:

# Oversight and Rights of Review

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## **The Office's powers of review**

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

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## **Complaints about conduct reviewers**

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

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## **Practice rulings**

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

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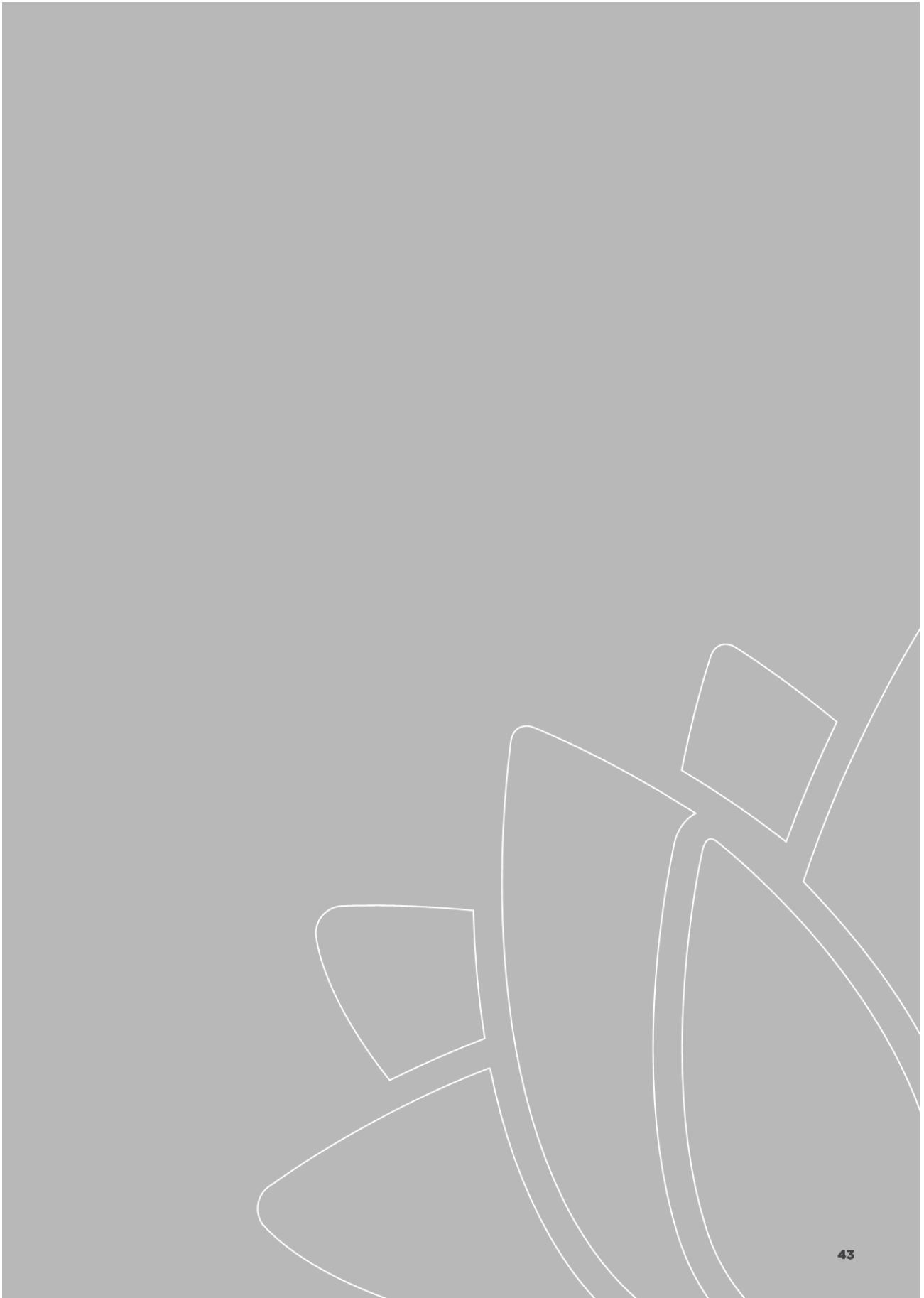
## **Review of decisions to impose sanctions**

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.



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- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
  - b) the council must:
    - i) review its decision to impose the sanction, and
    - ii) consider the Office's recommendation in doing so, and
    - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.



## Part 9:

# Procedural Irregularities

**Procedural Irregularities**

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
  - b) reasonable steps are taken to correct the non-compliance, or
  - c) reasonable steps are taken to address the consequences of the non-compliance.

# Part 10: Practice Directions

Practice Directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

**Part 11:**  
**Reporting Statistics on Code  
of Conduct Complaints  
About Councillors and the  
General Manager**

**Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager**

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
  - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
  - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
  - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
  - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
  - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
  - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.



## Part 12: Confidentiality

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
  - b) the complaints coordinator
  - c) the Office, and
  - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.



## ORDINARY MEETING OF THE COUNCIL

August 5, 2020

**ITEM 2**BROKEN HILL CITY COUNCIL REPORT NO. 108/20

SUBJECT: DECEMBER AND JANUARY COUNCIL MEETING  
ARRANGEMENTS AND CHRISTMAS SHUT DOWN PERIOD 11/21

**Recommendation**

1. That Broken Hill City Council Report No. 108/20 dated August 5, 2020, be received.
2. That Council's Ordinary Monthly Meeting for December 2020 be held Wednesday, December 9, 2020.
3. That should an urgent matter arise in January, an Extraordinary Council Meeting will be arranged.
4. That the Council shutdown period for the Administrative Centre and the Warnock Street Works Depot be from Monday 21 December 2020 and reopening Monday 4 January 2021.
5. That Council advertise the shutdown period for the Administrative Centre and the Warnock Street Works Depot and that this advertisement also includes the operating hours for all other Council facilities during this period.

**Executive Summary:**

Council's Ordinary Monthly Meeting for December 2020 is scheduled to fall on 30 December 2020 which will be during Council's Christmas Shutdown period (Monday December 21, 2019 to Friday January 1, 2020 with Council reopening on Monday, January 4, 2021).

This report is presented to Council to determine a suitable alternative date for the December Ordinary Council Meeting; and to endorse the Christmas shutdown period for Council's Administrative Centre and the Warnock Street Works Depot.

**Report:**

It is proposed that the Ordinary Council Meeting for December 2020 be held earlier in December on Wednesday December 9, 2020 to allow for post Council Meeting processes to be completed prior to the Christmas shutdown period and this date will also ensure that the majority of Councillors will be present. Council could hold the meeting on Wednesday, December 16, 2019 but due to this date's proximity to Christmas, some Councillors and senior staff may be absent on Christmas holidays.

Council's adopted Code of Meeting Practice, Clause 3.1 states:

*"Ordinary meetings of the Council will be held on the following occasions:*

*Ordinary Council Meetings will be held on the last Wednesday of each month for the months of February to November each year. The meeting will commence at 6:30 p.m.*

*and be held in the Council Chambers. A Public Forum Session will be held prior to meetings commencing at 6:15 p.m. and held in the Council Chambers.*

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

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

Clause 3.1 reflects the *Local Government Act 1993, Section 365.*

It is therefore proposed that Council's Ordinary Monthly Meeting for December 2020 be held on Wednesday December 9, 2020 and as per the adopted Code of Meeting Practice, and an Ordinary Council Meeting will not be held in January 2020. However, should an urgent matter arise in January, then an Extraordinary Council Meeting would be held.

#### **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 365)*

Council's adopted Code of Meeting Practice Policy

#### **Financial Implications:**

Nil.

#### **Attachments**

There are no attachments for this report

JAMES RONCON  
GENERAL MANAGER

## ORDINARY MEETING OF THE COUNCIL

July 21, 2020

**ITEM 3****BROKEN HILL CITY COUNCIL REPORT NO. 109/20**

**SUBJECT:** 2019-2021 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 30 JUNE 2020, INCLUSIVE OF OPERATIONAL PLAN 2019/2020 OUTCOMES 16/165

**Recommendation**

1. That Broken Hill City Council Report No. 109/20 dated July 21, 2020, be received.
2. That Council adopt the 2019-2021 Delivery Program Key Performance Indicators Progress Report for period ending 30 June 2020, inclusive of Operational Plan 2019/2020 outcomes.

**Executive Summary:**

The Office of Local Government, NSW Department of Premier and Cabinet established the Integrated Planning and Reporting Guidelines for all New South Wales Councils. One of the components within the framework is a four-year Delivery Program.

Section 404 of the *Local Government Act 1993* requires that *'The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months'*.

**Report:**

This report relates to the progress of Actions in the Delivery Program 2019-2021, inclusive of Operational Plan 2019/2020 outcomes, for the period ending 30 June 2020. The reporting period to 30 June 2020 represents the halfway point of the delivery program cycle.

This reporting period provides an indication of progress against set targets, particularly those measures and tasks assigned to be achieved within the 2019/2020 financial year.

A total of 95 performance action targets are set in the 2019-2021 Delivery Program, inclusive of the 2019/2020 Operational Plan. A snapshot of the progress report indicates 54 Actions are "On Track", 28 Actions are "Off Track" and 13 Actions showing as "Monitor". In total 49 out of 95 Actions are reported as 'Completed', 43 out of 95 Actions are reported as still 'In Progress' and 3 out of 95 Actions are reported as 'Not Started'. A legend table to explain the performance descriptors can be found on the next page of this report.

**2019-2021 DELIVERY PROGRAM, INCLUSIVE OF 2019/2020 OPERATIONAL PLAN SNAPSHOT**

<p><b>ACTION SUMMARY</b> By Performance</p> <hr/> <p><b>54</b> On Track</p> <hr/> <p><b>28</b> Off Track</p> <hr/> <p><b>13</b> Monitor</p> <hr/> <p><b>0</b> Not Applicable</p>	<b>56.8% On Track</b>	At least 90% of action target achieved
	<b>51.6% Completed</b>	49 out of 95 Actions are completed
	<b>13.7% Monitor</b>	Between 70% and 90% of action target achieved
	<b>45.3% In Progress</b>	43 out of 95 Actions are still in progress
	<b>29.5% Off Track</b>	Less than 70% of action target achieved
	<b>3% Not Started</b>	3 out of 95 Actions have not been started

**Community Engagement:**

The Delivery Program inclusive of the Operational Plan was placed on exhibition, for a period of 28 days to allow for public comment, on 14 May 2019.

The 2019-2021 Delivery Program progress report for the period ending 30 June 2020, will be placed on Council’s website following adoption by Council.

**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, Sect 404 - Delivery program*

404 Delivery program

*(5) The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months.*

**Financial Implications:**

Measures and actions identified in the Delivery Program are adopted in accordance with Council’s Long-Term Financial Plan and annual budgets.

**Attachments**

- 2019-2021 Delivery Program - Key Performance Indicators Progress Report ending [30 June 2020](#)

RAZIJA NU'MAN  
DIRECTOR CORPORATE

JAMES RONCON  
GENERAL MANAGER



**BROKEN HILL**  
CITY COUNCIL

# **2019-2021 DELIVERY PROGRAM INCLUSIVE OF 2019/2020 OPERATIONAL PLAN - KPI PROGRESS REPORT ENDING 30 JUNE 2020**

Broken Hill City Council



## OVERVIEW

ACTION SUMMARY	
By Performance	
<b>54</b>	On Track
<b>28</b>	Off Track
<b>13</b>	Monitor
<b>0</b>	Not Applicable

ACTION STATUS	
<b>56.8% On Track</b>	At least 90% of action target achieved
<b>51.6% Completed</b>	49 out of 95 Actions are completed
<b>13.7% Monitor</b>	Between 70% and 90% of action target achieved
<b>45.3% In Progress</b>	43 out of 95 Actions are still in progress
<b>29.5% Off Track</b>	Less than 70% of action target achieved
<b>0.03% Not Started</b>	3 out of 95 Actions have not been started

ACTION PROGRESS AGAINST TARGETS	
54	At least 90% of action target achieved
28	Between 70% and 90% of action target achieved
13	Less than 70% of action target achieved
00	actions with no target set

## ACTION PLANS



**GREEN**

At least 90% of action target achieved



**AMBER**

Between 70% and 90% of action target achieved



**RED**

Less than 70% of action target achieved





No target set

## KEY DIRECTION 1 - OUR COMMUNITY


### 1.1 People in our Community are in safe hands

#### 1.1.1 Implement infrastructure and services for the effective management and control of companion animals

Action Title: 1.1.1.1 Construct new animal pound facility						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Projects Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> Council commenced operating the Animal Shelter in February 2020.						

Action Title: 1.1.1.2 Provide an education program to update the community on the management and use of the new animal pound facility						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Acting Manager City Development and Planning	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> The education program commenced in 2020 including announcement of opening of pound in February 2020 through traditional and social media and update of Broken Hill City Council website with information including Frequently Asked Questions.						

#### 1.1.2 Prioritise actions within the Smart City Framework that support safer communities within our Parks and Open Spaces

Action Title: 1.1.2.1 Install CCTV and Smart Lighting into Sturt Park						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Chief Financial Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> CCTV and Smart Lighting installed and commissioned in Sturt Park.						


Action Title: 1.1.2.2 Install CCTV and Smart Lighting into Patton Park						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Chief Financial Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> CCTV and Smart Lighting installed and commissioned in Patton Park.						
Action Title: 1.1.2.3 Install CCTV and Smart Lighting in other priority assets or areas (eg City centre)						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Chief Financial Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> CCTV installed at Council Administrative Centre and Civic Centre. Smart Lighting installed at Council Administrative Centre.						
Action Title: 1.1.2.4 Develop and implement a maintenance, inspection and monitoring program for the CCTV network						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> CCTV has been installed by OneWIFI in Sturt Park and Patton Park and the maintenance and inspection schedules are established as part of OneWIFI contract.						
Action Title: 1.1.2.5 Install CCTV and Smart Lighting into Airport Parking Areas						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Chief Financial Officer	In Progress	01-Jul-2019	30-Jun-2020	25.00%	100.00%	 RED

**Action Progress Comments:**

Funding obtained and scope prepared. Documents being prepared for procurement. Due to COVID-19 delays this project is now expected to be completed by 30 June 2021.

**1.1.3 Provide suitable land within the Cemetery reserve and develop for future expansion**


Action Title: 1.1.3.1 Complete extension of Cemetery Rose Garden

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Assets Planner-Parks & Open Spaces	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:**

Extension of Cemetery Rose Garden Project completed. Excavation and concrete beds completed by contractor. Irrigation completed by Council. Installation of garden bed loam, mulch and roses completed by Council.

Action Title: 1.1.3.2 Carry out Geo-technical investigation to extend Cemetery grounds

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	In Progress	01-Jul-2019	30-Jun-2020	10.00%	100.00%	 RED


**Action Progress Comments:**

Scope development in progress to engage consultant. Further investigations to be carried out in 2020/2021.

**1.2 Our Community works together**

**1.2.1 Advocate for and recognise volunteerism**

Action Title: 1.2.1.1 Develop Volunteer Strategy


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Events Coordinator	In Progress	01-Jul-2019	30-Jun-2020	80.00%	100.00%	 AMBER

**Action Progress Comments:**

Volunteer Strategy completed and awaiting endorsement by Executive Leadership Team for presentation to Council.

**1.2.2 Develop and implement a Customer Contact and Call Centre**


Action Title: 1.2.2.1 Review Customer Services Framework for customer experience and business improvement, including continuous improvement approach to processes

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:**


Corporate Services staff undertook a briefing with the Executive Leadership Team (ELT) and obtained endorsement for the proposed project plan and timetable. A meeting of the Customer Services Framework Working Party took place on 5 December 2019. Development of an online staff survey, focusing particularly on the key service standards was undertaken and circulated to all staff late 2019, with a closing date 24 January 2020. All data and feedback received was collated and a briefing with Corporate staff and the General Manager was undertaken to consider the feedback received and confirm service standards. The review of the suite of documents is now complete and ready to be presented to ELT for endorsement, prior to the communication and circulation to all staff of the revised Framework.

Action Title: 1.2.2.2 Undertake Customer Satisfaction Survey

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	In Progress	01-Jul-2019	30-Jun-2020	70.00%	100.00%	 AMBER

**Action Progress Comments:** Corporate Services staff are investigating a range of in-house resources, programs and processes available for the collection of useful information that could be collated to determine our customers satisfaction. Methodology and questions have been drafted for data analysis confirmation prior to undertaking the survey and scheduling ongoing satisfaction survey data collection.


Action Title: 1.2.2.3 Develop Complaints Handling Procedure in accordance with Complaints Management Policy

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:** Corporate Services researched the NSW Ombudsman's best practice model for complaint handling procedures. The development of the procedure inclusive of a workflow is now completed for endorsement and inclusion in the Customer Service Framework. The review of the Framework together with these new documents are ready to be submitted to the Executive Leadership Team (ELT) for endorsement. prior to communication and implementation to all staff.

### 1.2.3 Support the Reconciliation Movement


Action Title: 1.2.3.1 Develop Reconciliation Action Plan in consultation with local Aboriginal and Torres Strait Islander community representatives to provide a framework for the organisation

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Youth and Community Projects Officer	In Progress	01-Jul-2019	30-Jun-2020	50.00%	100.00%	 RED

**Action Progress Comments:** The actions contained in the draft Reconciliation Action Plan have been confirmed by internal stakeholders. The Reconciliation Action Plan Working Group has been consulted and have approved the latest draft which has been sent back to Reconciliation Australia for the second round of feedback. The Reconciliation Australia feedback and quality assurance process may involve another round of feedback before final approval is given. Upon completion of this process, a report will be presented to Council.

### 1.2.4 Engage with key community sectors via Community Round Table

Action Title: 1.2.4.1 Ensure community representatives understand the functions associated and reporting required for the Community Round Table

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Executive Support Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:** Meetings held in August and November 2019 - Community Round Table committee members were provided with the Community Strategic Plan Round Table Terms of Reference. These meetings were represented by Health, Police, Education, Foundation Broken Hill, Regional Development Far West Australia, Primary Health Network, Aboriginal Land Council; Chair of Key Direction Working Group - Our Leadership and Our Economy and Executive Leader representative from Key Direction Working Group Our Community and Our Economy.


Meetings held in March 2020 - Community Round Table committee members were updated on Key Direction Working Group activities.

The meetings were represented by Health, Police, Education, Foundation Broken Hill, Regional Development Far West Australia, Primary Health Network, Aboriginal Land Council; Chair of Key Direction Working Group - Our Leadership and Our Economy and Executive Leader representative from Key Direction Working Group Our Community and Our Economy.

June 2020 meeting was postponed due to COVID-19 pandemic.

### 1.3 Our history, culture and diversity is embraced and celebrated

#### 1.3.1 Advocate for funding and investment for Community Development Projects

Action Title: 1.3.1.1 Work with third parties to seek funding						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
City Growth Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN


**Action Progress Comments:**

During report period City Growth Coordinator has provided ongoing management of Stronger Country Communities Round 2 funding for five community projects including milestone reporting and payments and project variation requests. These projects are: 1) Silver City Swimming Pool upgrade - completed and acquitted; 2) Napredak Club refurbishment; 3) Kintore Reserve Picnic Train; 4) Broken Hill Motor Support Upgrade; 5) Lifeline Tip Shop Upgrade.

Additional information on the City's economic profile and tourism data was provided for the Line of Lode Development in support of the Crown Lands grant application. In partnership, University Department of Rural Health, Far West Local Health District and Council, a Move It Aus grant application for \$247,500 was submitted but was unsuccessful. Letters of Support for two community organisations seeking grant funding, were also provided.

### 1.3.2 Construct new Library/Community Hub and Cultural Precinct in line with Cultural Framework

Action Title: 1.3.2.1 Continue to pursue funding sources to bring the project to fruition


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
General Manager	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:**

A key component of Council's adopted Advocacy Strategy is to pursue funds to construct a Cultural Precinct at the rear of the Town Hall Facade which is more broadly part of the re-invigoration of Argent Street, making it the number one urban precinct in the City. Longer term this will include Central Business District master-planning to deal with future opportunities identified through the adoption of Broken Hill Cultural Framework and Synopsis Report. Council's grant application to the Federal Building Better Regions Fund was submitted by the due date, 19 December 2019 and feedback from the department about quality and strength of Council's project was very positive. Unfortunately, Council was not successful in its bid and feedback confirmed this was only because it had not secured a funding contribution from the State which was a criterion of the grant. This information has been taken on board and Council's views on this requirement fed back to the federal department. Ongoing discussions have continued with Broken Hill Proprietary Billiton Foundation around their contribution and at a State level, through the bureaucracy and Ministry. To that end the Mayor and General Manager continue to advocate for the project but travel restrictions as part of COVID-19 have made advocacy meetings difficult. Funding discussions are ongoing and will continue in 2020/2021, with information provided to all funding bodies in support of the project.

### 1.3.3 Promote City's listing as Australia's First Heritage City


Action Title: 1.3.3.1 Finalise Scope and Implement lighting and projection installations at the Town Hall Facade, Civic Centre, Broken Hill Regional Art Gallery, Town Square and Sturt Park

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Chief Financial Officer	In Progress	01-Jul-2019	30-Jun-2020	95.00%	100.00%	 GREEN

**Action Progress Comments:** Installation is almost complete. It was initially planned for completion by 30 April 2020 however was impacted by COVID-19 restrictions. It is anticipated that it will be complete by 31 October 2020, however this is contingent on current COVID-19 restrictions.




Action Title: 1.3.3.2 Ensure construction and installation of Gateway signage into the City

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Projects Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:** All five Gateway Signs have been installed at the following locations - Tibooburra Road, Sydney Road, Wentworth Road, Adelaide Road and Pro Hart Way (formerly Airport Road).


Action Title: 1.3.3.3 Construct shade shelter located at the BHP Chimney site

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Projects Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:** Construction of the new shelter for the BHP Chimney was completed in April 2020. Interpretive signage will also be installed at the BHP Chimney site in 2020/2021.

**1.3.4 To provide accessible community spaces and access to books, learning resources and other information**


Action Title: 1.3.4.1 Develop Library Business Plan

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Library Coordinator	Deferred	01-Jul-2019	30-Jun-2020	82.00%	100.00%	 AMBER

**Action Progress Comments:** Research of Libraries and relevant business plans was undertaken. Draft Library Business Plan was provided to staff for consultation; with final draft presented to and authorised by Director Corporate in May 2020. Due to COVID-19 and deferment of Local Government Elections to September 2021, a decision was made to defer the final endorsement by Council, of the Library Business Plan, post Elections.

**1.3.5 To preserve and share the City's archive, art and mineral asset collections, engage new audiences, broaden access to rare and some fragile heritage material through the digitisation of the collections in preparation for web access in the future**


Action Title: 1.3.5.1 Finalisation of Strategic Business Plan and review of Policies for Art Gallery and Museum

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Gallery and Museum Manager	In Progress	01-Jul-2019	30-Jun-2020	75.00%	100.00%	 AMBER

**Action Progress Comments:**

Broken Hill Regional Art Gallery Strategic Business Plan is finalised. Broken Hill Regional Art Gallery policies will go to the July 2020 Council meeting for adoption after being on public display with no further comments. Albert Kersten Mining and Minerals Museum Strategic Business Plan and policies are all in draft form and being further developed. Due for completion in late 2020.


Action Title: 1.3.5.2 Digitisation of City's art assets

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Gallery and Museum Manager	In Progress	01-Jul-2019	30-Jun-2020	95.00%	100.00%	 GREEN

**Action Progress Comments:**


The State-funded digitisation project has been running since October 2018 and is due for completion in October 2020. Approximately 95% of the Broken Hill Regional Art Gallery's collection has been digitised into the collection management system (Axiell EMu). The remaining works to be digitised are mostly public artworks. Digitisation of City's art assets will continue in 2020/2021.

Action Title: 1.3.5.3 Seek funding for the Digitisation of City's archival assets

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Library Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN


**Action Progress Comments:** Opportunities for funding are limited because the Library is not classified as a cultural facility (such as an art gallery or a museum). Available grant funding only provides equipment or training but not staffing or project contract

personnel. Conversations through professional networks have identified there are limited opportunities for Archive funding. In December 2019, an email from the Executive Director of ALIA (Australian Library and Information Association) stated that digital access to collections funding ended mid-2018 and are no longer available. The Archives has over 300,000+ items. Library Coordinator is in contact with relevant grant bodies and networking as to availability of grants when they arise. On hold due to COVID-19 and staff vacancy in the Archives. The new Library build will provide a new facility with dedicated resources to enable further digitisation of the collection. Ongoing investigations will be made as opportunities arise.

Action Title: 1.3.5.4 Digitisation of the City's mineral assets						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Gallery and Museum Manager	In Progress	01-Jul-2019	30-Jun-2020	60.00%	100.00%	 RED

**Action Progress Comments:** The State-funded digitisation project has been running since October 2018 and is due for completion in October 2020. Approximately 60% of the Albert Kersten Mining and Mineral Museum's (GeoCentre) collection has been digitised into the collection management system (Axiell EMu). Digitisation of City's mineral assets will continue in 2020/2021.

### 1.3.6 Develop interstate and regional partners to maximise tourism opportunities

Action Title: 1.3.6.1 Support the development of the Silver to Sea Trail project						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Visitor Services Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:** The Silver 2 Sea Way project (formerly Heritage Rail Trail) was launched in 2015. It tells Australia's most powerful industrial heritage story, the creation and operation of the railway line from South Australia to Broken Hill and its related history of BHP. Its mission is to revitalise and energise the 14 towns and communities along the way and develop it into the most engaging, informative and inspirational tourist trail in Australia. The Project Coordinator, then Community Development Manager of Peterborough, is the driving force behind this initiative. Early on he sought support from Port Pirie and Broken Hill, the start and end point of the trail. Broken Hill City Council (BHCC) has since supported this initiative with contributions to the official brochure and a competition held in 2018. Council's Visitor Services Coordinator is in regular contact with the Project Coordinator, to ensure BHCC is kept in the loop and can offer support where needed. The trail has a large economic potential by funnelling more SA residents and visitors to Broken Hill and increase visitation and overnight stays.

The Building Better Regions funding application for stage 1 (Port Pirie to Peterborough) has been successful and was announced in June 2020. \$6.59 Million will be made available over three years to make the route come alive, with the completion of major conservation works on heritage buildings and a series of new compelling digital experiences, including a state-of-the-art augmented reality offering, enhanced visitor amenities and night-time visitor experiences at major sites, all integrating the stories and perspectives of the Aboriginal nations whose land the trail traverses.


Action Title: 1.3.6.2 Establish working relationships with the South Australian Visitor Information Network						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Visitor Services Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<p><b>Action Progress Comments:</b> Broken Hill City Council's (BHCC) Visitor Services Coordinator attended the South Australian Visitor Information Centre Network (SAVICN) conference in March 2018 and 2019 (the 2020 Conference was cancelled due to the COVID-19 outbreak). Since then an affiliate membership to the network was offered to the Broken Hill Visitor Information Centre (BHVIC). This has now been put into place, recognising the importance of Broken Hill as a visitor gateway to South Australia (SA), but more importantly, giving BHCC a strategic tool to better coordinate and drive visitation from SA. Other pieces of this strategy are the continuing support of the Silver 2 Sea Way project, a historic tourism drive connecting Port Pirie to Broken Hill and the product familiarisation visit to the Flinders Ranges. This saw four Information Centre staff travel into the Flinders Ranges in March 2019, forging ties with local operators, Regional Development South Australia and the South Australian Tourism Commission.</p>						

### 1.3.7 Develop a City Wide Cultural Plan

Action Title: 1.3.7.1 Seek funding for the development of a City wide Cultural Plan						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
City Growth Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<p><b>Action Progress Comments:</b> The City wide Cultural Plan is addressed in the Cultural Framework and Synopsis report and the spin off strategies which lead into the next chapter of work regarding a master plan for the upgrade of Argent Street, Central Business District and Patton Street; to align with the work being done through National Heritage Management Framework (funded through State and Federal grants secured in 2019) and the Cultural Precinct development and way-finding project.</p>						

## 1.4 Our built environment supports our quality of life

### 1.4.1 Develop City Strategic Plan


Action Title: 1.4.1.1 Engage suitable resource to develop City Strategic Plan						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Acting Manager City Development and Planning	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> Council's Strategic Land Use Planner has worked collaboratively with the NSW Planning Department to develop a Local Strategic Planning Statement (LSPS). The draft LSPS is on public display for comment and will be presented at the August 2020 meeting.						

Action Title: 1.4.1.2 Advocate to secure funding for heavy vehicle bypass road						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
City Growth Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> Monitoring of available funding opportunities conducted. The heavy vehicle Bypass Road is included in Council's Advocacy Strategy which is distributed to visiting Ministers and agencies. Broken Hill City Council also met with Transport NSW September 2019 regarding funding opportunities.						

Action Title: 1.4.1.3 Advocate to secure funding for a Truck Wash						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
City Growth Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> Council has had ongoing liaison with State Government, NSW Transport and stakeholders regarding options for funding for truck wash.						

**1.4.2 Maintain the serviceability of Council's assets at an appropriate condition level**


Action Title: 1.4.2.1 Develop Asset Management Plan - Roads and Footpaths

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	In Progress	01-Jul-2019	30-Jun-2020	50.00%	100.00%	 RED

**Action Progress Comments:**

Draft Policy and Strategy on public consultation during December 2019 and adopted by Council in March 2020. Draft Asset Management Plan is in 'Work In Progress' stage and will be completed in 2020/2021 Operational Plan.


Action Title: 1.4.2.2 Develop Asset Management Plan - Trees

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	In Progress	01-Jul-2019	30-Jun-2020	50.00%	100.00%	 RED

**Action Progress Comments:**

Draft Policy and Strategy on public consultation during December 2019 and adopted by Council in March 2020. Draft Asset Management Plan is in 'Work In Progress' stage and will be completed in 2020/2021 Operational Plan.


Action Title: 1.4.2.3 Develop Asset Management Plan - Parks and Open Spaces

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	In Progress	01-Jul-2019	30-Jun-2020	50.00%	100.00%	 RED

**Action Progress Comments:**


Draft Policy and Strategy on public consultation during December 2019 and adopted by Council in March 2020. Draft Asset Management Plan is in 'Work In Progress' stage and will be completed in 2020/2021 Operational Plan.

Action Title: 1.4.2.4 Develop Asset Management Plan - Buildings

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	In Progress	01-Jul-2019	30-Jun-2020	50.00%	100.00%	


**Action Progress Comments:**  
 Draft Policy and Strategy on public consultation during December 2019 and adopted by Council in March 2020. Draft Asset Management Plan is in 'Work In Progress' stage and will be completed in 2020/2021 Operational Plan.

Action Title: 1.4.2.5 Finalise and prioritise implementation actions within Active Transport Plan (inc Footpaths, Bicycle paths, Signage, Pedestrian Access etc)

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	

**Action Progress Comments:**  
 Implementation actions prioritised and finalised within Active Transport Plan and Council has approved \$14M over the next 10 years towards prioritised actions.


Action Title: 1.4.2.6 Develop Fleet Asset Management Plan

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Projects Officer	In Progress	01-Jul-2019	30-Jun-2020	5.00%	100.00%	


**Action Progress Comments:**  
 The Council Garage is undertaking a Service Review, of which the outcomes are expected to inform the development of a Fleet Asset Management Plan. Draft Fleet Asset Management Plan will be completed in 2020/2021 Operational Plan.

**1.4.3 Develop Council assets to promote outdoor recreation, exercise and mobility for families**

Action Title: 1.4.3.1 Rebuild Sturt Park playground

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	In Progress	01-Jul-2019	30-Jun-2020	50.00%	100.00%	 RED
<b>Action Progress Comments:</b> Toddlers area redevelopment scope development was completed however Request for Quotation for toddler's area redevelopment was delayed due to COVID-19 and will be completed by October 2020.						

Action Title: 1.4.3.2 Install or expand outdoor gyms at Sturt Park and Picton Oval

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> Picton Oval Gym was installed in January 2020 and Sturt Park Gym was installed in June 2020.						

#### 1.4.4 Support drought affected communities by reducing dust and improving road safety

Action Title: 1.4.4.1 Complete Brown Street reseal project


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> Final bitumen sealing works completed prior to Christmas closure. Drainage works and line marking completed in April 2020.						

#### 1.5 Our health and wellbeing ensures that we live life to the full

##### 1.5.1 Support our residents to lead healthy, active and independent lives through provision of high quality, contemporary Library services

Action Title: 1.5.1.1 Conduct Two Customer Satisfaction surveys - Home Delivery and the Outback Letterbox Library service




Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Library Coordinator	In Progress	01-Jul-2019	30-Jun-2020	80.00%	100.00%	 AMBER
<b>Action Progress Comments:</b> Library customer survey distributed to a percentage of Home Library and Outback Letterbox Library members in early 2020. This survey was available online via the Library website and posted to members who do not have internet access. Analysis of data relating to customer satisfaction and access to IT, Internet and use of online Library resources will be analysed in August 2020, to provide strategic direction in relation to physical and online provision of services to this demographic. The analysis has been delayed due to disruption to Library service delivery due to COVID-19.						

## KEY DIRECTION 2 - OUR ECONOMY

### 2.1 Our economy is strong and diversified and attracts people to work, live and invest

#### 2.1.1 Council's Workforce Management Plan reflects the needs of the organisation


Action Title: 2.1.1.1 Learning and Development plans are completed for all employees including succession and career options

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

#### Action Progress Comments:

Annual Performance reviews were distributed to Supervisors and employees on 18 September 2019. Supervisors workshops were conducted on same day. Performance reviews were conducted by all supervisors and employees until 29 November 2019.


Action Title: 2.1.1.2 Review current Workforce Management Plan Strategies (2015-2019: 2017-2021) to report to Council on achievements

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	Not Started	01-Jul-2019	30-Jun-2020	0.00%	100.00%	 RED

#### Action Progress Comments:

Review has not commenced.


Action Title: 2.1.1.3 Commence revision of Workforce Management Plan 2020-2024 in line with LG elections process

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	Not Started	01-Jul-2019	30-Jun-2020	0.00%	100.00%	 RED

#### Action Progress Comments:


Review has not commenced and has been carried over to 2020/2021 Operational Plan.

Action Title: 2.1.1.4 Continue to improve Recruitment Service Delivery and Employee Experiences

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2019	30-Jun-2020	50.00%	100.00%	 RED


**Action Progress Comments:**  
Based on the Executive Leadership Team (ELT) recommendations that arose through the internal service review on the recruitment process, the Human Resources Department has amended and implemented a revised recruitment procedure checklist and expanded candidate compliance checking regimes. Council's Recruitment Framework is currently in draft format and will be forwarded for ELT review August 2020.

Action Title: 2.1.1.5 Continue implementation of LG Capability Framework

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2019	30-Jun-2020	12.00%	100.00%	 RED

**Action Progress Comments:**  
Assessment methodology has been determined. Project Plan is in draft for further development in 2021.

Action Title: 2.1.1.6 Implement actions associated with the ratification of the Broken Hill City Council Consent Award

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2019	30-Jun-2020	50.00%	100.00%	 RED

**Action Progress Comments:**  
Broken Hill City Council Consent Award engagement process has commenced with internal stakeholders regarding areas where Council aim to achieve award gains for efficiency and cost reductions. Internal discussions will continue in July 2020 to finalise Council's Log of Claims before December 2020, when Award negotiations will commence with the United Services Union.

### 2.1.2 Develop the Airport as per the Airport Masterplan


Action Title: 2.1.2.1 Advocate for Airport upgrades in line with Advocacy Strategy and Airport Business Case						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Chief Financial Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> Advocacy for Airport funding and upgrades is ongoing. Funding has been achieved for stage one, which includes upgrade to perimeter fencing, lighting and landing aids. Funding applications have been submitted for stage two, which includes strengthening of runway 05/23 and reconstruction of aprons and taxiways.						

### 2.1.3 Advocate for improved housing stock

Action Title: 2.1.3.1 Collaborate with local commercial housing industry representatives to identify current available housing and land stock						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Chief Financial Officer	In Progress	01-Jul-2019	30-Jun-2020	70.00%	100.00%	 AMBER
<b>Action Progress Comments:</b> An affordable housing discussion paper and action plan has been developed by the Key Direction Working Group 'Our Economy'. Discussion with key industry and ascertainment of current demand and availability is being identified. An Expression of Interest seeking Social and Affordable housing suppliers to partner with Council to utilise the vacant land at 331 Murton Street was resolved at the June 2020 Ordinary Council Meeting.						
Action Title: 2.1.3.2 Liaise with industry and research the future need for housing and type of housing required						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Chief Financial Officer	In Progress	01-Jul-2019	30-Jun-2020	70.00%	100.00%	 AMBER


**Action Progress Comments:** An affordable housing discussion paper and action plan has been developed by the Key Direction Working Group 'Our Economy'. Discussion with key industry and ascertainment of current demand and availability is being identified. An Expression of Interest seeking Social and Affordable housing suppliers to partner with Council to utilise the vacant land at 331 Murton Street was resolved at the June 2020 Ordinary Council Meeting.

Action Title: 2.1.3.3 Collaborate with State Government to release land, including Crown land if required for housing development

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Acting Manager City Development and Planning	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:** A preliminary investigation identified that most of the available Crown Land is subject to land claims. Further investigations are required in order to progress this matter.


Action Title: 2.1.3.4 Ensure that appropriate community facilities are available to meet future growth needs

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	In Progress	01-Jul-2019	30-Jun-2020	25.00%	100.00%	 RED

**Action Progress Comments:** Consultation with various users within Council owned community facility usage was completed in December 2019. Asset Rationalisation Report is being prepared with this information and will be presented to Council in December 2020.

#### 2.1.4 Advocate Broken Hill and Far West as a centre for renewable energy

Action Title: 2.1.4.1 Seek to understand capacity to expand electricity grid


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
General Manager	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:** Constructive Energy P/L (CE) were engaged to visit Broken Hill (19 February 2020) and provide feedback on the opportunities and constraints associated with the current electricity grid, generating our own power supplies

and the formulation of business cases to support such; in line with Council's adopted Sustainability Strategy. Lead by the Environment Key Direction Working group, the creation of a renewable energy action plan (REAP) will assist Council to meet its longer-term goals to have its own buildings 100% powered by renewables by 2023 and the City more broadly by 2030. The COVID-19 pandemic has slowed progress a little through to 30 June 2020. CE visited Broken Hill 1 July to review data and meet with stakeholders and have undertaken to provide a draft REAP by the end of July 2020 and final REAP for consideration by Council, by the end of August 2020.

### 2.1.5 Increase digital communication network through projects outlined in Smart Communities Framework


Action Title: 2.1.5.1 Increase city coverage of City Smart Devices (smart bins, lighting, WIFI and parking)

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Chief Financial Officer	In Progress	01-Jul-2019	30-Jun-2020	80.00%	100.00%	 AMBER

#### Action Progress Comments:

A total of 29 Smart Bins have been installed within the Central Business District and outlying areas. Smart Paid Parking is currently being installed at the Airport and is expected to be completed during the third quarter of 2020. Smart Lighting has been installed at Sturt Park, Patton Park and the Council Administrative Centre. Council is currently working with the Southern Lights Group to install updated LED smart street lighting in conjunction with Essential Energy and this is expected to be completed by December 2020.

Action Title: 2.1.5.2 Provide open data to community via IoT (Internet of Things) platform


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Manager Information Services	Completed	01-Jul-2019	30-Jun-2020	100.00%	0.00%	 GREEN

#### Action Progress Comments:

Internet of Things Platform Dashboard built with configuration and implementation completed. Access to the Broken Hill Smart City dashboard is available from Council's website using the following link <https://www.brokenhill.nsw.gov.au/Community/About-the-city/Smart-Broken-Hill/Dashboards>.

### 2.1.6 Expand available industrial land


Action Title: 2.1.6.1 Advocate for early determination for land that has a Local Aboriginal Claim which is zoned as industrial land

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Acting Manager City Development and Planning	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

#### Action Progress Comments:

Council sought legal advice on this matter and await further instructions. Further investigations are required in order to progress this matter.

Action Title: 2.1.6.2 Collaborate with State Government to release land, including Crown land if required for industrial land development


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Acting Manager City Development and Planning	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

#### Action Progress Comments:

A preliminary investigation identified that most of the available Crown Land is subject to land claims. Further investigations are required in order to progress this matter.

### 2.1.7 Advocate for incentives and initiatives that support business and industry to expand

Action Title: 2.1.7.1 Develop Business and Industry Support strategy

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
City Growth Coordinator	In Progress	01-Jul-2019	30-Jun-2020	40.00%	100.00%	 RED

#### Action Progress Comments:


Opportunities identified to support business through policy development. Meetings held in December 2019 with Business Enterprise Centre representatives to discuss opportunities to support business workshops in 2020. During the period a number of meetings were held with Government including Department Premier and Cabinet and NSW Investment representative to discuss

opportunities that align with State priorities including aerospace. Meetings were held with Joint Organisation CEO to discuss regional opportunities and investment prospectus for Broken Hill, including new opportunities such as aerospace. This project has been interrupted by COVID-19. Council is also a founding member of the Broken Hill Alliance that includes Department Premier and Cabinet, Foundation Broken Hill and 25in25, that seeks to identify and address opportunities for economic growth and sustainability. While the strategy was not formulated during 2019/2020, it will be formulated in 2020/2021. Council has been active in the economic development space during COVID-19 including activities such as:

- Partnering with Destination Country and Outback to deliver a Tourism Recovery webinar series for free to industry.
- Developing economic stimulus capital works package aimed at redeveloping and rejuvenating the City's CBD, O'Neill Park Sports Complex and Queen Elizabeth Park. The tender for these projects will be designed to ensure as much labour/supplies as possible can be sourced locally to retain and grow employment as well as ensuring money is injected back into the Broken Hill economy.
- Advertising and Editorial in Inside Film – Industry location directory to attract filming to Broken Hill / Silverton (July 2020 release).
- Invested \$120,000 in Strategic Tourism Marketing with DNSW.
- Continual advocacy and support to allow new business/industries to transition to Broken Hill.
- Economic Development activities to attract new industries to Broken Hill.
- Subdivision of Airport landside land to allow for sale and commercial leases of industrial and commercial land. Currently the airport is all on one lot, which discourages investment.
- Expansion of the industrial area to allow for growth in commercial and industrial businesses. There is currently a high demand for this land with minimal supply.

#### 2.1.8 Work closely with the newly established Far West Joint Organisation for successful regional outcomes

Action Title: 2.1.8.1 Support the initiatives that are endorsed by the Far West - South Joint Organisation

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
General Manager	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN


#### Action Progress Comments:

Council is a key supporter and driver of the Far West Joint Organisation initiative and Council's General Manager has taken a lead role in supporting the new CEO and member councils. Distance presents some logistical difficulties however, face to face meetings and the use of technology to hold shorter meetings, continues to be a key component for ongoing success.



### 2.1.9 Promote a strategic approach to improve transport services

Action Title: 2.1.9.1 Advocate for improved air and rail services through active lobbying and participation in government inquiries

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
General Manager	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN


#### Action Progress Comments:

A key component of Council's adopted Advocacy Strategy is to advocate for improved air and rail services for the City. The ongoing push to redevelop the Broken Hill Regional Airport, recent introduction of bus service by Transport NSW to Adelaide and Mildura, regular meetings with Rex Airlines and regular discussions with Ministers about a second train service for Broken Hill, ensure that each of these key priorities identified in the Advocacy Strategy, remain front and centre in government thinking.

### 2.2 We are a destination of choice and provide a real experience that encourages increased visitation

#### 2.2.1 Heritage Festival continues to grow and become nationally recognised

Action Title: 2.2.1.1 Facilitate an annual Heritage Festival


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Events Coordinator	In Progress	01-Jul-2019	30-Jun-2020	60.00%	100.00%	 RED

#### Action Progress Comments:

2020 Heritage Festival was cancelled due to COVID-19 pandemic. Planning in progress for 2021 event.

#### 2.2.2 Develop the Visitor Experience in an efficient and effective manner

Action Title: 2.2.2.1 Develop Business Plan for Visitor Information Centre


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Visitor Services Coordinator	In Progress	01-Jul-2019	30-Jun-2020	20.00%	100.00%	 RED

**Action Progress Comments:** Council's Visitor Services Coordinator is currently developing a business plan for the Broken Hill Visitor Information Centre (VIC) with support from Council's City Growth Coordinator. The business plan will set a clear vision for the future of the service and goals to be achieved over the next three years. It's pertinent due to the complex and fast changing nature of tourism and tourism services in Australia to clarify the VIC's position in Broken Hill's tourism and economic landscape. The plan will take into consideration the newest developments in visitor servicing in Australia. Templates from the Visitor Information Centre Network have been investigated for use for the business plan. Due to the COVID-19 pandemic and the related interruptions to the service, the completion of the business plan has been carried over to the 2020/2021 Operational Plan.

Action Title: 2.2.2.2 Develop cooperative Marketing Campaign for Broken Hill with Destination NSW						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
City Growth Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:**  
Cooperative Marketing Campaign between Broken Hill City Council (BHCC), Central Darling Shire and Destination NSW (DNSW) was developed and launched in February 2020. BHCC contributed \$120,000 from the 2018/19 budget to the campaign. The following milestones have been achieved: - Fortnightly meetings with Council working group, DNSW, Destination Country and Outback; - Australian Tourism Warehouse Database audit conducted to understand current gaps in local tourism product online and amend. Visitor Information Centre team have assisted industry to bring listings up-to-date; - Strategic approach signed off by all stakeholders; - DNSW has been in region to update photography and filming for campaign; - Digital Marketing workshop held on 8 August 2019 with over 40 local and regional stakeholders; - Tourism industry workshop and update held with DNSW 3 December 2019. BHCC has contributed a further \$100,00 from the 2019/20 budget for a Broken Hill specific marketing campaign.

**2.2.3 Develop the Civic Centre Business to be a self-sufficient profit making enterprise**

Action Title: 2.2.3.1 Develop Marketing Plan for Civic Centre						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Events Coordinator	In Progress	01-Jul-2019	30-Jun-2020	30.00%	100.00%	 RED

**Action Progress Comments:** Marketing Plan for Civic Centre under development. Full review required due to COVID-19 pandemic and launch of Civic Centre Facebook page. To be completed by 30 December 2020.

Action Title: 2.2.3.2 Develop Business Plan for Civic Centre						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Events Coordinator	In Progress	01-Jul-2019	30-Jun-2020	90.00%	100.00%	 GREEN


**Action Progress Comments:**  
Business Plan for Civic Centre almost complete. Financial figures, final proofing and layout to be completed by 30 August 2020.

### 2.3 A supported and skilled workforce provides strength and opportunity

#### 2.3.1 Accessing education and training providers and facilities locally

Action Title: 2.3.1.1 Continue funding for school based and apprentice/ trainees through government funding						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2019	30-Jun-2020	30.00%	100.00%	 RED


**Action Progress Comments:**  
Elsa Dixon Aboriginal Employment Grants is a funding program for Aboriginal and Torres Strait Islander Year 11 high school-based students, to commence a School Based Traineeship related to one of their Higher School Certificate subjects. Council's Elsa Dixon Aboriginal Employment Grants funding applications will be submitted in by August 2020, to commence recruitment in October 2020.

Action Title: 2.3.1.2 Develop a program to provide a career path at Council and local employment for Aboriginal and Torres Strait Islander community members						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:** Council is investigating career and succession planning through Elsa Dixon Aboriginal Employment Grants opportunities. Elsa Dixon is a funding program for Aboriginal and Torres Strait Islander Year 11 high school-based students to commence a School Based Traineeship related to one of their Higher School Certificate subjects.

### 2.3.2 The Library supports formal and informal learning

Action Title: 2.3.2.1 Review and develop digital literacy programs

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Library Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN


**Action Progress Comments:**



Renew Libraries funding provided opportunity to purchase and install new software for the Library. Databases and websites were promoted regularly to the community. The Busythings and Busycodes software was purchased in September 2019 and is accessible to the community within the Library and externally via the Library website. Digital literacy programs were held regularly in the Library with Be Connected one on one sessions and Computer Club held each Thursday for Seniors and Adults during July to December 2019. A Children's coding club was trialled in May 2019 and further sessions planned for 2020. School holiday programs have included a Tech Tuesday session with Spheros and Beebots. eSmart Library certification aimed to be implemented by December 2020.

COVID-19 has impacted upon this service delivery as all physical contact, face to face contact and physical programs were suspended on 20 March 2020. Resources have been redirected into online and social media programs. All program delivery whether online or in house have built in flexibility to adjust to differing abilities, ages and needs. Additional online resources such as eBooks, eAudio, eFilm and eMagazines were purchased to enhance digital 24/7 online library service whilst Library was physically closed. As service delivery towards online resources has provided an alternative service provision made possible by COVID-19, further digital services and programs will be explored in 2020/2021.

### 2.3.3 Foster partnerships with tertiary institutions to bring scarce skills to the City

Action Title: 2.3.3.1 Establish conservation and curatorial internship program

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Gallery and Museum Manager	In Progress	01-Jul-2019	30-Jun-2020	50.00%	100.00%	 RED

<b>Action Progress Comments:</b>						
Successful placement of conservation intern from the University of Melbourne (in mid-2019). This placement however, relied on external funding that the University received. After discussions with the academics from the University of Melbourne they currently do not have the funding for this and are investigating additional funding.						
Action Title: 2.3.3.2 Explore grant opportunities for Aboriginal and Torres Strait Islander youth programs at the Gallery						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Gallery & Museum Program Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b>						
External funding for FRESHbark and other Aboriginal and Torres Strait Islander Education programs were investigated. Applications to the Murray Darling Basin Authority Community Grants were made in partnership with Menindee Central School; The Broken Hill Regional Art Gallery supported this project to ensure Far West Schools can continue to access and use the workshop space. The Gallery applied for triennial funding through CreateNSW, still awaiting announcements due to COVID-19 and Bushfires. Creative Koori funding parameters have changed slightly with a re-structure of CreateNSW funding, however, if individuals of Aboriginal background approach the Gallery, support can be provided to their application to co-deliver programs at the Broken Hill Regional Art Gallery, in an ongoing capacity. Our partnership with Art Gallery of New South Wales will continue; a program supported through a private benefactor.						
Action Title: 2.3.3.3 Explore opportunities to partner with institutions for archives and library services						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Library Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b>						
Investigations into opportunity to partner with institutions for archives and library services were ongoing. Library Coordinator maintained relevant contacts through professional meetings and networks. Library - Council's Community Engagement Library Technician attended Blackwood Library, Woollahrah Library in Sydney and Coventry Library in Adelaide in early 2019, for						

professional development and to investigate aspects of their library services. Council's Technical Services Library Technician investigated services such as, digital literacy programs.

Archives - Council's Library Coordinator Met with Kate Gahan, Museum Adviser as to possible opportunities in May 2020. Contacts have been made with University of Sydney, State Library NSW, Archive and Records NSW and Museum and Galleries NSW. Resignation of Archive Officer enabled a number of discussions with Art Gallery and Museum as to options for this position. An upgraded temporary position for an Archivist was approved for the 2020/2021 budget prior to COVID-19. Due to COVID-19 the Archive position will remain vacant in 2020/2021 budget period.

A Cultural Plan proposal, developed by Broken Hill City Council will provide an opportunity for Library and Archive to be an active participant in this area.

The existing State Archive and Records Authority of NSW Distributed Management Agreements are outdated; with a new updated Distributed Management Agreement for Regional Archives Centres being reviewed. Broken Hill Outback Archive is considered a Regional Archive Centre. The new draft generic Distributed Management Agreement for Regional Archives Centres provides greater clarity in a number of areas including insurance, valuation requirements and provision of support. The new agreement will bring all Regional Archives Centres to a consistent footing and reflects a more modern approach to these arrangements.




Dr James T. Farley, Lecturer in Photography and Director of H.R. Gallop Gallery, School of Communication and Creative Industries at the Charles Sturt University in Wagga Wagga NSW, has been in contact with the Manager Art Gallery and Museum, Museum Curator and the Library Coordinator as to a research grant opportunity regarding the Wooler Glass Negatives held in the Outback Archives. He has applied for grant funding and will inform if he is successful as to researching and promoting this valuable collection.

As opportunities arise, the Library will continue to investigate and explore how these may benefit Council and the community.

## KEY DIRECTION 3 - OUR ENVIRONMENT


### 3.1 Our environmental footprint is minimised

#### 3.1.1 Review Waste Management Strategy and implement actions to reduce environmental footprint

Action Title: 3.1.1.1 Finalise construction of the Waste Transfer Station						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
General Manager	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> The final occupation certificate was issued for the Waste Transfer Station in December 2019, so the project is considered complete. This project is a legacy project that from inception was poorly planned and poorly managed. The difficulties encountered in its planning and management; and ultimately its delivery, has presented opportunities to learn and inform improved tender process, procurement process, contract management and project delivery. The learnings have been applied to projects Council currently has under way and is allowing the organisation the opportunity to continually improve in how it delivers outcomes for the community.						
Action Title: 3.1.1.2 Investigate purchase of compactor						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Projects Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> The tender for a new Articulated Landfill Compactor is complete, with the compactor to arrive from the manufacturer in July 2020.						
Action Title: 3.1.1.3 Provide community education to support the introduction and ongoing management of the Waste Transfer Station						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Waste & Sustainability Manager	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:**


The development and delivery of community information to support the introduction of the Waste Transfer Station (WTS) was conducted during the report period. This included a media release resulting in radio and television interviews to educate the public on the WTS and recycling facilities within the Waste Management Facility. Additionally, signage to inform public of what and where to place a variety of materials has been installed around the recycling loop and the WTS. A brochure regarding the use of the WTS, fees, opening times, recycling options and a map to assist with locations to deposit recyclable and non-recyclable materials was designed and printed and made available for the public. Weighbridge Operators were also provided with the information to assist with the verbal delivery of necessary information regarding the use of the WTS.

Action Title: 3.1.1.4 Investigate potential for conversion of shredded tyres to road base						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Waste & Sustainability Manager	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:**

An investigation into the potential for conversion of shredded tyres for road base was conducted. Communications with GCM Enviro and ELB Equipment resulted in obtaining specific machinery requirements, with costings for the shredding of tyres. This information has been passed onto the Chief Financial Officer for consideration. Further internal expertise on the shredded tyre conversion is located within the Infrastructure Unit.

**3.1.2 Implement outcomes outlined in Sustainability Strategy**

Action Title: 3.1.2.1 Contract energy audits on the Administration Building, Art Gallery and Civic Centre, including recommendations on reducing gas consumption						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN


**Action Progress Comments:**

Recommendations on reducing gas and electricity will be actioned as part of life cycle replacement of air-conditioning systems and controls upgrades. The 2019/2020 budget for air-conditioning controls upgrade for Council's Administration Building, Art




Gallery and Civic Centre was adopted by Council. These upgrade works will be completed in August 2020. After which, air-conditioning system upgrades will be taken up in the next 3-year period.

Action Title: 3.1.2.2 Investigate, plan and install lighting controls such as timers, sensors and master switches for the Administration Building, Art Gallery and Civic Centre

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	Not Started	01-Jul-2019	30-Jun-2020	0.00%	100.00%	 RED


**Action Progress Comments:** This Action has been carried over to 2020/2021 Operational Plan.

Action Title: 3.1.2.3 Develop guideline for including energy efficiency in the planning for all new Council buildings or Council building upgrades


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:** Council's Asset Management Strategy and Policy stipulate that all new Council buildings or Council building upgrades require energy consumption and efficiency as part of planning. Therefore, planning for new Council buildings and/or Council building upgrades will be in line with the Strategy and Policy.

Action Title: 3.1.2.4 Develop maintenance program to ensure that water infrastructure is maintained to optimum efficiency


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:** Azility software designed to monitor and report on water and electricity usage implemented, with Council's Asset Officers trained to review monthly consumption data and liaise with Council's Plumber on a monthly basis, reviewing the maintenance plan to ensure the consumption is accurate and fix identified issues.

Action Title: 3.1.2.5 Investigate the option to implement hybrid cars into Council light fleet as part of fleet replacement						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Projects Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> Council procured a Toyota Hybrid Camry during November 2019. The vehicle has been included in Council's Fleet pool.						

### 3.2 Natural flora and fauna environments are enhanced and protected

#### 3.2.1 Develop the Crown Land Management Plan and review the Living Desert Management Plan as required

Action Title: 3.2.1.1 Develop a maintenance plan consistent with managing the Living Desert Flora and Fauna Sanctuary (LDFFS) as an attraction and facility which encourage visitors to the Living Desert Reserve						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Acting Manager City Development and Planning	In Progress	01-Jul-2019	30-Jun-2020	25.00%	100.00%	 RED
<b>Action Progress Comments:</b> This Action has been revoked pending the development of Plans of Management for Crown Reserves managed by Council. The new Crown Land Management Act 2016 commenced 1 July 2017. One of the requirements of this new Act is for Council to prepare Plans of Management for all Council managed Crown Reserves, including the Living Desert Flora and Fauna Sanctuary. Council is preparing new Plans of Management and will review and update the Living Desert Management Plan and maintenance as part of this process.						

Action Title: 3.2.1.2 Confirm licensing requirements for the management of the Living Desert Flora and Fauna Sanctuary under the Biodiversity Conservation Act 2017						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Acting Manager City Development and Planning	In Progress	01-Jul-2019	30-Jun-2020	25.00%	100.00%	 RED
<b>Action Progress Comments:</b> This Action has been revoked pending the development of Plans of Management for Crown Reserves managed by Council. The new Crown Land Management Act 2016 commenced 1 July 2017. One of the requirements of this						

new Act is for Council to prepare Plans of Management for all Council managed Crown Reserves, including the Living Desert Flora and Fauna Sanctuary. Council is preparing new Plans of Management and will review and update the Living Desert Management Plan and licensing as part of this process.

### 3.2.2 Review and implement outcomes identified in the Noxious Weeds Program

Action Title: 3.2.2.1 Implement the Western Land Services Weeds Management program						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets & Infrastructure	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> Weeds inspection undertaken and program to eradicate weeds has been developed in discussion with Western Local Land Care NSW and local Broken Hill farmers. Council undertook weed eradication in the Willyama Common by introducing biological agents to fight the infestation with success. Funding application has been submitted to Weeds and Pest Grant 20/21 for remaining mechanical eradication works.						

### 3.3 Proactive, innovative and responsible planning supports the community, the environment and beautification of the City

#### 3.3.1 Investigate and cost spin of strategies from the Cultural Framework for greening the City


Action Title: 3.3.1.1 Trial installation of mature trees in priority areas of the City						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Assets Planner-Parks & Open Spaces	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN
<b>Action Progress Comments:</b> First trial of planting advanced trees in the City commenced in the winter months of 2019, with four Fraxinus Claret Ash species being trialled on the Beryl Street side of Council's Administrative Centre. Progression of the trial has been a success and the selected species have taken to the site. This planting will continue to be monitored to ensure its sustainability.						

## KEY DIRECTION 4 - OUR LEADERSHIP

### 4.1 Openness and transparency in decision making

#### 4.1.1 Support the organisation to operate its legal framework


Action Title: 4.1.1.1 Development of Governance Framework, adopting best practice principles for governance arrangements and culture

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	In Progress	01-Jul-2019	30-Jun-2020	70.00%	100.00%	 AMBER

#### Action Progress Comments:

Corporate Services participated in the production of information required by Council's auditor in the Governance Lighthouse Review, October 2019. The review established a sound platform and a gap analysis tool to assist in the development of a Governance Framework. The structure of the Framework has been developed; the document is now under continuous development and collaboration with key stakeholders in the organisation, for its completion as per Council's Operational Plan 2020/2021.

Action Title: 4.1.1.2 Work with NSW Electoral Commission to carry out Local Government Elections


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Director Corporate	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

#### Action Progress Comments:

Council resolved to accept NSW Electoral Commission to conduct 2020 Council Election. Electoral Commission contract signed by General Manager and forwarded to Electoral Commission in December 2019. Office of Local Government circulated Councils on 25 March 2020 advising of deferment of September 2020 elections. Confirmation received from Office of Local Government on 29 June 2020 advising that elections would be held on 4 September 2021. Council will continue to work with NSW Electoral Commission to conduct the 2021 Council election as the contract remains in place and was not required to obtain another Council resolution.

**4.1.2 Develop, implement and embed a structured and holistic approach to the management of risk at all levels of the organisation and all business activities of Council**


Action Title: 4.1.2.1 Complete implementation of first stage of Enterprise Risk Management Continuous Improvement Program

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Risk Coordinator	In Progress	01-Jul-2019	30-Jun-2020	80.00%	100.00%	 AMBER

**Action Progress Comments:**

Draft Enterprise Risk Management Policy, Framework and Improvement Strategy completed in conjunction with Executive Leadership Team.  
 Reported to Council's Audit, Risk and Improvement Committee on 18 November 2019. Updated Enterprise Risk Management Policy presented to Council at the December 2019 Ordinary Council meeting on 11 December 2019.  
 Final Draft Documentation delayed due to COVID-19 Pandemic Management responsibilities, now scheduled for completion September 2020.

Action Title: 4.1.2.2 Initiate stage 2 of the Enterprise Risk Management Plan


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Risk Coordinator	In Progress	01-Jul-2019	30-Jun-2020	86.00%	100.00%	 AMBER

**Action Progress Comments:**

Review and update of Council's Safe Work Instruction Procedures Library, which has in excess of 150 documents, in progress. Full release of final approved documents to Council workforce scheduled for 28 February 2020. Set up and installation of online automated incident reporting system using Vault IQ software, with a total 80% completed and system is operating live to all Council employees for incident/accident and hazard reporting. Formal training in system use scheduled to be completed with all Council employees by 28 February 2020.  
 Final Safe Work Instruction Procedures Library release delayed due to COVID-19 Pandemic Management responsibilities, now scheduled for completion July 2020, in hard copy and access electronically via Council's intranet.


**4.1.3 Ensure a robust Safety Management System (SMS) is in place which supports our workforce to operate in a safe and sustainable way**

Action Title: 4.1.3.1 Implement online, safety and risk reporting system available to every employee of Council

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Risk Coordinator	In Progress	01-Jul-2019	30-Jun-2020	70.00%	100.00%	 AMBER


**Action Progress Comments:**  
Vault IQ Incident Reporting and Risk Management software operational and available by personal computer and mobile telephone device application to all Council employees. Testing of Vault IQ system completed with selected work teams and team leaders. Full system roll-out and final training in use for all Council employees delayed due to COVID-19 pandemic, now scheduled to be completed in September 2020.

Action Title: 4.1.3.2 Undertake gap analysis of Safety Management System in high risk compliance areas eg fall arrest system, lifting equipment, compliance accreditation gap analysis

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Risk Coordinator	In Progress	01-Jul-2019	30-Jun-2020	52.00%	100.00%	 RED

**Action Progress Comments:**  
Review of high-risk compliance areas completed and findings reported to Executive Leadership Team for action in the following areas of  
Fall arrest systems on Council buildings: - Working at heights by Council employees; - Lifting equipment on mobile plant.  
Full review of mandatory training/accreditation required by Council employees was scheduled to be completed by 30 March 2020 however, due to COVID-19 pandemic management responsibilities will now be completed by 30 September 2020.


Action Title: 4.1.3.3 Control effectiveness is reported

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Risk Coordinator	In Progress	01-Jul-2019	30-Jun-2020	37.00%	100.00%	 RED

**Action Progress Comments:** Auditing by Risk Management Team commenced at selected Council sites. Findings reported to Executive Leadership Team member with management responsible for each site, including operational compliance against WHS

Act 2011 and appropriate Australian Standards. Full monthly Auditing and Assurance Program due to commence by 30 March 2020, once endorsed by General Manager and adopted by Council.  
Implementation of auditing program delayed due to COVID-19 pandemic management responsibilities, now scheduled to recommence by 30 September 2020.

Action Title: 4.1.3.4 Review Council's Injury Management plan to support "recover at work" principles and manage high risk work

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN


**Action Progress Comments:**

The Injury Management Plan and Policy was reviewed and Council has achieved legislative compliance in Injury Management, with a revised and adopted policy and plan/program that was accepted and signed off by the State Insurance Regulatory Authority (SIRA). All high risk works undertaken by Council have current Safe Work Method Statements (SWMS) for industry best practice. Council employees use Job Safety Analysis (JSA) worksheets to risk assess all works before commencement and score the work with a risk rating before commencing work.

**4.2 Our leaders make smart decisions**

**4.2.1 Provide learning and networking opportunities for elected members**

Action Title: 4.2.1.1 Councillors have accessed and implemented individual learning plans

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Executive Support Officer	Completed	01-Jul-2019	30-Jun-2020	100.00%	100.00%	 GREEN

**Action Progress Comments:** Councillors have been set up and given access to Local Government NSW Professional Development In A Box, so they can keep track of their training and access any new opportunities. Contact has also been made with Local Government NSW to provide quotes for facilitators to come to Broken Hill to provide further Councillor Training. Councillors completed Chairing and Effective Meeting Procedures training in June 2020 via Zoom video conference with Local Government NSW facilitating. Risk Procedures Training will be scheduled when the COVID-19 pandemic is cleared. This has been moved to 2020/2021.


### 4.3 We unite to succeed in Australia's first heritage listed city

#### 4.3.1 Develop a strategy to protect Broken Hill Heritage Assets

Action Title: 4.3.1.1 Develop the National Heritage Values Planning Framework						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Acting Manager City Development and Planning	In Progress	01-Jul-2019	30-Jun-2020	75.00%	100.00%	 AMBER
<p><b>Action Progress Comments:</b> Heritage Advisor was appointed at the September 2019 Council meeting, minute number 46096. Heritage Advisor commenced with the development of a project plan with the following key dates identified: - Development of Framework and Themes 31 January 2020; - Consultation with relevant Council staff, State Government and Federal Government 30 March 2020; - Prepare initial draft report and submit progress report to Grant authority 30 May 2020; - Finalise material for final review August 2020; - Final report 30 September 2020.</p>						

### 4.4 Our community is engaged and informed

#### 4.4.1 Facilitate engagement activities to determine the community's long term vision

Action Title: 4.4.1.1 Undertake stakeholder and community engagement to review and update the Community Strategic Plan in preparation for the Council elections in 2020						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Manager Communications	In Progress	01-Jul-2019	30-Jun-2020	60.00%	100.00%	 RED
<p><b>Action Progress Comments:</b> Blackadder Associates were engaged to deliver a high-level Assumptions Paper, conduct an Intensive Community Engagement programme and deliver a draft 'Our Broken Hill 2040 Community Strategic Plan'. Stakeholder groups identified and stakeholder engagement workshop sessions were held on 5 March 2020 for Council staff, Industry, Open Community, Volunteers, Arts and History, Social/Aged/Disability, First Responders, Health and Human Services, Economic Development and 6 March 2020 for Economic Development, Justice, Aboriginal Community, Early Childhood, Environment - Built and Natural, Sporting Groups,</p>						



Education, Health and Wellbeing, Leadership and private interviews. Further community engagement sessions and pop-up kiosks were planned to be held however, COVID-19 restrictions postponed these, requiring further development for additional stakeholder and community engagement in 2020/2021. From the Assumptions Paper and notes collected at the stakeholder engagement sessions, Blackadder and Associates provided an interim discussion/progress paper in May 2020. In order to progress the Community Strategic Plan timeline, a decision was made to conduct an online survey scheduled for September 2020, targeting those who attended the engagement sessions in March 2020. A series of questions have been created to extend the ideas of those that attended the engagement sessions and incorporate further inclusions or changes influenced by the COVID-19 pandemic. Due to the COVID-19 pandemic, Council elections will now be held in September 2021, as advised by the Office of Local Government.

## ORDINARY MEETING OF THE COUNCIL

August 6, 2020

**ITEM 4**BROKEN HILL CITY COUNCIL REPORT NO. 110/20

SUBJECT: 2017-2021 DISABILITY INCLUSION ACTION PLAN KEY  
PERFORMANCE INDICATORS PROGRESS REPORT FOR  
PERIOD ENDING 30 JUNE 2020 16/82

**Recommendation**

1. That Broken Hill City Council Report No. 110/20 dated August 6, 2020, be received.
2. That Council adopt the Disability Inclusion Action Plan 2017-2021 – Key Performance Indicators Progress Report for the reporting period ending 30 June 2020.

**Executive Summary:**

The NSW *Disability Inclusion Act 2014* aims to achieve the goal of ensuring people with disability achieve full inclusion in community life. Under the Act, the NSW Government required all councils to implement a Disability Inclusion Action Plan (DIAP) by July 2017. Council's DIAP was developed according to the legislative requirements described in the Act and adopted on 28 June 2017.

The Disability Inclusion Action Plan Monitoring Group provides a forum for relevant stakeholders and representatives to monitor the progress of Council's four-year plan to achieve the requirements of the NSW *Disability Inclusion Act 2014*.

**Report:**

This report relates to progress of Actions within the plan, for the period ending 30 June 2020.

A total of 78 performance action targets are set within Council's DIAP 2017-2021. The plan is in its third year of its four-year duration and shows the targets set for achievement of actions. The report provides an indication of performance against targets set for the last 12 months and includes those actions already achieved in previous years.

A snapshot of the Action KPIs for the third year of the four-year plan indicates 61 Actions are "On Track", 16 Actions are "Off Track" and 1 Action showing as "Monitor". In total, 31 out of 78 Actions are reported as 'Completed', 41 out of 78 Actions reported as 'In Progress' and 6 out of 78 Actions reported as 'Not Started'. A legend table to explain the performance descriptors can be found on the next page of this report.

**DISABILITY INCLUSION ACTION PLAN SNAPSHOT – 1 JULY 2017 – 30 JUNE 2020**

<b>ACTION SUMMARY</b> By Performance  <hr/> <b>62</b> On Track  <hr/> <b>15</b> Off Track  <hr/> <b>1</b> Monitor  <hr/> <b>0</b> Not Applicable	<b>79.5% On Track</b>	At least 90% of action target achieved
	<b>39.7% Completed</b>	31 out of 78 Actions are completed
	<b>1.3% Monitor</b>	Between 70% and 90% of action target achieved
	<b>53.8% In Progress</b>	42 out of 78 Actions are still in progress
	<b>19.2% Off Track</b>	Less than 70% of action target achieved
	<b>6.4% Not Started</b>	5 out of 78 Actions have not been started

**Community Engagement:**

The 2017-2021 Disability Inclusion Action Plan was placed on exhibition, for a period of 28 days to allow for public comment, on 26 April 2017.

The Disability Inclusion Action Plan progress report for the period ending 30 June 2020, will be placed on Council’s website following adoption by Council.

**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:**

- Disability Inclusion Act (NSW) 2014*
- Disability Discrimination Act (Commonwealth) 1992*
- Local Government Act 1993*
- Integrated Planning and Reporting Framework

**Financial Implications:**

The DIAP is included in the Integrated Planning and Reporting Framework, with actions identified in the Delivery Program, in accordance with Council’s Long Term Financial Plan, annual Operational Plan and annual budget processes.

**Attachments**

1. 2017-2021 Disability Inclusion Action Plan - Key Performance Indicators Progress  
[↓](#) Report ending 30 June 2020

RAZIJA NU'MAN  
DIRECTOR CORPORATE

JAMES RONCON  
GENERAL MANAGER



# 2017-2021 DISABILITY INCLUSION ACTION PLAN - KPI PROGRESS REPORT ENDING 30 JUNE 2020

Broken Hill City Council

## OVERVIEW

### ACTION SUMMARY

By Performance

**62** On Track

**15** Off Track

**1** Monitor

**0** Not  
Applicable

### ACTION PLANS



**GREEN**

At least 90% of action target  
achieved



**AMBER**

Between 70% and 90% of action  
target achieved

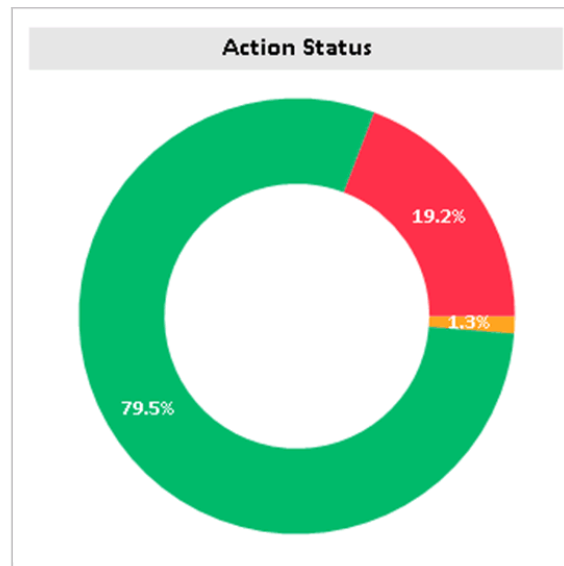


**RED**

Less than 70% of action target  
achieved

—

No target set



### Action Progress Against Targets


78 actions reported on  
62 At least 90% of action target  
achieved  
01 Between 70% and 90% of action  
target achieved  
15 Less than 70% of action target  
achieved  
00 actions with no target set


## DISABILITY INCLUSION ACTION PLAN 2017-2021

### 1 Attitudes and Behaviours

#### 1.1 Support positive attitudes towards inclusion amongst our Council staff


##### 1.1.1 All Council staff have an awareness of what inclusion means

Action Title: DIAP A1.1.01 - Develop in-house training materials on inclusion of people with disability						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2017	30-Jun-2021	25.00%	75.00%	 RED
<b>Action Progress Comments:</b> Awareness training materials for inclusion in induction and/or refresher courses under development. This has been deferred until 2020/2021 as it will be included in Council's review of its Corporate Orientation and Onboarding induction process.						

Action Title: DIAP A1.1.02 - Deliver induction sessions that encompass the topic of inclusion of people with disability						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2017	30-Jun-2021	25.00%	75.00%	 RED
<b>Action Progress Comments:</b> Inclusion awareness training to be incorporated into review of induction processes. This has been deferred until 2020/2021 as it will be included in Council's review of its Corporate Orientation and Onboarding induction process.						

Action Title: DIAP A1.1.03 - Develop and implement an annual training program that promotes inclusivity						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	Not Started	01-Jul-2017	30-Jun-2021	0.00%	0.00%	 GREEN
<b>Action Progress Comments:</b> Annual Training program development re-scheduled for 2020/2021. This has been deferred until 2020/2021 as it will be included in Council's review of its Learning and Development Framework process.						

Action Title: DIAP A1.1.04 - Incorporate disability awareness and person centred communication in the Customer Service Framework

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	0.00%	 GREEN


**Action Progress Comments:**

Documentation within the Customer Service Framework includes sections on Inclusion and Accessibility and incorporates awareness and effective communication with customers who may have disability.

**1.2 Train Council staff to respectfully, confidently and effectively communicate with people with disability**

**1.2.1 Council staff are confident and skilled in communicating with people who have disability**


Action Title: DIAP A1.2.01 - Provide key Council staff in Corporate Services, Human Resources and Planning, Development & Compliance training in creating alternative document formats in Word, PDF, PowerPoint (as a minimum)

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2017	30-Jun-2021	10.00%	0.00%	 GREEN

**Action Progress Comments:**

All new and revised existing documentation is being reviewed by Corporate Services to ensure that compliance for alternative formats is made available under disability inclusion requirements. Training in creating alternative document formats to be further investigated.


Action Title: DIAP A1.2.02 - Provide Information Services, Digital Officer and other staff who may be required to update web pages with training in web content and design compatible with Web Content Accessibility Guidelines (WCAG) 2.0

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	0.00%	 GREEN

**Action Progress Comments:**

Website Content Accessibility Guidelines awareness and compliance forms a standard part of Social Media, Open Forms, and Open Cities training provided to content creators. Open Forms training has been delivered to 22 staff over 8 sessions to 31 December 2018.


Action Title: DIAP A1.2.03 - Support the Assets and Infrastructure team to enhance disability confidence and communication skills in order to effectively engage people with disability in the Pedestrian Access Mobility Plan (PAMP) and the Traffic Committee

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	Completed	01-Jul-2017	30-Jun-2021	100.00%	0.00%	 GREEN

**Action Progress Comments:**

Included in weekly team meetings and liaising with community in responding to CRMs


Action Title: DIAP A1.2.04 - Provide Council staff from Library, Events, GeoCentre and Art Gallery with opportunities to gain awareness of the needs of children with autism (and the needs of their parents, caregivers and siblings)

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2017	30-Jun-2021	50.00%	75.00%	 RED

**Action Progress Comments:**

Staff attended planned lecture from Tony Attwood on 22 February 2018. Further autism awareness training activities to be scheduled.


Action Title: DIAP A1.2.05 - Provide GeoCentre, Library, events and Art Gallery staff with skills (via training or partnership with parents and/or experienced professionals) to create Social Stories that will assist children with autism, or children who experience anxiety, to be involved in groups or formal program activities

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2017	30-Jun-2021	50.00%	75.00%	 RED



**Action Progress Comments:** Staff attended planned lecture from Tony Attwood on 22 February 2018. Survey of Council staff attending the autism awareness (increasing confidence developing Social Stories relating to programs and events) to be undertaken; scheduled for 2020/2021.

Action Title: DIAP A1.2.06 - Expand awareness and/or training programs for Council staff across the organisation to ensure all services can be delivered in an inclusive manner


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2017	30-Jun-2021	10.00%	0.00%	

**Action Progress Comments:** Rescheduled for 2020/2021.

### 1.3 Contribute positive media stories about what Council is doing to build inclusion with people with disability


#### 1.3.1 The community is aware of the activities Council is undertaking to progressively build greater inclusion of people with disability

Action Title: DIAP A1.3.01 - Provide regular media stories (including on social media) on the progress of the implementation of the DIAP

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Manager Communications	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	

**Action Progress Comments:** Disability Inclusion Action Plan referenced in relevant releases and statements.

Action Title: DIAP A1.3.02 - Source and provide stories to media on the experiences and/or opinions of people with disability with regards to the effectiveness of Council's strategies to build inclusion


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Manager Communications	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	

**Action Progress Comments:** Disability Inclusion Action Plan referenced in relevant releases and statements.

#### 1.4 Contribute to creating positive attitudes towards inclusion in Broken Hill community

##### 1.4.1 The community has a greater awareness of disability inclusion and the benefits of inclusion to the broader community


Action Title: DIAP A1.4.01 - Support disability awareness campaigns by displaying promotional posters in Council buildings and facilities (e.g. Autism Awareness, Mental Health Month, International Day of People with Disability and National Relay Service)

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Events Coordinator	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	 GREEN

**Action Progress Comments:**

Council has supported the NDIS information and preplanning hubs, National Reconciliation Week, Positive Partnerships Autism Awareness, Inclusive Tourism Online Learning (internal promotion), Stress Down Day and International Day of People with a Disability community event.


Action Title: DIAP A1.4.02 - Extend an invitation to YMCA staff, to join the autism awareness session and/or training provided to Library, Events, GeoCentre and Art Gallery staff

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2017	30-Jun-2021	50.00%	75.00%	 RED

**Action Progress Comments:**

- 80% targeted attendance at education/training sessions by YMCA staff - Invitation sent to education/training sessions to YMCA staff during 2019/2020.
- Evaluation by Council and YMCA staff attending autism awareness training indicates an increase in confidence in meeting the needs of children with autism and their families - Evaluation by Council and YMCA staff to be undertaken during 2020/2021.


Action Title: DIAP A1.4.03 - Extend an invitation to YMCA staff, to join the professional development opportunities relating to creating Social Stories for children with autism or who experience anxiety

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	Not Started	01-Jul-2017	30-Jun-2021	0.00%	0.00%	 GREEN

**Action Progress Comments:**

Scheduled for 2020/2021.

Action Title: DIAP - A1.4.04 - Library, GeoCentre and/or Art Gallery host programs and/or events that include disability as being part of the human experience and/or reflected in cultural artefacts

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Library Coordinator	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	 GREEN

**Action Progress Comments:**


The Library has established an Early Literacy collection for Indigenous; and new resources purchased regularly.  
 The Library has available technology and equipment improvements to assist in inclusion and accessibility.  
 Quiet Friday sessions held each month in the Library, for those with disability to attend the Library during this time.  
 Library attends NAIDOC planning meetings and participates in NAIDOC day in the park.  
 Programs provided in the Library are flexible to include people with disability to participate. LISK (Living Skills) programme participants attend the Library regularly.  
 Library Coordinator attended UTS Master Class "Building Indigenous Services and Collections" and will be implementing learnings into Library services.  
 The GeoCentre hosts the Annual Lifeline Art Exhibition.  
 COVID-19 - All Library programs were suspended on 20 March 2020; resources have been redirected into online and social media programs.  
 The Art Gallery hosted workshops for Maari Ma Health group clients. Gallery and Museum make regular adjustments to programs for people with disability to attend. Due to COVID-19 restrictions, workshops at the Gallery and Museum have not been taking place since late March 2020, however when the situation permits, the workshops will keep occurring with regular adjustments for people with a disability.

## 2 Liveable Communities

### 2.1 Progressively improve the accessibility of footpaths in Broken Hill LGA in consultation with people with mobility and vision related disabilities

#### 2.1.1 People with disability are consulted about the priority maintenance and upgrade of footpaths, kerbs, crossings and ramps in Broken Hill


Action Title: DIAP A2.1.01 - Write Terms of Reference for a PAMP Reference Group that includes purpose, duration, frequency, representation across Broken Hill and representational of various mobility types and parents/guardians of school aged children

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

#### Action Progress Comments:

PAMP Reference Group Terms of Reference have been drafted however, due to the lack of response from the public to participate in the PAMP Reference Group, the group will not progress. The whole community have been provided the opportunity to participate in the development of the PAMP through consultation sessions/workshops on the 5 December 2018 and further consultation on 15 August 2019 completed this process.


Action Title: DIAP A2.1.02 - Advertise for PAMP Reference Group members, and use contacts from industry and Government services to assist to fill all required representation positions

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

#### Action Progress Comments:


The PAMP Reference Group will not proceed due to lack of response following advertising. All future PAMP development activity will be reported to Council.

Action Title: DIAP A2.1.03 - Conduct meetings (using Accessible Meeting Guidelines) and report on PAMP progress and asking the PAMP Reference Group to provide feedback on the priorities listed in the PAMP

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN


**Action Progress Comments:** The PAMP has been incorporated into an Active Transport Plan as directed by the RMS. The Active Transport Plan will include a forward works program of footpath maintenance and upgrade works.

Action Title: DIAP A2.1.04 - Review the PAMP priorities and assessments based on input from the PAMP Reference Group

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	 GREEN

**Action Progress Comments:** Council received funding from Roads and Maritime Services (RMS) to develop a city-wide Pedestrian Access and Mobility Plan (PAMP) commencing in 2018/2019. The PAMP has been upgraded to an Active Transport Plan which also incorporates a bike plan. The project incorporates community consultation and development of a reference group, however advertising for participation for this group resulted in a lack of response. The reference group has been removed from the project and will now be communicated through Council. An invitation was extended to the community for public consultation sessions with representation from disability organisations. It is anticipated a prioritised forward works program will be made available in 2019/2020 ready for implementation in 2020/2021. Progress of the footpath works will be reported to Council.

Action Title: DIAP A2.1.05 - Inform the public of the consultation with the PAMP Reference Group and the priority list for maintenance or upgrade of PAMP related infrastructure

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN


**Action Progress Comments:** PAMP review as part of the Active Transport Plan underway. Council has actively prepared media releases for key stages of the project where relevant. During the community consultation phase, Council promoted the

completion of the community survey on social media. The General Manager undertook a radio interview explaining the project on the ABC Radio. Consultations completed.

## 2.2 Plan to progressively improve the accessibility of public toilets (including way finding)


### 2.2.1 People with disability are directly consulted about the priorities for enhancement of Council public toilets

Action Title: DIAP A2.2.01 - Write a Consultation Plan for a community consultation on Council public toilet maintenance and upgrade, and way finding priorities including: purpose and aim of the consultation; promotional plan to engage a broad range of relevant stakeholders (particularly mobility and vision related disability); draft consultation questions

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	In Progress	01-Jul-2017	30-Jun-2021	50.00%	30.00%	 GREEN

**Action Progress Comments:** Accessible public amenities fall partially under the umbrella of the PAMP as access to toilets is part of a pedestrian network and is currently underway. The provision of accessible toilets is a separate project to the PAMP which requires the development of a works program to be supported by the community. The Communications team to work with Infrastructure on a consultation plan to discuss the upgrade of public facilities for disability access. Audit is complete. Consultation to be done in 2020/2021.

Action Title: DIAP A2.2.02 - Advertise community consultation on accessible Council public toilets (maintenance and upgrade and way finding priorities), using industry and government contacts to assist to reach target audience

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	Not Started	01-Jul-2017	30-Jun-2021	0.00%	0.00%	 GREEN

**Action Progress Comments:** Advertisements to be carried out once a draft replacement schedule is developed for public amenities. Scheduled for 2020/2021.

**2.2.3 Current and accurate information on the location of Council accessible toilets is available to residents and visitors**

Action Title: DIAP A2.2.03 - Conduct community consultation on accessible Council public toilets (maintenance and upgrade and way finding priorities) using Accessible Meetings Guidelines

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	In Progress	01-Jul-2017	30-Jun-2021	53.00%	50.00%	 GREEN

**Action Progress Comments:** Public toilet upgrade was carried out in Patton Park 2019/2020, the design of the toilets was consulted on with the community and designed to comply with accessibility standards, codes and legislation, with Council installing a state-of-the-art accessible amenities block. For future replacements/upgrades of public amenities, the Infrastructure team is to develop a replacement schedule and type of toilet facility for public comment. It is aimed to have a replacement plan completed during 2020/2021.

Action Title: DIAP A2.2.04 - Review the PAMP priorities and assessments on accessible Council public toilet (including way finding) needs based on the community consultation results and other relevant data

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

**Action Progress Comments:** Mobility Plan as part of Active Transport Plan completed and adopted by Council.


Action Title: DIAP A2.2.05 - Progressively maintain or upgrade accessible Council public toilets (including way finding) based on the priorities identified following community consultation and other data

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	In Progress	01-Jul-2017	30-Jun-2021	75.00%	100.00%	 AMBER

**Action Progress Comments:** 75% audit completed on public toilets. Upon 100% completion and review, the program to inform future capital works.


**2.2.4 Suitable sites for the potential installation of adult change tables identified in consultation with people with disability and included as an addendum to the PAMP**

Action Title: DIAP A2.2.06 - Compile a PDF for each accessible Council public toilet describing the access features (including availability of adult change tables), and providing a picture of each toilet (to enable families of people with profound disability to decide on suitability of access for their needs)

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	In Progress	01-Jul-2017	30-Jun-2021	50.00%	50.00%	 GREEN


**Action Progress Comments:** The National Public Toilet Map [www.toiletmap.gov.au](http://www.toiletmap.gov.au) assists people with disabilities to know what toilets are actually accessible and where they are located. The online database includes all features of the Public Toilet and has the ability to include information such as the size of the toilet room, photos and other vital information. Research undertaken by the Corporate Services team indicated that the National Public Toilet Map was the preferred database by councils and other businesses. A link to the National Public Toilet Register has been included on Council's website under 'Facilities'. The National Public Toilet Register is updated regularly.

Action Title: DIAP A2.2.07 - Review map of accessible Council public toilets based on the information collected in A2.2.06

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strat Assets & Inf	Completed	01-Jul-2017	30-Jun-2021	100.00%	50.00%	 GREEN

**Action Progress Comments:** Public toilets are reviewed and linked to National Public Toilets Map Register.


Action Title: DIAP - A2.2.08 - Review the National Public Toilet Map including descriptions of access features described as important by the community consultation results

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strat Assets & Inf	Completed	01-Jul-2017	30-Jun-2021	100.00%	50.00%	 GREEN

**Action Progress Comments:** Public toilets are reviewed and linked to National Public Toilets Map Register.



Action Title: DIAP A2.2.09 - Identify suitable sites for the potential installation of adult change tables identified in consultation with people with disability and included as an addendum to the PAMP

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strat Assets & Inf	Completed	01-Jul-2017	30-Jun-2021	100.00%	50.00%	 GREEN


**Action Progress Comments:**

Council has been proactive in the installation of adult change tables at key locations such as at the Broken Hill Regional Aquatic Centre and the new Patton Park amenities block.

**2.3 Increase accessibility and inclusion of events held in Broken Hill and of Council meetings**

**2.3.1 Council staff are supported to increase or promote access and inclusion of events and meetings**


Action Title: DIAP A2.3.01- Council staff responsible for events are provided with professional development (and/or training) opportunities to enhance their knowledge and skills relating to organising accessible events

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Events Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	75.00%	 GREEN

**Action Progress Comments:**

Council departments share templates and resources internally on an ongoing basis.


Action Title: DIAP A2.3.02 - Source existing Accessible and Inclusive Event Guidelines for use within Council

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Events Coordinator	In Progress	01-Jul-2017	30-Jun-2021	50.00%	50.00%	 GREEN


**Action Progress Comments:**

Accessible and Inclusive Guidelines accessed as required from industry bodies and government agencies.


**2.3.2 People with disability have greater access to events hosted in Broken Hill LGA**

Action Title: DIAP A2.3.03 - Progressively incorporate Council's Access and Inclusion Plans into all civic events						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Events Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	75.00%	 GREEN
<b>Action Progress Comments:</b> All Civic events include disability access in the planning template.						

Action Title: DIAP A2.3.04 - Progressively develop Council's Accessible Event templates, guidelines, policies and/or procedures specific to the context of Broken Hill events						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Events Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	50.00%	 GREEN
<b>Action Progress Comments:</b> Accessible event guides being developed based on industry bodies and government agencies.						

Action Title: DIAP A2.3.05 - Make Council's Accessible Event Guidelines (including promotional information about drop off points and parking etc) available to event organisers booking Council owned sites						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Events Coordinator	In Progress	01-Jul-2017	30-Jun-2021	90.00%	50.00%	 GREEN
<b>Action Progress Comments:</b> Broken Hill Event Guide almost complete. Final proof reading and formatting to be undertaken by 30 August 2020.						

### 2.3.3 Access by people with disability attending meeting held at Council is specifically addressed and catered for

Action Title: DIAP A2.3.06 - Develop a Council Accessible Meetings checklist template to assist staff to cater for meeting participants who may have a disability						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

**Action Progress Comments:**  
 An Accessible Meeting Checklist has been researched and developed for communication and implementation in 2020/2021.

Action Title: DIAP A2.3.07 - Develop a process to ensure meeting requests or invitations consider the accessibility requirements of attendees						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

**Action Progress Comments:**  
 An Accessible Meeting Process has been researched and developed for communication and implementation in 2020/2021 and includes the Accessible Meeting Checklist.


### 2.4 Progressively increase accessibility and inclusion of places of recreation, learning and leisure

#### 2.4.1 People of all ages with disability have greater access to Library service, Art Gallery and GeoCentre

Action Title: DIAP A2.4.01 - Compile a PDF for Council buildings describing the access features of the building and the activities hosted in them						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strat Assets & Inf	In Progress	01-Jul-2017	30-Jun-2021	20.00%	50.00%	 RED

**Action Progress Comments:** Investigation of accessibility features of Council buildings underway and development of PDFs showing Council building access features and activities hosted within buildings to be developed in 2020/2021.

Action Title: DIAP A2.4.02 - Document the accessibility features of the Library, Art Gallery, Tourist and Travellers Centre and GeoCentre buildings and publish these in relevant locations (website, social media, intranet, tourism collateral and onsite)

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Director Corporate	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	 GREEN

**Action Progress Comments:**

The Art Gallery and GeoCentre introduced building access information in advertising and marketing information during July 2017 to June 2018.

Information had been uploaded to the Library webpage.


The Art Gallery has its own dedicated website with a page regarding access including building accessibility and all other appropriate information - <https://www.bhartgallery.com.au/Visit/Access>

The GeoCentre continues to include accessibility information in marketing material and will work towards including this on the website as well.

The Broken Hill City Library promotes sensory friendly afternoons for the community and has uploaded information regarding accessibility on the Library website - <https://www.brokenhill.nsw.gov.au/Facilities/Library/Library-services/Library-accessibility>.

The Broken Hill Visitor Information Centre displays accessibility information for the Tourist and Travellers Centre via the Australian Tourism Data Warehouse and the Broken Hill City Council website. Signage for ramps and disability parking is displayed at the facility.

Action Title: DIAP A2.4.08 - Art Gallery and/or GeoCentre workshops and/or activities provide adjustments enabling people with disability to attend


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Gallery and Museum Manager	In Progress	01-Jul-2017	30-Jun-2021	50.00%	75.00%	 RED

**Action Progress Comments:**

The Art Gallery hosted workshops for Maari Ma Health group clients. Gallery and Museum make regular adjustments to programs for people with disability to attend. Due to COVID-19 restrictions, workshops at the Gallery and Museum have not been taking place since late March 2020, however when the situation permits, the workshops will keep occurring with regular adjustments for people with a disability.


#### 2.4.2 Parents of children with disability access the Library

Action Title: DIAP A2.4.03 - Design Library activities and/or events that provide adjustments enabling people with disability to attend

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Library Coordinator	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	 GREEN

**Action Progress Comments:** The Library has available technology and equipment improvements to assist in inclusion and accessibility.  
Quiet Friday sessions held each month in the Library, for those with disability to attend the library during this time.  
Programs provided in the library are flexible to include people with disability to participate.  
LISK (Living Skills) programme participants attend the library regularly.  
The library is a space that is free, inclusive, diverse and available for all members of the community regardless of culture, religion, race, gender or socio-economic status.  
COVID-19 - All library programs were suspended on 20 March 2020, resources have been redirected into online and social media programs. All program delivery whether online or in house have built in flexibility to adjust to differing abilities, ages and needs.


Action Title: DIAP A2.4.04 -Work in partnership with families and/or service providers of children with autism to create suitable Library activities and/or events and programs (particularly in school holidays)

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Library Coordinator	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	 GREEN

**Action Progress Comments:**  
The Library has available technology and equipment improvements to assist in inclusion and accessibility.  
Quiet Friday sessions held each month in the Library, for those with disability to attend the library during this time.  
Programs provided in the library are flexible to include people with disability to participate.  
LISK (Living Skills) programme participants attend the library regularly.  
The library is a space that is free, inclusive, diverse and available for all members of the community regardless of culture, religion, race, gender or socio-economic status.

COVID-19 impacted upon this as all physical contact, face to face contact and physical programs were suspended on 20 March 2020. Resources have been redirected into online and social media programs. All program delivery whether online or in house have built in flexibility to adjust to differing abilities, ages and needs. As opportunities arise we will develop into our working practices.

Action Title: DIAP A2.4.05 - Develop a Social Story about going to the Library (or story time within the Library) to enable children with autism and children who experience anxiety to be more comfortable attending these places and events

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Library Coordinator	In Progress	01-Jul-2017	30-Jun-2021	85.00%	50.00%	 GREEN

**Action Progress Comments:**

The Library Social Story is in draft format and has been placed on hold as investigating how changes in facility and service delivery COVID-19 requirements are to be included in this. A social story uses photos and simple text to show children on the autism spectrum what to expect and how to behave in unfamiliar social settings. Once finalised, the Social Story will be available in hard copy and also available on the Library Web page.

Action Title: DIAP A2.4.06 - Support ATSI persons with disability to attend culturally safe and appropriate activities and/or events

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Library Coordinator	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	 GREEN


**Action Progress Comments:**

The Library has established an Early Literacy collection for Indigenous; and new resources are purchased regularly. Library attends NAIDOC planning meetings and participates in NAIDOC day in the park. Quiet Friday sessions held each month in the Library, for those with disability to attend the library during this time. Programs provided in the library are flexible to include people with disability to participate. The Library has available technology and equipment improvements to assist in inclusion and accessibility. Library Coordinator attended UTS Master Class "Building Indigenous Services and Collections" and will be implementing learnings into library services. The library is a space that is free, inclusive, diverse and available for all members of the community regardless of culture, religion,

race, gender or socio-economic status.

COVID-19 - All library programs suspended from 20 March 2020, resources have been redirected into online and social media programs. June 2020 Library Coordinator has been in contact with the Early Literacy Coordinator at Maari Ma as to provision of facility and resources to support new early literacy program commencing at Maari Ma in 2021. As opportunities and grant funding becomes available, we will explore and implement as part of our working practices.

Action Title: DIAP A2.4.07 - Host activities and/or events in the Library designed to support parents and care givers of children who have a disability


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Library Coordinator	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	 GREEN

**Action Progress Comments:**

The Library has available technology and equipment improvements to assist in inclusion and accessibility. Quiet Friday sessions held each month in the Library, for those with disability to attend the library during this time. Programs provided in the library are flexible to include people with disability to participate. LISK attend the library regularly. The library is a space that is free, inclusive, diverse and available for all members of the community regardless of culture, religion, race, gender or socio-economic status. COVID-19 impacted upon this service delivery as all physical contact, face to face contact and physical programs were suspended on 20 March 2020. Resources have been redirected into online and social media programs. All program delivery whether online or in house have built in flexibility to adjust to differing abilities, ages and needs. This will be ongoing in all programs and activities planned in the future and developed into our normal working practice.

**2.4.3 Families have improved information about the access features of playgrounds (including fencing)**


Action Title: DIAP A2.4.09 - Design a template to capture information about the accessibility features of Council parks, sporting and playgrounds (including fencing) in a standard format

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

**Action Progress Comments:**

Council's Corporate Services staff collaborated with its Asset Planner Open Spaces to develop a template to capture the information about the accessibility features of Council's parks, sports fields and playgrounds. The template is now complete and has been provided to the Asset Planner Open Spaces for data input and upload to Council's website.


Action Title: DIAP A2.4.10 - Document the accessibility features of Council parks, sporting and playgrounds (including fencing) and post these on all relevant websites

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strat Assets & Inf	In Progress	01-Jul-2017	30-Jun-2021	51.00%	50.00%	 GREEN

**Action Progress Comments:** Drafting complete of 25% of Parks and Open Spaces areas


**2.4.4 Tourists and visitors with disability have greater access to information on accessibility features of accommodation, and places and activities of interest in and around Broken Hill**

Action Title: DIAP A2.4.11 - Review the template for accessible accommodation and encourage the use of photos to show the accessible bathroom features and any other accessibility features

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Visitor Services Coordinator	In Progress	01-Jul-2017	30-Jun-2021	25.00%	100.00%	 RED

**Action Progress Comments:** The current accommodation guide template produced by the Visitor Information Centre was reviewed and highlights properties that are wheelchair accessible and have a wheelchair accessible bathroom.


Action Title: DIAP A2.4.12 - Review the accessible accommodation guide annually, progressively incorporating enhanced information on accessible accommodation

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Visitor Services Coordinator	In Progress	01-Jul-2017	30-Jun-2021	25.00%	50.00%	 RED



**Action Progress Comments:** The current accommodation guide that is produced by the Visitor Information Centre highlights properties that are wheelchair accessible and have a wheelchair accessible bathroom. This is reviewed annually at the beginning of the year. VIC staff also encourage the local tourism industry to keep their free listing on the Australian Tourism Data Warehouse up to date, which prompts operators to enter detailed information on their accessibility features. The information in this database can be accessed via all government tourism websites including visitnsw.com.au. Work on a more detailed, locally produced, accessible accommodation guide will continue in 2020/2021.

Action Title: DIAP A2.4.13 - Create a dedicated section on the Tourism website, annually reviewed, that holds enhanced information about accessible accommodation and activities


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Visitor Services Coordinator	In Progress	01-Jul-2017	30-Jun-2021	10.00%	75.00%	 RED

**Action Progress Comments:**  
 Since 1 July 2019, Broken Hill City Council owned URL www.brokenhillaustralia.com.au is forwarding to www.destinationbrokenhill.com.au which is run by Pace Advertising and provides full coverage of Broken Hill assets and attractions. An increase in traffic has occurred and improved Broken Hill's online presence. Since 1 January 2020 Broken Hill City Council has had more input into the website content and from this a dedicated section for accessibility information will be discussed in 2020/2021.

## 2.5 Improve access to Council Administrative Centre and Civic Centre, and Visitor Information Centre, including better way finding


### 2.5.1 Council Administrative Centre, Civic Centre and Visitor Information Centre have improved access features

Action Title: DIAP A2.5.01 - Ensure the Council Administrative Centre refurbishment considers provision for: a lift; a lower information desk for people using wheelchairs; availability of hearing loop; and a meeting room enabling sound privacy

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strat Assets & Inf	Completed	01-Jul-2017	30-Jun-2021	100.00%	50.00%	 GREEN


**Action Progress Comments:** Design has been completed as part of refurbishment associated with new library temporary relocation. Upon confirmation on budget it will be implemented.

Action Title: DIAP A2.5.02 - Ensure the Civic Centre refurbishment considers provision for: a lift; accessible toilet; hearing loop and theatre area suitable for people who use wheelchairs

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strat Assets & Inf	Completed	01-Jul-2017	30-Jun-2021	100.00%	0.00%	 GREEN

**Action Progress Comments:** Civic Centre access features completed including a lift; accessible toilet; hearing loop and theatre area suitable for people who use wheelchairs.


Action Title: DIAP A2.5.03 - Ensure the Visitor Information Centre is accessible to visitors who use wheelchairs

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strat Assets & Inf	In Progress	01-Jul-2017	30-Jun-2021	50.00%	50.00%	 GREEN

**Action Progress Comments:** Further investigations required for a wheelchair height counter and installation of directional signage to direct people in wheelchairs to the auto-doors.

### 2.5.2 Way finding in and around Council Administrative Centre, Civic Centre and Visitor Information Centre is inclusive of people with vision and/or hearing impairment, blindness and/or deafness

Action Title: DIAP A2.5.04 - Install appropriate way finding, suitable for guests who may be vision or hearing impaired; blind and/or deaf, in Council Administrative Centre, Civic Centre and Visitor Information Centre


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strat Assets & Inf	In Progress	01-Jul-2017	30-Jun-2021	10.00%	0.00%	 GREEN

**Action Progress Comments:** Wayfinding concepts have been considered and form parts of the development of the new proposed Cultural Hub.

## 2.6 Encourage, support and promote accessible businesses and tourism in Broken Hill

### 2.6.1 Businesses and tourist attractions in Broken Hill have greater awareness of the economic benefits of developing accessible and ageing friendly places and activities


Action Title: DIAP A2.6.01 - Support the promotion of the economic benefits of accessible and ageing friendly businesses and activities via information updates to businesses

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Chief Financial Officer	In Progress	01-Jul-2017	30-Jun-2021	65.00%	50.00%	 GREEN

#### Action Progress Comments:

Key Direction Working Group Our Economy will be progressing this action by being a part of business breakfasts presentations initiated by BEC Business Advice. Media releases have previously been made detailing the economic benefits local business could have by becoming disability and ageing friendly.


Action Title: DIAP A2.6.02 - Promote the economic benefits of accessible and ageing friendly businesses and activities in a variety of media

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Manager Communications	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	 GREEN

#### Action Progress Comments:

Specific media releases have referenced the financial benefits of disability friendly businesses.

Action Title: DIAP A2.6.03 - Encourage and support the organisers of Business Awards to include an Accessible and Inclusive Business Award in their award categories

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Chief Financial Officer	In Progress	01-Jul-2017	30-Jun-2021	75.00%	75.00%	 GREEN

**Action Progress Comments:**

Due to COVID-19, holding local business awards in 2020 would appear to be unlikely. Council will continue to work with organisers for alternate methods of holding such awards.

Action Title: DIAP A2.6.04 - Promote the accessibility features of tourism properties						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Visitor Services Coordinator	In Progress	01-Jul-2017	30-Jun-2021	10.00%	50.00%	 RED


**Action Progress Comments:**

The current accommodation guide that is produced by the Visitor Information Centre highlights properties that are wheelchair accessible and have a wheelchair accessible bathroom. The guide is made available to visitors and also posted and emailed as part of our info packs. This guide is reviewed annually at the beginning of the year. VIC staff also encourage the local tourism industry to keep their free listing on the Australian Tourism Data Warehouse up to date, which prompts operators to enter detailed information on their accessibility features. The information in this database can be accessed via all government tourism websites incl. visitnsw.com.au. Work on a more detailed, locally produced, accessible accommodation guide is in progress. Currently Broken Hill City Council does not have the resources to do an industry wide accessibility audit. Further investigation is required to produce an in depth understanding of Accessible Tourism to create the initial audit and develop staff and industry knowledge.

**3 Systems and Processes**

**3.1 Update the Customer Service Framework to provide guidance to staff on how to make information more accessible**


**3.1.1 Written information produced by Council is easier to read both in form and content**

Action Title: DIAP A3.1.01 - Develop guidelines and/or checklists for staff to author web accessible documents						
Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Digital Officer	Completed	01-Jul-2017	30-Jun-2021	100.00%	50.00%	 GREEN

**Action Progress Comments:** Guide developed and distributed to web content authors.

### 3.1.2 People with disabilities can request information in alternative formats and are presented with options to better meet their communication needs

Action Title: DIAP A3.1.02 - Develop guidelines or procedure(s) to produce documentation in alternative formats including providing options that enable timely and cost effective communication to occur

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	50.00%	 GREEN


#### Action Progress Comments:

An Accessible Format Request Process has been developed. The purpose of this process is to ensure Council maintains and continues to improve document accessibility in line with the Disability Inclusion Action Plan. An OpenForm has been developed to allow requests for alternate formats of all available Council documents and where practicable, Council will endeavour to provide requested documentation formats. The OpenForm will be available on Council's website August 2020.

### 3.2 Progressively improve accessibility of Council websites

#### 3.2.1 People with disability have greater access to information via Council websites


Action Title: DIAP A3.2.01 - Undertake an audit of Council's websites and intranet against WCAG2.0 standards

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Manager Information Services	Completed	01-Jul-2017	30-Jun-2021	100.00%	0.00%	 GREEN

#### Action Progress Comments:

Website accessibility audit of brokenhill.nsw.gov.au complete.


Action Title: DIAP A3.2.02 - Ensure contact details for the National Relay Service and how to access or request alternative format documents is provided on the contact and accessibility pages on Council's website

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Digital Officer	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

**Action Progress Comments:**

Completed and available at <https://www.brokenhill.nsw.gov.au/Website-accessibility>


Action Title: DIAP A3.2.03 - Develop a business case with estimates of costs for updating vs replacing the Council website to WCAG 2.0 AA standard

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Digital Officer	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

**Action Progress Comments:**

Business case complete and new website deployed.  
 Website conforms to Web Content Accessibility Guidelines 2.1 "AA" standards.


Action Title: DIAP A3.2.04 - Create an Accessibility page on Council's website describing the accessibility features of the site

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Digital Officer	Completed	01-Jul-2017	30-Jun-2021	100.00%	0.00%	 GREEN

**Action Progress Comments:**

Completed and available at <https://www.brokenhill.nsw.gov.au/Website-accessibility>

Action Title: DIAP A3.2.05 - Create an Accessibility page on the Tourism and Council's websites describing the accessibility features for getting around Broken Hill.

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Visitor Services Coordinator	In Progress	01-Jul-2017	30-Jun-2021	10.00%	50.00%	 RED


**Action Progress Comments:**

Since 1 July 2019, the Council-owned URL [www.brokenhillaustralia.com.au](http://www.brokenhillaustralia.com.au) is forwarding to [www.destinationbrokenhill.com.au](http://www.destinationbrokenhill.com.au) which is run by Pace Advertising and provides full coverage of Broken Hill assets and attractions. An increase in traffic has occurred and improved Broken Hill's online presence.  
 Since 1 January 2020 Broken Hill City Council has had more input into the website content and from this a dedicated section for accessibility information will be discussed in 2020/2021.

**3.3 Progressively incorporate accessibility and inclusion considerations in procurement decisions and contracts**

**3.3.1 Council contracts increasingly specify delivery of accessible and inclusive goods, programs and services by third parties or contractors**

Action Title: DIAP A3.3.01 - Source or develop guidelines for incorporating accessibility and inclusion considerations in procurement contracts

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Manager Finance	In Progress	01-Jul-2017	30-Jun-2021	90.00%	75.00%	 RED


**Action Progress Comments:**

Included in new procurement framework for council approval at August Council meeting.

**3.4 Review the Community Engagement Strategy (Round Table or equivalent body) to improve representation of people with disability, their families and supporters**

**3.4.1 People with disabilities increasingly give feedback to Council and are able to give formal and informal input on the development and progress of Council plans**


Action Title: DIAP A3.4.01 - Develop surveys (including easy read surveys) to distribute at the International Day of People with Disabilities events, and provided to all National Disability Insurance Agency (NDIA) registered service providers operating in Broken Hill, asking key questions about the satisfaction with Community Strategic Plan (CSP) progress

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Director Corporate	In Progress	01-Jul-2017	30-Jun-2021	10.00%	50.00%	

**Action Progress Comments:**

The action was scheduled for 2019/2020 for commencement. However, with the presence of COVID-19 identified internationally in December 2019 and the Australian responses made between January 2020 and March 2020, the action has been significantly impacted and consequently delayed.

Action Title: DIAP A3.4.02 - Recruit and/or invite people with disabilities to the Round Table or equivalent body and enable their active participation by way of Accessible Meeting Guidelines

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
General Manager	In Progress	01-Jul-2017	30-Jun-2021	50.00%	75.00%	

**Action Progress Comments:**

Website has been updated to include easy access for people with a disability. All relevant documentation on the Community Round Table, including agenda's and minutes, are uploaded to the website.

Representation of people with disability is achieved on the Round Table or equivalent body by 2020/2021.


Consult with the Mayor about the possibility of inviting a representative from the Disability Inclusion Action Plan Group to become a member of the Community Round Table.

**3.5 Review reference groups, or advisory bodies relating to PAMP; Traffic Safety; Flood Evacuation Plans and Council Building refurbishment plans, to ensure adequate representation of the issues of people**

**3.5.1 People with disability are represented on reference groups and/or advisory bodies relating to the PAMP; Traffic Safety; Flood/Emergency Evacuation Plans and Council Building refurbishment plans**




Action Title: DIAP A3.5.01 - Discuss with LEMC how the LEMP has accommodated for the needs of people with a disability for various emergency scenarios and advocate for consultation with people with disability

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strat Assets & Inf	In Progress	01-Jul-2017	30-Jun-2021	50.00%	50.00%	 GREEN

**Action Progress Comments:** Accommodating for the needs of people with a disability for various emergency scenarios will be part of consequence management plan that will be developed specific to each emergency type and will be developed by lead agency nominated for that particular emergency. For example in recent Covid-19 during 2019/2020, NSW Health was the lead agency and it developed all necessary communication plans which included reaching out to people with disability.

Action Title: DIAP A3.5.02 - Ensure consultation with people with disability to provide input on the suggested access features for the Council Administrative Centre and Civic Centre


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Interim Group Manager Strategic Assets and Infrastructure	Completed	01-Jul-2017	30-Jun-2021	100.00%	0.00%	 GREEN

**Action Progress Comments:** The Civic Centre refurbishment was designed according to accessibility requirements and standards. Draft concept design plans for the Administrative Centre were drafted considering accessibility requirements and standards. Any future asset refits to be designed in accordance with accessibility requirements and standards, inclusive of community consultation.

### 3.6 Ensure Council's emergency evacuation procedures specifically consider the needs of people with disability

#### 3.6.1 Council's emergency evacuation procedures address the specific needs of people with disability

Action Title: DIAP A3.6.01 - Review emergency evacuation procedures for all Council buildings to address the needs of people with disability


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Risk Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

**Action Progress Comments:** Review of emergency evacuation procedures completed. Due to COVID-19 pandemic management responsibilities, updated documents to be issued to all sites by September 2020.

### 3.7 Progressively review the procedures supporting access to all Council services and processes (such as making a complaint etc) to ensure improved access

#### 3.7.1 Council services can be accessed more independently by people with disability


Action Title: DIAP A3.7.01 - Review the policy and procedures for handling complaints to ensure better access for people with disability

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

**Action Progress Comments:**

Complaints Management Policy adopted 30 August 2017; minute number 45610. Complaints Management Procedure and Workflow developed with communication and implementation scheduled for 2020/2021. Policy and procedure considers disability inclusion with plain English documentation and an accommodation of a variety of methods to register a complaint and easy to follow workflow chart.

Action Title: DIAP A3.7.02 - Review the procedures for handling customer service requests to ensure better access for people with disability

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

**Action Progress Comments:**


The review of procedures for handling customer requests is incorporated in Council's Customer Service Framework. The review of the Customer Service Framework was undertaken in 2019/2020 and is reviewed every two years. Better access for those with a disability is included and considered within the procedures in this Framework.

## 4 Employment

### 4.1 Review Council recruitment and employment processes to ensure they provide fair and barrier free opportunity to candidates who have a disability

#### 4.1.1 Council has access to resources supporting best practice with regards to recruiting people with disability

Action Title: DIAP A4.1.01 - Join the Australian Network on Disability to access resources that will support Council to become a more inclusive employer


Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	Completed	01-Jul-2017	30-Jun-2021	100.00%	75.00%	 GREEN

#### Action Progress Comments:

Budget to purchase Membership of the Australian Network on Disability approved for 2017/2018 and ongoing.


Action Title: DIAP A4.1.02 - Access and implement the free resources from the Australian Network on Disability, specifically:

- Sharing and monitoring disability information in the workplace; and
- Employers' Guide to Partnering with Disability Employment Services

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	Not Started	01-Jul-2017	30-Jun-2021	0.00%	50.00%	 RED

**Action Progress Comments:** No recruitment or employment related policies/procedures reviewed and/or amended.


Action Title: DIAP A4.1.03 - Purchase the Australian Network on Disability resource "Manager's Guide: Disability in the Workplace" and update Council's policies in line with best practice examples provided

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	Not Started	01-Jul-2017	30-Jun-2021	0.00%	0.00%	 GREEN

**Action Progress Comments:** No employment related policies/procedures reviewed and/or amended. Scheduled for 2020/2021.


**4.1.2 Council has recruitment and employment policies that reflect best practice with regards to encouraging and supporting the employment of people with disability**

Action Title: DIAP A4.1.04 - Ensure employment processes and budget is developed to assess and/or implement appropriate and reasonable adjustment

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Human Resources Coordinator	In Progress	01-Jul-2017	30-Jun-2021	50.00%	50.00%	 GREEN

**Action Progress Comments:** Draft Recruitment Framework in progress which has addressed Council's ability to implement reasonable adjustment for all applicants during the employment process.

Action Title: DIAP A4.1.05 - Review and update the Information Technology Strategy to ensure that Council's commitment to inclusion is considered including reasonable adjustment and use of assisted technology

Responsible Person	Status	Start Date	End Date	Complete %	Target	On Target %
Manager Information Services	Completed	01-Jul-2017	30-Jun-2021	100.00%	100.00%	 GREEN

**Action Progress Comments:** Quotations received and assessed for Information and Communication Technology (ICT) Strategy with the successful vendor being Thomas Duryea Logicals. Workshops were held with Council staff to determine current state of ICT in business units and to gain insight into innovative ideas. Workshops held and fact-finding exercise feedback was assessed. Strategy development progressed with the Broken Hill City Council ICT Strategy 2019 - 2022 and Roadmap 2019 – 2022 endorsed by the Executive Leadership Team (ELT) in March 2019. The ICT Strategy 2019 - 2022 and ICT Roadmap 2019 – 2022 are electronically recorded within Council's electronic document record management system.

## ORDINARY MEETING OF THE COUNCIL

June 29, 2020

BROKEN HILL CITY COUNCIL REPORT NO. 111/20

SUBJECT: ADOPTION OF DRAFT PROCUREMENT FRAMEWORK AND POLICY 11/663

**Recommendation**

1. That Broken Hill City Council Report No. 111/20 dated June 29, 2020, be received.
2. That Council adopts the Draft Procurement Framework & Policy as a Policy document of Council.
3. That adoption of the Draft Procurement Framework & Policy renders the Procurement Policy obsolete.

**Executive Summary:**

Council endorsed the Draft Procurement Framework and Policy for the purpose of public exhibition at its Ordinary Meeting held 24 June 2020 (Minute No. 46280). The Draft Procurement Framework and Policy was subsequently placed on public exhibition for comment for a 28 day period concluding 26 July 2020 at which time Council received Nil submissions from the public.

The Draft Procurement Framework and Policy was previously endorsed by the Audit, Risk & Improvement Committee at the meeting held 29 May 2020.

The Draft Procurement Framework and Policy is now presented to Council for consideration of adoption.

**Report:**

In February 2020 a thorough review of Council's current Procurement Policy & Procedures was undertaken to ensure that it was industry best practice, complied with the *Local Government Act 1993*, *Local Government (General) Regulations 2005* and Tendering Guidelines; and in essence acted as a 'one stop shop' for staff to access and understand all steps necessary for appropriate procurement.

The decision to undertake the review was made with consideration to:

- **O'Connor Marsden & Associates Internal Audit.**  
O'Connor Marsden & Associates undertook an internal audit on Council's procurement function in July 2019. One of the recommendations resulting from this review was to review all systems, policies in order to revamp control aspects relating to the overall procurement activity.

- The development of a Project Management Framework was tabled at the February Audit, Risk & Improvement Committee and has now been finalised. The development and revision of the Procurement Framework & Policy, which was endorsed by the Audit, Risk & Improvement Committee at the meeting held 29 May 2020 has now completed this recommendation.

- **Internal Drivers**

There is a need to ensure that Council's procurement processes are cost effective, follow best practice principles and are documented in way that all staff and other stakeholders are aware of their responsibilities when engaging in procurement activities for Council.

The objective of the review is to ensure that:

- Council's procurement processes are cost effective.
- appropriate policies, guidelines and processes are in place.
- all stakeholders are aware of and adhere to their responsibilities when procuring items for Council.
- Acted as a 'one stop shop' for all procurement related processes.

The Procurement Framework & Policy to date has included review of processes and procedures of the following:

- Purchasing Card Requirements
- Ordering –Including Orders, Quotations, Tenders, Receipting, Invoicing
- Credit Cards – Including Corporate Cards, Purchasing Cards and Virtual Cards
- Payment Requisitions
- Access to a Suite of Standard Contract Documents
- Implementation of e-tendering through the use of VendorPanel

Of the items reviewed the key changes have been:

- Implementation of an e-tendering platform (VendorPanel). This platform effectively reduces Council's cost of procurement, through automating our current manual and labour intensive process of issuing RFQ's, RFT's & EOI's. It also adds a high degree of probity and transparency by ensuring that an online electronic tender box is used and that no contact happens with Council Officers during the tender process without all tenderers getting access to the same information. This platform includes an electronic evaluation method to ensure fairness, equity and correct calculations take place.
- Development of Procurement Framework to ensure that all policy & purchasing requirements are in the same document in an easy to read and follow process. This is to ensure procurement requirements are very clear to all users.
- Purchase of standard suite of contract documents to be used for all purchases.
- Addition of a buy local policy; wherever practicable, Council will fully examine the benefits available through purchasing goods, services or works from suppliers/contractors within the Broken Hill Local Government Area. Council will also seek from prospective suppliers/contractors where applicable what economic contribution they will make to the Broken Hill Local Government Area. All quotes should allow a ten percent (10%) evaluation allowance for local businesses.

- Addition of an Indigenous procurement policy; this addition recognises that Council's procurement capacity can be leveraged to support Aboriginal employment opportunities and the participation and growth of Aboriginal owned businesses within our Community; and outlines guidelines and objectives on how this can be achieved.

### **Procurement Framework & Policy**

The review has also included the development of a Procurement Framework. The Framework has been introduced to outline the minimum standards required for any procurement activity and included procedural documents to be read in conjunction with the policy to ensure a transparent probity driven process that can withstand any scrutiny. This framework replaces the current Procurement Policy & Procedure.

This framework and policy outlines the guiding principles for Council in its procurement function including purchasing, purchase cards, tendering, contract management, payments and asset disposal relating to the acquisition and use of goods and services and to assist in:

- Ensuring best value for money and cost effectiveness
- Meeting the needs of the community
- Ensuring integrity, transparency and probity
- Promoting economic, social and environmental sustainability
- Promoting Indigenous procurement
- Promoting good management practices

The procurement function is high risk in terms of corruption and therefore it is subject to tight rules and processes. Successful procurement provides great opportunities to use the community's money wisely in a sustainable way.

### **Standard Suite of Contract Documents**

In an effort to ensure a standard purchasing approach and ensure Council is protected in all aspects of purchases and contracts, Council has purchase a suite of standard contracts covering all thresholds and areas of purchasing from Maddocks Law Firm. These documents are:

#### **1. Services General Conditions – Long Form**

The Services General Conditions – Long Form are intended to be used for significant contracts in which services are to be provided to Council. They are *not* intended to be used for contracts for the carrying out of works (eg construction contracts) or services of a specialised kind (eg Information Technology services).

#### **2. Form of Agreement – Long Form**

This Form of Agreement is designed to complement the Services General Conditions – Long Form. Together, these two documents – along with the documents listed in the Annexure to the Services General Conditions – Long Form – are the Contract Documents (and evidence the contract between Council and the Contractor).

#### **3. Tender Conditions – Long Form**

These too are designed to complement the Services General Conditions – Long Form, in the sense of being one of the Tender Documents used in connection with a tender for which the

Services General Conditions – Long Form will be utilised. These Tender Conditions can, though, be used more generally (eg when an Australian Standard or others Conditions of Contract will be used as the main Contract Document).

#### 4. Services General Conditions – Short Form

The Services General Conditions – Short Form are intended to be used for contracts for the supply of services to Council where the monetary value is not significant. They are a condensed version of the Services General Conditions – Long Form.

#### 5. Form of Agreement – Short Form

The Form of Agreement – Short Form is intended to be used for contracts for the supply of services to Council where the monetary value is not significant. They are a condensed version of the Form of Agreement – Long Form.

#### 6. Consultancy Services Contract

Although the Services General Conditions – Long Form or Services General Conditions – Short Form are suitable for the engagement of consultants, a more specialist form of agreement has been developed. This is the Consultancy Services Contract.

#### 7. Purchase Order (Services)

The Purchase Order (Services) is intended to be used for contracts:

- under which services are to be provided to Council; and
- the monetary value of the contract is quite small.

#### 8. Purchase Order (Goods)

The Purchase Order (Goods) is intended to be used for contracts:

- under which goods are to be supplied to Council; and
- the monetary value of the contract is quite small.

#### 9. Annual Supply Contract Specification – Services (Lump Sum)

This is included in the suite of standard contracts because it was included in the previous version. It can be used as the basis for a Specification for a contract involving the provision of services to Council in respect of which a lump sum will be due.

#### 10. Annual Supply Contract Specification – Services (Schedule of Rates)

This is included in the suite of standard contracts because it was included in the previous version. It can be used as the basis for a Specification for a contract involving the provision of services to Council in respect of which payment is to be made according to a Schedule of Rates.

#### 11. Annual Supply Contract Specification – Goods

This is included in the suite of standard contracts because it was included in the previous version. It can be used as the basis for a Specification for a contract involving the supply of goods to Council.



The Draft Procurement Framework and Policy was placed on public exhibition (as per Minute No. 46280 of 24 June 2020) for a 28 day period concluding 26 July 2020 at which time Council received Nil submissions from the public.

The Draft Procurement Framework and Policy is now presented to Council for consideration of adoption.

#### Community Engagement:

- Recording of Council Meeting held 24 June 2020 published on Council's website.
- Wrap up of Council Meeting held 24 June 2020 published on Council's website.
- Public exhibition period commencing 29 June 2020 and concluding 26 July 2020.

#### 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 in its legal framework

#### Relevant Legislation:

This policy sets the ethical ground rules and requirements outlined in the *Local Government Act 1993* and *Local Government (General) Regulations 2005* for all business dealings between Broken Hill City Council (BHCC) and our business partners. Furthermore, the procurement policy is based on the underlying principles of Councils' Code of Conduct & Statement of Business Ethics.

#### Financial Implications:

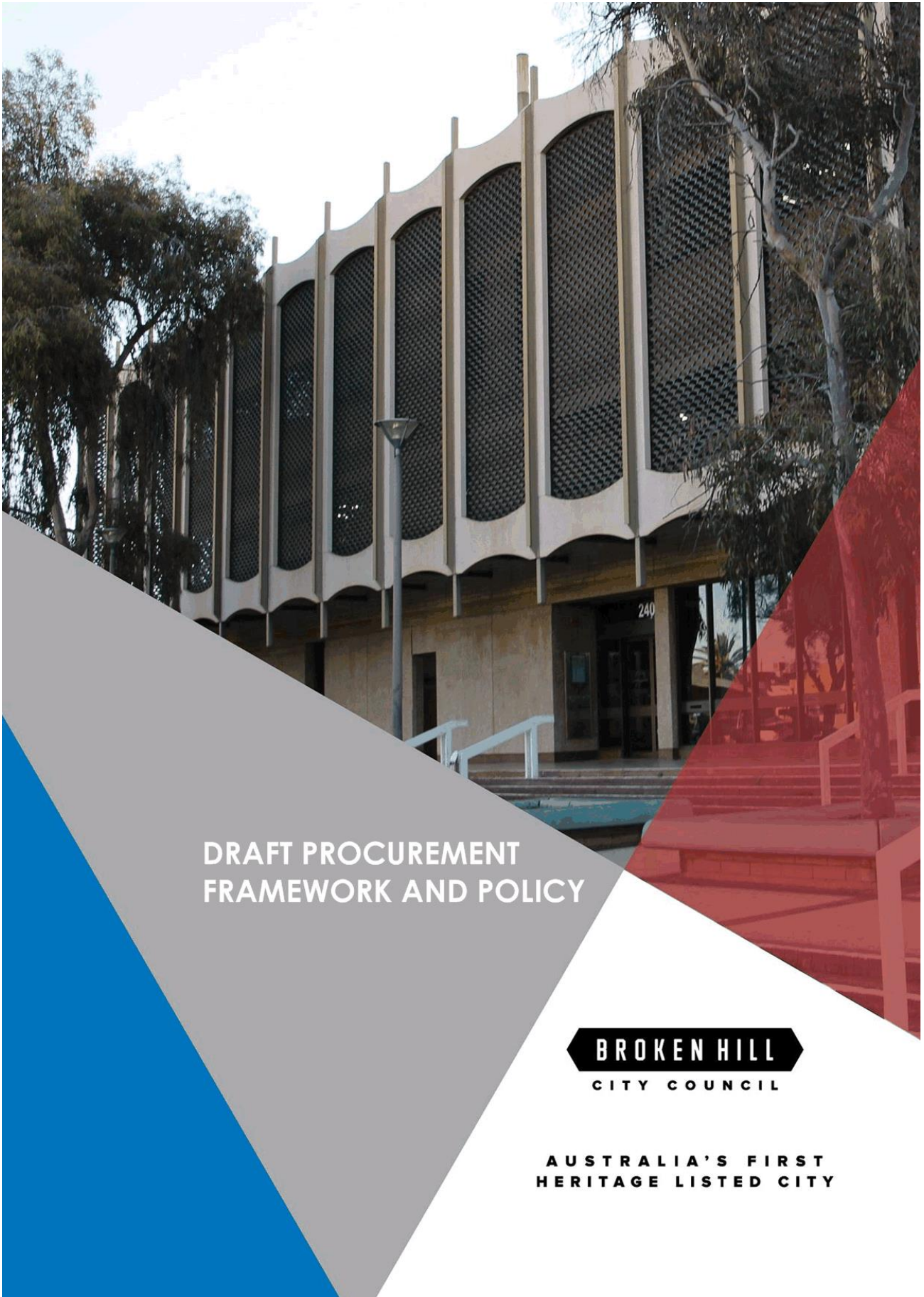
Implementation of the Procurement Framework & Policy will not require any additional direct resourcing.

#### Attachments

1. [↓](#) Draft Procurement Framework & Policy

JAY NANKIVELL  
CHIEF FINANCIAL OFFICER

JAMES RONCON  
GENERAL MANAGER



**DRAFT PROCUREMENT  
FRAMEWORK AND POLICY**

**BROKEN HILL**  
CITY COUNCIL

**AUSTRALIA'S FIRST  
HERITAGE LISTED CITY**



QUALITY CONTROL		
EDRMS REFERENCES	D20/21089 – 11/665	
KEY DIRECTION	Our Leadership	
OBJECTIVE	Openness and transparency in decision making	
FUNCTION	Finance	
STRATEGY	Support the organisation to operate in its legal framework	
RESPONSIBLE OFFICER	Chief Financial Officer	
REVIEW DATE	July 2022	
DATE	ACTION	MINUTE No.
24 June 2020	Public Display	46280
COMPANY	Broken Hill City Council	
PHONE NUMBER	08 8080 3300	
EMAIL ADDRESS FOR ENQUIRIES ONLY	<a href="mailto:council@brokenhill.nsw.gov.au">council@brokenhill.nsw.gov.au</a>	
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Local Government (General) Regulations 2005</li> </ul>	
ASSOCIATED COUNCIL DOCUMENTS	<ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• Statement of Business Ethics</li> </ul>	

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## **1. POLICY STATEMENT**

### **1.1 Purpose**

Broken Hill City Council (Council) recognises that a procurement strategy and appropriate best practice contract and procurement principles, policies, processes and procedures, will enhance achievement of Council objectives such as promoting economic, social and environmental responsible procurement, Indigenous procurement, value for money, achieving innovation and providing best value services to the community.

### **1.2 Policy Objectives**

The objective of this policy and associated procedures is to detail standard procurement practices across Council and to highlight the obligations of Council officers with the delegated authority to arrange goods and services of any value or type on behalf of Council.

This policy and underlying procedures set the ethical ground rules and requirements outlined in the *Local Government Act 1993* and *Local Government (General) Regulations 2005* for all business dealings between Council and our business partners.

Furthermore, the procurement policy is based on the underlying principles of Councils' Code of Conduct and Statement of Business Ethics.

This policy outlines the guiding principles for Council in its procurement function including purchasing, purchase cards, tendering, contract management, payments and asset disposal relating to the acquisition and use of goods and services and to assist in:

- Ensuring best value for money and cost effectiveness
- Meeting the needs of the community
- Ensuring integrity, transparency and probity
- Promoting economic, social and environmental sustainability
- Promoting good management practices

The procurement function is high risk in terms of corruption and therefore it is subject to tight rules and processes. Successful procurement provides great opportunities to use the community's money wisely in a sustainable way.

### **1.3 Policy Scope**

All staff are accountable for applying this policy within their areas of responsibility. Specific responsibilities are as follows:

- The General Manager has ultimate responsibility for procurement and delegated authority of expenditure of funds across Council;
- The Chief Financial Officer and Manager Finance are responsible for the development of all policies and procedures in relation to procurement across Council;
- Managers of each division are accountable for the implementation, maintenance and the management of any breach of policy within their areas of responsibility in accordance with this policy and related procedures;
- Each member of staff is responsible for ensuring that they fulfil their obligations in relation to this policy, procedures and Code of Conduct when spending public funds.

**1.4 Legal and Policy Framework**

This policy considers recommendations from the Independent Commission Against Corruption (ICAC), Section 55 of the *Local Government Act 1993* (NSW), Part 7 of the *Local Government (General) Regulation 2005* (NSW), Councils Code of Conduct and Statement of Business Ethics.

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

**2. DEFINITIONS**

<b>Term</b>	<b>Meaning</b>
<i>Act (The)</i>	<i>Local Government Act 1993</i> (as amended).
<i>Commercial in Confidence</i>	Information that, if released, may prejudice the business dealings of a party e.g. discounts, rebates, profits, methodologies and process information. It is information provided for a specific purpose that is not to be used for any other purpose than set out in the initial document.
<i>Conflict of Interest</i>	In New South Wales local government, the law provides that a staff member holding a delegation or advising council or a special committee has a conflict of interest which they must disclose in writing when they have a personal or private interest of the type specified in the legislation.
<i>Contract</i>	An agreement between two or more authorised persons on behalf of their organisations to perform or not perform a specific act/s that is enforceable in law. A contract may be verbal or written or inferred by conduct.
<i>Contract Documents</i>	Documents construed together as an instrument of contract. They may include terms and conditions, specifications, drawings, tender responses, delivery schedules and payment schedules
<i>Contract Management</i>	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and to provide value for money.
<i>Contractor</i>	Respondent (person, firm etc.) whose tender/quotation offer has been accepted by the council with or without modification.
<i>Council Staff</i>	Includes full time and part-time Council officers, and temporary employees, contractors and consultants while engaged by the Council.
<i>CSR Practices</i>	Corporate Social Responsibility. Relates to Council's supply chain being ethical, knowledgeable, reputable and where possible supporting green and sustainable products.
<i>Emergency</i>	<ul style="list-style-type: none"> <li>• Any urgent circumstance which may present a risk to public health and/or safety.</li> <li>• The failure of a 'key service provider'.</li> <li>• Significant damage to municipal building (where it is no longer safe).</li> <li>• Major business disruptions such as an extensive IT failure resulting in a loss of services to the community.</li> </ul>



<b>Term</b>	<b>Meaning</b>
<i>Evaluation Criteria</i>	The criteria used to evaluate the compliance and/or relative ranking of tender responses. All evaluation criteria must be clearly stated in the request documentation.
<i>Expression of Interest</i>	A response to an open approach, usually by public advertisement, to the market requesting submissions from prospective suppliers interested in procurement. The list of potential suppliers who have provided expressions of interest may be used as the basis for conducting a select tender process
<i>Late Tender</i>	A late tender is one that it is not received in the Tender Box prior to the advertised closing date/time.
<i>Local Content</i>	Defined as labour, materials, plant and supervision which are sourced from within the local Broken Hill area.
<i>Prepayment</i>	A payment made for goods/services prior to any works being undertaken.
<i>Probity</i>	A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
<i>Procurement</i>	Procurement is the whole process of acquisition of goods, services and works. It can include planning, design, standards determination, specification writing, preparation of quotation and tender documentation, selection of suppliers, financing, contract administration, disposals and other related functions. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
<i>Specification</i>	The statement which clearly and accurately describes the essential requirements for goods, services or works. It may also include the procedures by which it will be determined that the requirements have been met and performance required in a contract.
<i>Standing Offer Agreement</i>	A contract that sets out rates for goods and services that are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.
<i>Sustainability</i>	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
<i>Tender</i>	An offer in writing to supply goods and/or services, usually submitted in response to a public or selective invitation such as a Request for Tender.
<i>Tender Opening Panel</i>	Will consist of three Council officers, ideally one of which should be a Senior Manager.
<i>Tender Process</i>	The process of inviting parties to submit a quotation or tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
<i>Treatment of GST</i>	All monetary values stated in this policy include GST; unless specifically stated otherwise.

Term	Meaning
<i>Value for Money</i>	Value for Money in Procurement is about selecting the supply of goods, services and works taking into account both cost and non- cost factors including: <ul style="list-style-type: none"> <li>• contribution to the advancement of the Council's priorities;</li> <li>• non-cost factors such as fitness for purpose, quality, service and support; and cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.</li> </ul>
<i>Variance</i>	Is an alteration to the scope of works in a construction contract in the form of an addition, substitution or omission from the original scope of work.

**3. PROCEDURE AND GUIDANCE NOTES**

Effective Legislative and Policy Compliance and Control - Ethics and Probity.

**3.1 Requirement**

This Policy represents the principles, processes and procedures that will be applied to the purchase of all goods, service and works by council. The scope of this Policy commences from when council has identified a need for procurement requirements. It continues through to the delivery of goods or completion of works or services.

This Policy will apply to Councillors, council staff and all persons undertaking procurement on council's behalf and they are accountable for complying with all relevant procurement legislative and policy requirements.

**3.2 Conduct of Councillors and Council staff**

Councillors and members of staff (and all persons engaged in procurement on Council's behalf) must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny.

All members of staff have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest.

In procurement matters:

- Treat potential and existing suppliers with equality and fairness;
- Maintain confidentiality of Commercial in Confidence matters and information such as contract prices and other sensitive information;
- Members of staff must disclose a direct or indirect interest (and the type of interest) before providing advice or reports (or any other matter).
- Council officers delegated Council powers or duties are prohibited from exercising those powers, duties or functions if they have conflicts of interest.
- A Councillor must comply with the Primary Principles of Councillor Conduct and avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations. Councillors (and members of audit committees) must disclose a conflict of interest.
- Councillors must also comply with the Code of Conduct.
- Councillors must not improperly direct or improperly influence a member of council staff in the exercise of any power on/ in the performance of any duty or function.

- Members of staff must also comply with the Code of Conduct.
- All staff engaged in the evaluation of quotation or tender evaluations must adhere to this Policy and complete and lodge a Conflict of Interest Declaration and a Deed of Confidentiality.
- All Councillors and Staff must adhere to councils Gifts and Benefits Policy in matters of procurement.
- Councillors and staff members should make their interests known in any situation where it could be perceived that an interest might unduly influence them.

### **3.3 Tender Processes**

All tender processes shall be conducted in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

### **3.4 Influencing the Tender Process**

Any attempts which may be reasonably construed as intended to influence the tender process in any way such as any direct or indirect approach by tenderers themselves or through other parties on their behalf to persons other than those nominated in the tender document will invalidate the tender.

For the avoidance of doubt any Tenderer found to have:

- a) Offered a bribe, gratuity, bonus, discount of any sort or enticement to or otherwise attempt to influence any Council officer, Councillor or any persons who are either directly or indirectly involved in the evaluation of the Tender or in the awarding of an associated Contract; or
- b) Approached, discussed or solicited support for their Tender with any Council officer (with the exception of the designated Council Contact Officer) or Councillor of the Council, individually or collectively; at any time prior to the awarding of the Contract to the successful Tenderer will have their Tender excluded from the contract award process.

The tender of any tenderer which engages in conduct prohibited under this clause will be deemed informal and will be rejected without further consideration.

Tenderers shall declare any actual or potential conflict of interest.

Tenderers shall not participate in collusive tendering practices or any other anti-competitive practices with any other Tenderer. Council shall act where it becomes aware of collusive practices. Collusive practices are anti-competitive in nature and can result in criminal prosecution.

The above clause will be included in the Conditions of Tender.

### **3.5 Conflict of Interest**

Where a Council officer is involved in procurement activity, whether it be on a daily basis, or as part of a tender evaluation panel, or as the person actually responsible for inviting tenders, he/she are obliged to declare any interest or bias he/she may have in regard to a particular supplier. (Refer to the Conflict of Interest Policy).

This conflict of interest could range from a pecuniary interest, to a personal interest such as a family member being involved in that business. The individual is obliged to declare this interest at the outset of the process to avoid any supplier being treated in any way other than fairly and without bias.

It is of paramount importance to Broken Hill City Council that all suppliers be treated in an equitable manner and that all dealings are transparent and can withstand public scrutiny.

### **3.6 Fair and Honest Dealing**

During a public tender process, all prospective contractors and suppliers must be afforded an equal opportunity to tender or quote. Impartiality must be maintained throughout the procurement process so that it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

### **3.7 Accountability and Transparency**

Accountability in procurement means being able to explain and evidence what has happened. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore, the processes by which all procurement activities are conducted will be in accordance with the Council's procurement policies and procedures as set out in this policy and related Council policies and procedures.

Additionally:

- The responsible Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council;
- Where necessary, brief tenderers regarding the documented decision-making process, and
- All procurement activities are to leave an audit trail for monitoring and reporting purposes.

### **3.8 Gifts and Benefits**

No Councillor or member of Council staff shall, either directly or indirectly, solicit or accept gifts or presents from any member of the public who is involved, either directly or indirectly, with any matter that is connected with the duties of the officer, or in which Council is interested.

Councillors and Council staff must exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings.

Councillors and Council staff should also avoid the ambiguous situation created by visiting the premises of a contractor, organisation, firm or individual uninvited and/or not on official business.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how insubstantial the evidence available), must be promptly brought to the attention of the General Manager.

As a general rule it is better to refuse any gifts or benefits offered to you. Circumstances may arise where refusal may be difficult or inappropriate. If you accept a gift or benefit, it should be of a token nature and must be itemised in Council's Gift & Benefit Register. For further information please refer to Council's Gifts & Benefits Policy.

### **3.9 Disclosure of Information**

Information received by Council that is Commercial in Confidence must not be disclosed and is to be stored in a secure location. Councillors and Council staff are to protect, by refusing to release or discuss information to the extent that it is Commercial in Confidence.

This may include:

- Information disclosed by organisations in tenders, quotation or during tender negotiations,
- Pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations,
- Councillors and Council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests,
- Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier,
- At no stage should any discussion be entered into with any tendering party or its representative or agent that could have potential contractual implications prior to the contract approval process being finalised, other than authorised pre-contract negotiations.

### **3.10 Governance Structure**

Council shall:

- Establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all procurement decisions made over the lifecycle of all goods, services and works purchased by Council.
- Ensure that Council's procurement structure is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council.
- Ensures that prospective contractors and suppliers are afforded an appropriate opportunity to tender/quote;
- Encourages competition; and
- Ensures that policies that impinge on the purchasing policies and practices are communicated and implemented.

### **3.11 Methods of Purchasing**

Council's standard methods for purchasing goods, services and works shall be by:

- Credit/Debit Card
- Petty Cash
- Purchase order following a quotation process;
- Under contract following a tender process; or
- Where Council is satisfied that Value for Money requirements have been satisfied, under purchasing schemes including collaborative purchasing arrangements with other Councils and commercial schemes such as provided by NSW Procurement and Local Government Procurement;
- Unless other arrangements otherwise authorised by Council or the General Manager on a needs basis as required by abnormal circumstances such as emergencies.
- No person is permitted to purchase an item in excess of their delegation limit under any circumstance. Any occurrence of this will be considered a breach of policy and appropriate action taken for a breach of policy. If an item is in excess of your delegation limit it will be necessary for your direct manager to purchase the goods or services;
- Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders. Typically, a multi-stage tender process will commence with a registration of interest stage followed by a tender process involving the organisations selected as a consequence of the registration of interest stage.

A Council Executive Leadership Team Member may determine to seek an **Expressions of interest** where:

- there is likely to be many tenderers and tendering will be costly or the procurement is complex; and council does not wish to impose the costs of preparing full tenders on all tenderers
- there is uncertainty as to the willingness and/or interest of parties or vendors to offer the potential products or services or to undertake the proposed works
- The requirement is complex, difficult to define, unknown or unclear
- The requirement is capable of several technical solutions
- The requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

An **Expression of Interest** process can be undertaken where determined by the General Manager or an Executive Leadership Team Member and where Council advertises publicly:

- the purpose and nature of the contract
- the date by which it will invite tenders.

Tenders and Expression of Interests should not be used to compensate for a lack of understanding as to a council's needs. If uncertain what is required; a simple **Request for Information** should be undertaken. A Request for Information may be undertaken for reasons which include establishing:

- the availability of technologies, products or service available in the marketplace to meet council needs.
- whether proposed terms and conditions or deliverable expectations are acceptable in the marketplace.
- whether proposed budgets are adequate to meet non-standard procurement needs inadequate budgets should not become apparent when tenders are opened.

A Request for Information should be used rather than a Request for Tender or Expression of Interest in order to improve understanding of needs, availability and likely costs.

A Request for Information will be undertaken similar to an Expression of Interest and advertised accordingly. Care must be taken when writing a specification for a Request for Information to ensure there is no commitment to purchase inadvertently included.

### **3.12 Responsible Financial Management**

The principle of responsible financial management must be applied to all procurement activities. Accordingly, to give effect to this principle: the availability of existing funds within an approved budget, or source of funds, must be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council staff must not authorise the expenditure of funds in excess of their financial delegation. Council staff that breach their delegated authority may face action under Council's Code of Conduct Policy (the decision to initiate disciplinary action or other action will be taken by the General Manager based on a recommendation by the Chief Financial Officer following consultation with the relevant Executive Manager).

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

**4. PROCUREMENT THRESHOLDS AND COMPETITION REQUIREMENT**

Council will from time to time decide and publish in this policy clear guidelines for minimum spend competition thresholds. These will be dependent on the size and complexity of the proposed procurement activities.

**4.1 Minimum Spend Competition Thresholds (Inclusive of GST)**

Financial Thresholds (AUS\$ inc GST)	Requirements			
	Process Managed by	Market Engagement	Agreement Type	Documentation
< \$500	Business Unit	1 Verbal Quote	Purchase Order or Purchase Card	Quote details to be documented in Civica
\$501-\$2,000		2 Verbal Quotes		Quote details to be documented
\$2,001 to \$22,000		2 Written Quotes		Quotes must be registered in Civica
\$22,001 to \$150,000		3 Written Quotes or Request for Quotation		Evaluation Report
\$150,001 - \$250,000	Finance	Request for Quotation or Tender	Contract	Evaluation Report
> \$250,00 for goods & services and capital works		Tender	Contract	Evaluation Report

**4.2 Threshold Margin**

If a procurement budget is within 5% of the nearest threshold, then the greater threshold requirements must be adhered to.

**4.3 Payments**

Payment for Works or Services will be made by the Principal on submission of Tax invoices by the Contractor in accordance with Council's payment policies.

Payment of all claims shall be subject to approval by the Principal's Authorised Officer that requested the works. All invoices shall be submitted in accordance with the Schedule of Rates forming part of the contract and Council's payment terms and conditions.

**4.3.1 Prepayments**

Prepayments for any goods, services or works cannot be made without the prior approval of the Chief Financial Officer or the General Manager.

#### **4.4 Use of Agents**

Council encourages (when available) the services of a third-party agent such as Local Government Procurement or Public Works Advisory (PWA) to undertake the Tender process on behalf of Council where it can be shown that Best Value for Money would be achieved.

The Act allows for Councils to form groups for the procurement of goods, services or works with one member of the group, acting as an agent for the other councils, undertaking a single competitive process. Each of the members of this group are able to enter into a contract with the preferred service provider identified through this competitive process.

Council encourages group tenders with surrounding Councils and Joint Organisations, particularly where it can be shown that Best Value for Money would be attained.

When procurement is being planned, due diligence should be undertaken to evaluate if Best Value for Money can be achieved by using an Agent or a collective group tender.

The Finance Team is to be notified when a third-party agent is appointed.

#### **4.5 Total Cumulative spend**

Care should be taken when reviewing the limits at 8.1 (above). In order to comply with the requirements of the Act where significant sums are spent in aggregate with one supplier or on one service, it is necessary to structure procurement proposals (as requests for tenders, quotations or prices) in order to achieve greatest value and supplier performance by leveraging this cumulative spend, rather than treating each discrete arrangement as a separate procurement exercise. Council has determined that the cumulative expenditure to a supplier or for a specific product/service for a period of up to one year is to be taken into account unless the exemption is approved by the General Manager or Chief Financial Officer.

Should the General Manager consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for the council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below the thresholds set under this Policy.

#### **4.6 Approved Suppliers (Panel)**

An Approved Supplier is a contractor/company that has been appointed following an open Tender process. Approved Suppliers cannot be appointed in any other manner. Unless specified during a tender process no minimum quantity of sales or turnover is guaranteed to an Approved Supplier Panel member.

Benefits of appointing a Panel of Approved Suppliers may include:

- Savings in time and money
- Provide higher level of quality
- Faster turnaround times
- Increased confidentiality

Council's Approved Suppliers should always be utilised whenever possible. This includes utilising the approved suppliers listed with Local Government Procurement.

If an Approved Supplier has provided a Schedule of Rates for services during the Tender process, there is no requirement to obtain three quotes; a direct appointment can be made.



If a Schedule of Rates was not provided the quoting requirements outlined in Clause 7.1 must be adhered to. Any single purchase greater than the Legislated limits must go to Tender.

## **5. DETERMINING THE PROCUREMENT TYPE**

### **5.1 Tender**

For contracts in excess of \$250,000 (Including GST), either formal tenders are to be invited by public advertisement in accordance with Section 55 of the *Local Government Act 1993* (Act) and the Local Government (General) Regulation 2005 or accessing an existing contract with a prescribed organisation as per the Act. For advice on accessing these contracts contact Finance staff. Please refer to the separate Tendering Document Suite.

### **5.2 Expression of Interest**

An expression of interest is a two-step process. When the thresholds are met an Expression of Interest process does not replace the need to call tenders. It simply precedes the calling of tenders and generally seeks to constrain the number of, and focus the quality and detail, of tenders received. An Expression of Interest process is generally structured with the following components:

- overview of requirements
- invitation to submit
- criteria for evaluating
- form of (respondents form)

An expression of interest should be used in circumstances where:

- there is likely to be many tenderers, tendering will be costly, or the procurement is complex.
- there is uncertainty as to the interest of suppliers or vendors to offer the potential products or services or to undertake the proposed work.

### **5.3 Quotations**

Purchase of goods and services up to \$200,000 for works in a single contract or supply arrangement may be undertaken using the procurement by quotation method as described below. Payment for these purchases to your delegated financial limit may either be by Purchase Card or through Accounts Payable (A purchase order must be raised if using Accounts Payable).

#### **5.3.1 Goods and Services under \$500**

These may be through the use of credit/ procurement card or purchase order.

Under no circumstances are purchases/orders to be split so that the total value of the order falls under the amount of the individual's authority level or so that the value falls under the amount for required quotes.

Purchases can only be authorised by an officer with the appropriate delegation/spend limit.

#### **5.3.2 Goods and Services Between \$501 - \$2,000**

At least two documented telephone quotations are to be obtained. This verbal quotation is to be recorded on the requisition with the supplier's name, contact details and prices.

Under no circumstances are purchases/orders to be split so that the total value of the order falls under the amount of the individual's authority level or so that the value falls under the amount for required quotes.

If a contract already exists for the goods or services in question, then it is at Council's discretion whether it wishes to tender separately or use an existing contract.

For advice on accessing these contracts contact Finance staff.

**5.3.3 Goods and Services Between \$2,001 - \$22,000**

At least two written quotations are to be obtained. Written quotations are to be attached to the requisition with the supplier's name, contact details and prices.

Under no circumstances are purchases/orders to be split so that the total value of the order falls under the amount of the individual's authority level or so that the value falls under the amount for required quotes.

If a contract already exists for the goods or services in question, then it is at Council's discretion whether it wishes to tender separately or use an existing contract.

For advice on accessing these contracts contact Finance staff.

**5.3.4 Goods and Services Between \$22,001 - \$150,000**

There are a number of options open to Council staff for goods and services of this value. Staff can either choose to advertise a Tender or Request for Quotations (RFQ) for the relevant goods and services following the guidelines listed in the previous clause 'Goods and Services between \$150,001 - \$250,000' or obtain at least three written quotations and the most advantageous to Council shall be selected.

Under no circumstances are purchases/orders to be split so that the total value of the order falls under the amount of the individual's authority level or so that the value falls under the amount for required quotes and following requirements:

- Detailed specifications and 'Requests for Written Quotation' are to be provided to the suppliers providing quotations.
- Documentation must be retained on file regarding the process undertaken to source the successful supplier.
- Unsuccessful bidders will be notified in writing.
- If for some reason three written quotes cannot be obtained, the reasons are to be documented and referred back to the appropriate manager.
- Upon opening quotations, a schedule of responses will be prepared and forwarded to the appropriate officer or Committee for evaluation.
- The appropriate Officer or committee will review all quotations and if not accepting the lowest priced bid, then the reasons must be documented and forwarded to the appropriate manager for acceptance and sign off.
- The Manager may accept or reject this recommendation. If rejected, then the entire process is to recommence. If the Manager decides to accept another supplier not recommended, then full justification for this decision must be documented.

If a contract already exists for the goods or services in question, then it is at Council's discretion whether it wishes to tender separately or use an existing contract.

For advice on accessing these contracts contact the Finance Staff.

### **5.3.5 Goods and Services Between \$150,001 - \$250,000**

All contracts above \$100,000 must be referred to the Chief Financial Officer before a purchase order is generated.

For contracts between \$150,001 - \$250,000, either a formal tender or Request for Quote (RFQ) is to be invited by public advertisement in accordance with Council's Tendering documents. Such tenders may be submitted to Council, together with a recommendation from the Council Officer, or Evaluating Panel calling tenders, or authorised and signed by the Chief Financial Officer or General Manager.

Circumstances may arise where due to extenuating circumstances an advantageous result would not be achieved by advertising a tender or RFQ. As a minimum, three formal written quotations will be required. If for some reason three written quotes cannot be obtained, the reasons are to be documented and referred back to the appropriate Manager. Such contracts must be authorised and signed by the appropriate delegated Manager.

Under no circumstances are purchases/orders to be split so that the total value of the order falls under the amount of the individual's authority level or so that the value falls under the amount for required quotes as follows:

- Detailed specifications and 'Requests for Written Quotation' are to be provided to the suppliers providing quotations.
- Documentation must be retained on file regarding the process undertaken to source the successful supplier.
- Unsuccessful bidders will be notified in writing.
- Upon opening quotations, a schedule of responses will be prepared and forwarded to the appropriate officer or panel for evaluation.
- The lowest price bid is not necessarily the best value for money and is not guaranteed to be the successful bidder. All quotations and tenders will be assessed on multiple criteria to ensure value for money is achieved.
- The manager may accept or reject this recommendation. If rejected, then the entire process is to recommence. If the manager decides to accept another supplier not recommended, then full justification for this decision must be documented and recorded.

If a contract already exists for the goods or services in question, then it is at Council's discretion whether it wishes to tender separately or use an existing contract.

For advice on accessing these contracts contact the Finance Staff.

### **5.4 Insufficient Quotations**

The situation may arise where insufficient quotations are received to satisfy the above requirements. This may occasionally occur where there are few suppliers for the goods, services or works being sought. In this case, the details of the contacted suppliers must be recorded in Council Electronic Record Management System and CIVICA with a recommendation and an appropriate comment recorded.

There may be occasions when only one quotation may be received. Such occasions would require written approval of the General Manager or the Chief Financial Officer, and would generally be considered under the following circumstances:

- In the event of emergency works for safety reasons

- When there is only one known and reputable supplier.

**6. TENDER EVALUATION**

- Late tenders will not be accepted under any circumstances. However, If an electronic tender submission has been commenced using Vendorpanel prior to the closing date/time, and the transmission is interrupted due to tender closing time; and the commencement of submission transfer can be verified by Vendorpanel the submission will be deemed to be received.
- A Tender evaluation panel will be established to evaluate each tender against the selection criteria and its composition will be determined by the Executive Leadership Team Member.
- Evaluation Panel must have a minimum of three members (minimum two Council staff) and may include external consultants who are specialist in the area.
- Evaluation Panel must have an independent (non-scoring) member as appointed by the Finance Team.
- The evaluation process must be robust, systematic and unbiased.
- Once a preferred tenderer is selected negotiations may be conducted in order to obtain the optimal solution and commercial arrangements, providing they remain within the intent and scope of the tender. Such negotiations must be exhausted with one tenderer before beginning with another tenderer.
- Tender evaluation panels will produce a written report of their evaluation using the appropriate prescribed template.
- Tender Evaluation must be updated in Councils Electronic Record Management System and Contract Register.

**6.1 Evaluation Criteria**

To ensure the Best Value for Money outcome is achieved for Council; the Evaluation Criteria is based on individual project/procurement priorities and must be included in the Request for Tender documentation.

The following Mandatory Evaluation Criteria must be included in all tender evaluations and for transparency reasons, must also be clearly identified in the Request for Tender documents:

Mandatory Criteria	Weight
Price	40%
Level of Local Content provided or likely to be provided in the event the Applicant is successful in the Tender.	10%
The financial viability of the Applicant to ensure the completion of the delivery of the goods and services applicable to the Tender. Financial assessment is to be undertaken by an independent organisation appointed by Council.	Pass/Fail
Workplace Health and Safety (WHS) management including verified documentation of Safety Performance.	Pass/Fail

**6.1.1 Work Health and Safety (WHS)**

WHS is a mandatory evaluation criterion with a pass/fail weighting. The determination if a company meets the required standard is determined by the responses provided by the contractor from the information provided in the returned WH&S Schedule.

In addition to the above Mandatory Criteria (50%) the Discretionary Criteria (50%) which is project specific must also be included in the Request for Tender documents. Evaluation Criteria must be justifiable and quantifiable.

## **6.2 Evaluation Process**

1. Evaluation Panel to review WHS Schedule to ensure conforming. If not conforming the submission will be considered to fail the mandatory requirements and will not be evaluated further.
2. Evaluation Panel to review all submissions received and rate each submission based on the Mandatory (Price and Local Content) and Project Specific criteria.
3. Tender and Contract Management System to be updated with Evaluation scores.
4. Top two (2) submissions from previous step to have Financial Assessment undertaken – contact Finance Team to organise.
5. Result of Financial Assessment will be reviewed by Finance Team and will be classified as either Pass or Fail
  - a. A pass indicates that the Financial Assessment has shown the financial ability of the applicant to provide goods/services.
  - b. A fail indicates that the Financial Assessment has shown the inability of the applicant to provide goods/services.
6. Dependent on the outcome of the Financial Assessment the Evaluation Panel will either finalise the evaluation process and proceed with relevant reporting, or, if the Financial Assessment fails for the tested applicants; readdress the evaluation process.
7. Financial Assessment should be completed prior to Recommendation being submitted to Council. If not, recommendation will be "subject to positive Financial Assessment".
8. Due to the confidentiality of the Financial Assessment the documents will be held by the Finance Team electronically and not distributed.

For projects where the same applicants submit and are awarded contracts; the Financial Assessment process would only need to be undertaken on an annual basis. An example of this would be road works/Infrastructure.

## **6.3 Non-Conforming Tenders**

All tender submissions on receipt will be reviewed by the "Tender Opening Panel" to ensure that required schedules have been submitted.

A tender submission will be deemed non-conforming if:

1. Required schedules have not been included or incomplete.
2. Submission has not met specification requirements.

A tender submission may be deemed as non-conforming during the Evaluation process, the evaluation panel should quarantine the submission and advise the Finance Team, for further review/confirmation.

Council may sometimes receive tenders which offer one or more alternatives where these were not sought in the tender documentation. Council should always be open to innovative proposals as they may offer excellent opportunities for improvements and are consistent with

the legislative objectives for councils to achieve continual improvement. Tender documentation where innovative solutions are sought should specifically invite non-conforming tenders which council can consider along with all other tenders.

A Tenderer submitting a non-conforming tender shall fully detail the extent of any variance from the tender documents in tender Schedule headed "Statement of Conformance". If the "Statement of Conformance" is not correctly completed the tender may not be further considered.

#### **6.4 Acceptance of Tenders:**

The chairperson of the evaluation panel will:

- maintain detailed records of all commercial-in-confidence negotiations, if any occur
- obtain approval for public tenders according to the below Delegation of Authority Requirements

#### **6.5 Delegation of Authority Requirement**

Delegations define the limitations within which Council staff are permitted to work. Delegation of financial authority allows specified Council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Financial delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level. As such, Council has delegated responsibilities as detailed below relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for contract management activities.

#### **6.6 Delegations Reserved for the Council**

##### **6.6.1 Council Staff**

Council shall maintain a documented scheme of financial delegations, identifying the Council staff authorised to make such financial commitments in respect of goods, services and works on behalf of Council and their respective delegations contained in financial delegation's policies:

- Acceptance of tenders;
- Acceptance of quotes;
- Contract term extensions (within authorised budget);
- Contract amendment (financial and non-financial);
- Appointment to register of pre-qualified suppliers or supplier agreements;
- Purchase Card purchases; and
- Procedural exceptions.

##### **6.6.2 Delegations Reserved for the Council**

Commitments and processes which exceed the General Manager's delegation, and which must be approved by Council are:

- Signing and sealing of contract documents; and
- Tender recommendations and Contract approval for all expenditure over \$250,000 for goods and services and capital works in value.

### **6.7 Internal Controls**

Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- A clearly documented audit trail exists for procurement activities;
- Appropriate authorisations are obtained and documented;
- Systems are in place for appropriate monitoring and performance measurement.
- All persons engaged in procurement processes must diligently apply all internal controls.

### **6.8 Commercial Information**

Procurement activities will be carried out in a way that supports Council staff in meeting their obligations to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant Council guidelines.

## **7. TENDER/CONTRACT MANAGEMENT**

### **7.1 Risk Management**

All suppliers, where applicable, must comply with current Environmental, Work Health and Safety and Workers' Compensation legislative requirements and regulations and shall affect and maintain appropriate insurance policies. For further information please refer to Council's Risk Management Policy.

### **7.2 Health and Safety**

To ensure the health and safety of our workers and visitors, procurement will be undertaken in accordance with requirements set out in Broken Hill City Council's Health and Safety Management System and approved policies.

### **7.3 Supply by Contract**

The provision of goods, services and works by contract, potentially exposes the Council to risk. Council will minimise its risk exposure by measures such as:

- Standardising contracts to include current, relevant clauses;
- Requiring Bank Guarantees or Security Deposits where appropriate;
- Referring specifications to relevant experts;
- Requiring contractual agreement before allowing the commencement of work;
- Use of or reference to relevant Australian Standards (or equivalent); and
- Effectively managing the contract including monitoring and enforcing performance.

### **7.4 Contract Terms**

All contractual relationships must be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be sought from the Chief Financial Officer. A request for such an approval should be supported with procurement and legal advice as relevant.

To protect the best interests of Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose Council to risk and thus must be authorised by the appropriate member of Council staff listed in the delegation's section above.

### **7.5 Endorsement**

Council staff must not endorse any products or services. Individual requests received for endorsement must be referred to the Executive Leadership Team.

### **7.6 Dispute Resolution**

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes escalating to legal action.

### **7.7 Contract Management**

The purpose of contract management is to ensure that Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- Establishing a system reinforcing the performance of both parties' responsibilities and obligations under the contract; and
- Providing a means for the early recognition of issues and performance problems and the identification of solutions.

All Council contracts are to include contract management requirements. Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure Council receives value for money.

### **7.8 Variances**

During the course of a contract there may be valid reason(s) when the contract needs to be varied; this variance to the contract normally comes with a cost. All claims for variances must be in writing and approved by the officer with delegated authority as set out in Clause.

Any cumulative variance greater than ten percent (10%) of the original contract price must be reported to the following, dependent on the initial approval:

- Executive Leadership Team Member
- Council

## **8. DEMONSTRATE SUSTAINED VALUE, INTEGRATION WITH COUNCIL STRATEGY**

Council's procurement strategy shall support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community.

### **8.1 Achieving Best Value for Money**

The Council's procurement activities will be carried out on the basis of obtaining Best Value for Money. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations.

Lowest price is not the sole determinate of Best Value for Money.

### **8.2 Approach**

This will be facilitated by:

- Developing, implementing and managing procurement strategies that support the coordination and streamlining of activities throughout;
- Effective use of competition;
- Using centralised contracts and Standing Offers Agreement where appropriate;



- Identifying and rectifying inefficiencies in procurement processes;
- Developing cost efficient tender process including appropriate use of e-tendering;
- Council staff responsible for providing procurement services or assistance within Council providing competent advice in terms of available products and agreements; and
- Working with suppliers to create relationships that are professional and productive and are appropriate to the value and importance of the goods, services and works being acquired.

## 9. ROLE OF SPECIFICATIONS

Specifications used in quotations, tenders and contracts are to support and contribute to Council's Best Value for Money objectives through being written in a manner that:

- Ensures impartiality and objectivity;
- Encourages the use of standard products;
- Encourages sustainability;
- Eliminates unnecessarily stringent requirements; and
- Wherever possible specifies technical standards and requirements that are within the capabilities of local and other suppliers.

## 10. PERFORMANCE MEASURE AND CONTINUOUS IMPROVEMENT

Appropriate performance measures are to be established and reporting systems will be used to monitor performance and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within Council and performance against these targets will be measured and reviewed regularly to support continuous improvement. The performance measurements developed will be used to:

- Highlight trend and exceptions where necessary to enhance performance;
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers;
- Facilitate relevant programs to drive improvement in procurement to eliminate waste and inefficiencies across key expenditure categories.

## 11. SUSTAINABILITY

Wherever possible, Broken Hill City Council employees and contractors will pursue the following goals and adhere to the specified objectives when purchasing products and services (noting that these impacts should be considered during the entire life cycle of the product, i.e. the production, distribution, usage and end of life stages).

- **Minimise Unnecessary Purchasing** – only purchase when a product or service is necessary.
- **Minimise Waste** – purchase in accordance with avoid, reduce, reuse and recycle strategies.
- **Save Water and Energy** – purchase products that save energy and/or water.
- **Minimise Pollution** – avoid purchasing products that pollute soils, air or waterways.
- **Non-Toxic** – avoid purchasing hazardous chemicals that may be harmful to human health or ecosystems.
- **Greenhouse Benefits** – purchase products that reduce greenhouse gas emissions.
- **Biodiversity & Habitat Protection** – purchase in accordance with biodiversity and conservation objectives.

- **Value for Money** – purchase for best value for money in the long term.

### **11.1 Sustainable Procurement Objectives**

Council's objectives through sustainable purchasing are to:

- Eliminate unnecessary inefficiency, waste and expenditure.
- Contribute to the combined purchasing power of local government to further stimulate demand for sustainable products, including materials collected through council's kerbside collection.
- Advance sustainability by participating in "closing the life-cycle loop".
- Increase awareness about the range and quality of products available.
- Deliver council's commitments in relation to ecologically sustainable development (ESD) and other environmental and social objectives.
- Play a leadership role in advancing long term social and environmental sustainability.
- Support local businesses and organisations.

## **12. SUPPORT OF LOCAL BUSINESS**

Council is committed to buying from local businesses where such purchases may be justified on Best Value for Money grounds.

Wherever practicable, Council will fully examine the benefits available through purchasing goods, services or works from suppliers/contractors within the Broken Hill Local Government Area. Council will also seek from prospective suppliers/contractors where applicable what economic contribution they will make to the Broken Hill Local Government Area. All quotes should allow a ten percent (10%) evaluation allowance for local businesses.

### **12.1 Purchases over \$250,000**

For purchases above those limits set under the Local Government Act 1993 requires that a public tender process is undertaken. All 'Request for Tender' documents must include a Local Content Statement. This allows tenderers to accurately calculate the local content of their tender. The Tender Evaluation Criteria Matrix will include a mandatory weighting of ten (10) percent for local content.

## **13. SOCIAL PROCUREMENT**

Social procurement involves using procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works. For Local Government, social procurement builds on initiatives already undertaken by the sector in enhancing sustainable and strategic procurement practice, enabling procurement to effectively contribute to building stronger communities. Social procurement is a key mechanism by which to generate wider social benefits by providing a mechanism for linking and integrating social and economic agendas.

Broken Hill City Council supports social procurement when engaging local suppliers, contractors and/or service providers and would seek Ministerial Exemption when the required works provide value for money to Council and would be advantageous to any of the following:

- Employment of disadvantage groups
- Employment of Apprentices
- Employment of recognised Youth Traineeships

- Employment of Youth labour
- Benefits to local community

#### **14. INDIGENOUS PROCUREMENT**

Broken Hill City Council aims to support strong Aboriginal communities in which Aboriginal people actively influence and fully participate in economic, social and cultural life.

It recognises that the Government and the business community have a key role to play in broadening opportunities for Aboriginal people to deliver positive socio-economic outcomes.

Council's procurement capacity can be leveraged to support Aboriginal employment opportunities and the participation and growth of Aboriginal owned businesses.

Broken Hill City Council will continue to work meaningfully in partnership with businesses to build a sector that is viable, competitive and achieves outcomes for the benefit of the Aboriginal and broader community.

##### **14.1 Objectives**

- Council staff are encouraged to work with suppliers, Aboriginal owned businesses and Aboriginal representative bodies early in the planning stages of procurement activities to identify effective ways of increasing Aboriginal participation in their contracts. If one or more Aboriginal owned businesses are identified, the agency should engage with those suppliers before proceeding to market
- Staff are to give first consideration to Aboriginal owned businesses on prequalification schemes before proceeding to market for procurements valued up to \$250,000 (excl. GST), where appropriate.
- direct negotiation with suitably qualified Aboriginal owned businesses that can demonstrate value for money and delivery of quality goods and services for procurements valued up to \$250,000 (excl. GST)
- apply an Aboriginal participation non-price evaluation criteria in relevant tenders where opportunities exist.

#### **15. DIVERSITY**

Promoting equality through procurement can improve competition, Best Value for Money, the quality of public services, satisfaction among users, and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

#### **16. APPLY A CONSISTENT AND STANDARD APPROACH**

Council will provide effective and efficient commercial arrangements for the requisition of goods and services.

#### **17. STANDARD PROCESSES**

Council will provide effective commercial arrangements covering standard products and provision of standard services across Council to enable employees to source requirements in an efficient manner.

This will be achieved via establishing the following:

- Pricing where relevant;
- Processes, procedures and techniques;

- Tools and business systems (e.g. implementing the appropriate e-catalogue arrangements or e-sourcing arrangements);
- Reporting requirements;
- Application of standard contract terms and conditions.

## **18. PERFORMANCE INDICATORS**

A list of performance indicators will be developed to measure procurement performance.

They will include criteria such as:

- The proportion of expenditure against corporate contracts;
- User and supplier satisfaction levels;
- Knowledge and skill of Council employees in procurement process;
- Level of compliance and understanding of Council procurement policies.

## **19. MANAGEMENT INFORMATION**

Council seeks to improve its performance by capturing and analysing procurement management information in a variety of areas, including:

- Volume of spend;
- Number of transactions per supplier;
- Supplier performance;
- User satisfaction;
- Category management; and
- Green spend

Council will also use external sources of management information to assist with the procurement decision making process including:

- Benchmarking data;
- Information from professional bodies such as the Chartered Institute of Purchasing and Supply Australia;
- Supplier reports.

## **20. BUILD AND MAINTAIN SUPPLY RELATIONSHIPS**

Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate 'channel to market' should be undertaken – whether to go to market on its own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means. Council will consider supply arrangements that deliver the best value outcomes in terms of time, expertise, cost, value and outcome.

### **20.1 Developing and Managing Suppliers**

Council recognise the importance of effective and open working relationships with its suppliers, and is committed to the following:

- Managing existing suppliers, via the appropriate development programs and performance measurements to ensure the benefits are delivered,
- Maintaining approved supplier lists,
- Developing new suppliers and improving the capability of existing suppliers where appropriate.

## **20.2 Supply Market Development**

A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations, offering business diversity include:

- Local businesses
- Green suppliers
- Small to medium sized enterprises
- Social enterprises
- Ethnic and minority business
- Voluntary and community organisations.
- Local Content.

## **20.3 Relationship Management**

Council is committed to developing constructive long-term relationships with suppliers. It is important that Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across Council;
- Criticality of goods / services supplier, to the delivery of Council's services;
- Availability of substitutes;
- Market share and strategic share of suppliers.

## **20.4 Communication**

External communication is very important in ensuring a healthy interest from potential suppliers and partners to Council. The external website will provide:

- Information about Council and how to become an approved supplier,
- A list of existing and forthcoming contract opportunities, projected over a number of years,
- Guidelines for doing business with Council,
- Standard documentation used in the procurement process,
- Links to other relevant sites.

## **21. CONTINUAL IMPROVEMENT**

Council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

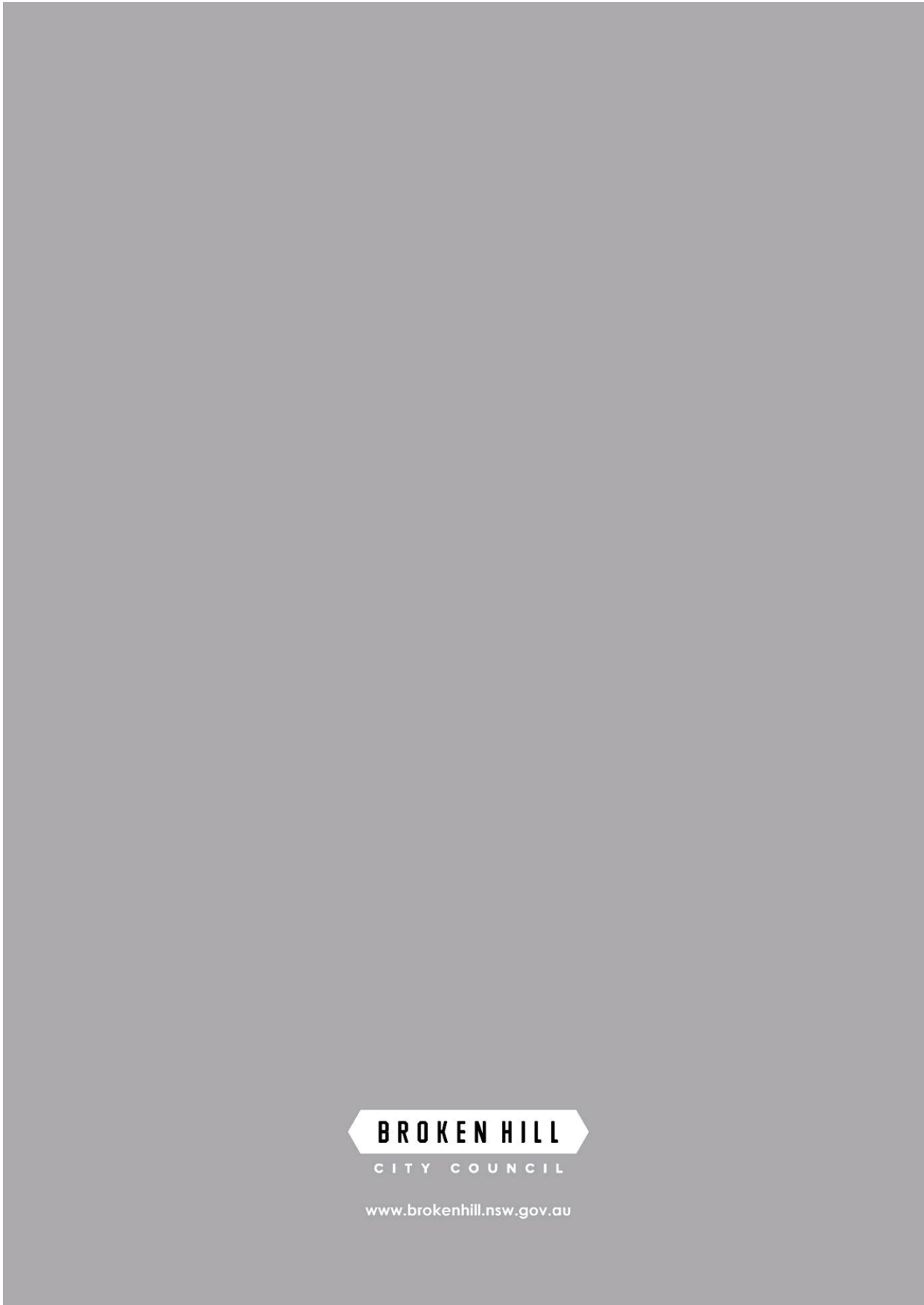
## **22. COMPLIANCE RESPONSIBILITIES**

- Council staff
- Councillors
- S355 Committee's
- Contractors

## **23. ASSOCIATED DOCUMENTS**

- Purchase Card Procedure
- Engagement of Consultants Procedure

- Code of Conduct
- Gifts and Benefits Policy
- Statement of Business Ethics
- Process Documentation
- Suite of Contracts
- OLG Tendering Guidelines



[www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)

## ORDINARY MEETING OF THE COUNCIL

June 29, 2020

**ITEM 6**BROKEN HILL CITY COUNCIL REPORT NO. 112/20

SUBJECT: ADOPTION OF DRAFT BROKEN HILL LOCAL STRATEGIC PLANNING STATEMENT 19/75

**Recommendation**

1. That Broken Hill City Council Report No. 112/20 dated June 29, 2020, be received.
2. That Council adopts the draft Broken Hill Local Strategic Planning Statement as a Strategic document of Council.

**Executive Summary:**

Council endorsed the Draft Broken Hill Local Strategic Planning Statement for the purpose of public exhibition at its Ordinary Meeting held 24 June 2020 (Minute No. 46281). The Draft Broken Hill Local Strategic Planning Statement was subsequently placed on public exhibition for comment for a 28 day period concluding 26 July 2020 at which time Council received seven submissions from government agencies and not-for-profit organisations, and no submissions from the general public. The submissions are summarised below, and the only amendment made to the draft document is the removal of a duplicate priority on page 57.

The Draft Broken Hill Local Strategic Planning Statement is now presented to Council for consideration of adoption.

**Report:**

All NSW Councils are required to prepare a Local Strategic Planning Statement (LSPS) under the new requirements of the *Environmental Planning & Assessment Act 1979*. The LSPS sets out a 20-year vision for land use within the Broken Hill LGA. The draft Broken Hill LSPS is was open for public exhibition for a 28 day period concluding 26 July 2020, and the submissions received are outlined below.

As part of the new requirements of the *Environmental Planning & Assessment Act 1979*, all Councils in NSW are required to prepare a Local Strategic Planning Statement (LSPS).

The Broken Hill LSPS sets the framework for the economic, social and environmental and use needs of Broken Hill over the next 20 years. The Broken Hill LSPS will also identify and give effect to the directions of the Far West Regional Plan, Far West Regional Economic Development Strategy, and the Broken Hill Community Strategic Plan.





The Draft Broken Hill LSPS has been prepared by Active Planning Consultants in conjunction with Council staff and the Department of Planning, Industry & Environment.

The draft Broken Hill LSPS was publicly exhibited for 28 days concluding 26 July 2020 (Minute No. 46281), as per Council’s Communication and Community Engagement Strategy 2019-2020 and the *Environmental Planning and Assessment Act 1979*. The document was also referred to the Broken Hill Local Aboriginal Land Council and the Barkandji Native Title Group for comment.

At the conclusion of the public exhibition period Council received received seven submissions from government agencies and not-for-profit organisations, and no submissions from the general public. No submissions were received from the Broken Hill Local Aboriginal Land Council or the Barkandji Native Title Group.

The submissions have been reviewed by Council staff alongside planners from the Department of Planning, Industry & Environment, who have advised that as the LSPS is a 20-year high level strategic document, the draft LSPS should not be amended. Many of these submissions will be actioned through the implementation of the LSPS or addressed in other plans and strategies where relevant to Broken Hill. The only change to the draft LSPS is the removal of a duplicate priority on page 57.

The Cancer Institute NSW and the Cancer Council NSW made submission regarding including the provision of shade as a planning and design priority to prevent skin cancer. The provision of shade will be addressed in the upcoming CBD Masterplan, and the greening of Broken Hill and provision of trees is addressed in the adopted Sustainability Strategy.

The Biodiversity & Conservation Division and the Climate Resilience and Net Zero Emissions Branch of the NSW Department of Planning Industry & Environment also submitted comments. Some of these comments related to management of flood hazards, which is largely not relevant to the Broken Hill LGA, and stormwater management is addressed in Council’s Development Control Plan. Comments regarding climate change are addressed through the Council’s current Sustainability Strategy and will also be addressed during the implementation of the LSPS planning priorities. Other comments regarding biodiversity and vegetation management are either addressed through Council’s current planning controls, or site-specific management plans such as the Living Desert Plan of Management and Willyama Common Management Plan.

Heritage NSW also made a submission with suggestions on addressing local heritage and Aboriginal Cultural Heritage. Many of the suggestions regarding addressing local heritage will be addressed by the upcoming review of the Broken Hill Heritage Strategy, and a future review of the heritage items and conservation areas in the Broken Hill Local Environmental Plan. This submission will be referred to Council’s Heritage Advisor for future reference and implementation as necessary, and actioned where required in future reviews of Council’s planning controls.

Another submission was made by Transport for NSW. Transport for NSW are supportive of many of the planning priorities in the LSPS and have provided additional suggestions for Council to consider in not only the LSPS but other future strategies and plans. A number of the comments regarding sustainability and fleet are already addressed in Council's Sustainability Strategy and Active Transport Plan. Transport for NSW's input regarding large developments and the impact on transport and traffic will also be considered through the development assessment process and Local Traffic Committee where required. Transport for NSW have also provided Council with links to documents such as the Movement and Place Framework, the NSW Tourism and Transport Plan, and Future Transport 2056, which can be used as reference for Council plans and strategies going forward.

Shelter NSW, a not-for-profit housing organisation, made a submission regarding housing choice and affordability. Some of the comments by Shelter NSW are being addressed through the proposed social and affordable housing project at 331 Murton Street. A number of the comments from Shelter NSW relate to density issues that are not relevant to the Broken Hill LGA, or new residential developments which are not possible due to Broken Hill being surrounded by the regeneration area. The majority of residential land in Broken Hill is appropriately zoned R1 General Residential. Comments regarding local character assessment are noted, and any character or heritage values are assessed through Council's currently planning controls where relevant. Shelter NSW's feedback is appreciated and will be considered in any review of Council's planning controls.

The Draft Broken Hill Local Strategic Planning Statement is now presented to Council for consideration of adoption.

**Community Engagement:**

- Recording of Council Meeting held 24 June 2020 published on Council's website.
- Wrap up of Council Meeting held 24 June 2020 published on Council's website.
- Public exhibition period commencing 29 June 2020 and concluding 26 July 2020.

**Strategic Direction:**

Key Direction:	1	Our Community
Objective:	1.4	Our built environment supports our quality of life
Strategy:	1.4.1	Develop City Strategy Plan

**Relevant Legislation:**

*Environmental Planning & Assessment Act 1979*

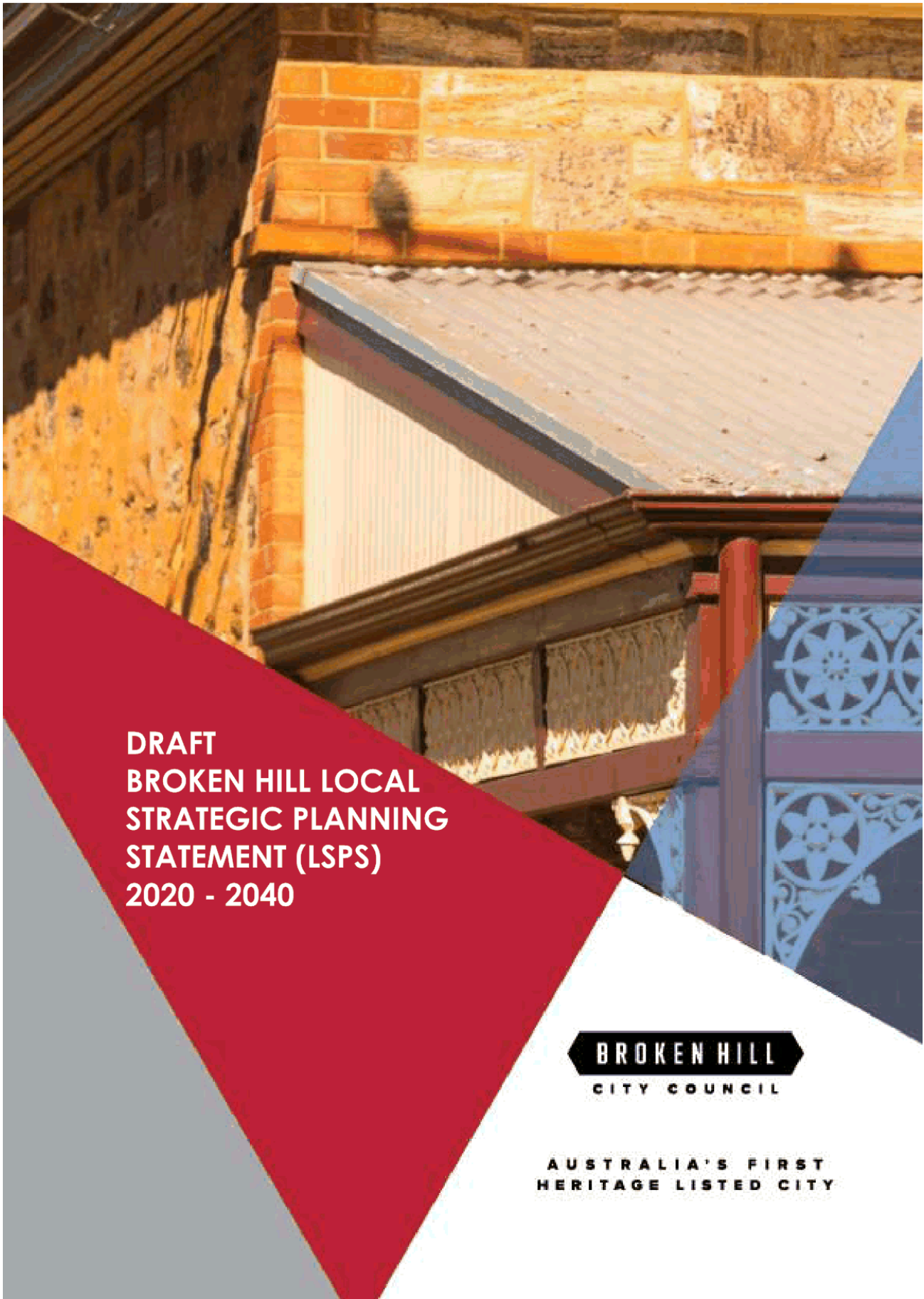
**Financial Implications:**

Nil.

**Attachments**

1. [↓](#) Draft Broken Hill Local Strategic Planning Statement (LSPS)
2. [↓](#) Draft Broken Hill Structure Plan
3. [↓](#) Draft Regional Map

JAMES RONCON  
GENERAL MANAGER



**DRAFT  
BROKEN HILL LOCAL  
STRATEGIC PLANNING  
STATEMENT (LSPS)  
2020 - 2040**

**BROKEN HILL  
CITY COUNCIL**

**AUSTRALIA'S FIRST  
HERITAGE LISTED CITY**



QUALITY CONTROL			
KEY DIRECTION	Our Community		
OBJECTIVE	1.4 Our built environment supports our quality of life		
STRATEGY	1.4.1 Develop City Strategic Plan		
FILE REFERENCE No	19/75	EDRMS No	D20/19456
RESPONSIBLE OFFICER	Manager Planning Development & Compliance		
REVIEW DATE	2		
DATE	ACTION	MINUTE No	
24/06/2020	Public Exhibition	46281	
NOTES			
ASSOCIATED DOCUMENTS			

**ACKNOWLEDGEMENT OF COUNTRY**

We acknowledge the traditional owners of the land on which we live and work; and pay our respects to their elders - past, present and emerging.

WARNING: Aboriginal and Torres Strait Islander people are warned that this document may contain images of people who have died.

## **MAYORAL WELCOME**

Broken Hill is Australia's longest-lived mining city and is renowned as 'The Silver City' and founding spring for BHP.

Despite a slowdown of mining in the past 20 years, Broken Hill is making a strong recovery largely due to its broadening economic base and renewed mining interests.

Broken Hill is reinventing itself to become a more resilient service centre for the Far West Region of NSW, with a strong focus on health and educational services, commercial activation, heritage, culture and tourism, industry and freight logistics, sustainable power generation and other infrastructure, as well as continued mining of high value ore bodies.

With the right planning and investments, Broken Hill will continue to be a cornerstone for NSW and major gateway to Victoria, South Australia and Queensland.

Given the potential for changes in population, business opportunities and in the environment, we need to plan now for growth and development. Broken Hill City Council welcomes the opportunities afforded under the Local Strategic Planning Statement process to prioritise the actions and initiatives that will drive the economy and generate jobs as well as lift standards in the environment, health, education, transport, housing, industry and tourism sectors.

Much of the work for the Local Strategic Planning Statement has already been documented in the Broken Hill Community Strategic Plan 2033 and Council's Advocacy Strategy for Broken Hill 2018. The Broken Hill Local Strategic Planning Statement focuses on the key land-use planning issues and actions required to be implemented into the future.

Community engagement and feedback is critical to the preparation of the Broken Hill Local Strategic Planning Statement and I urge everyone to provide feedback on the draft Plan during its public exhibition.



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## **EXECUTIVE SUMMARY**

All Councils in NSW are required to prepare a Local Strategic Planning Statement (LSPS) to provide a link between the priorities identified in their relevant Regional Plan, Community Strategic Plan, Local Environmental Plan and Development Control Plan. The draft Broken Hill LSPS takes into consideration the following:

- Far West Regional Plan 2036.
- Far West Regional Economic Development Strategy 2018-2022.
- Broken Hill Community Strategic Plan 2033 - *Your Hill. Your Home. Your Vision.*
- Broken Hill Local Environmental Plan 2013.
- Broken Hill Development Control Plan 2016.

The Broken Hill LSPS is required to translate the vision and priorities expressed in all these planning policies into specific land-use planning actions for the Local Government Area. Once adopted, the LSPS planning priorities and actions will provide the rationale for decisions about how we will use our land to achieve the community's broader goals.

The findings of investigations so far progressed under the Broken Hill LSPS suggest the following actions are a priority:

- Continued achievement of the recommendations of the Far West Regional Economic Development Strategy, Far West Regional Plan and Broken Hill Community Strategic Plan, including a focus on health, education and training, mining, transport and freight logistics, industry and agribusinesses, renewable energy, tourism, culture and heritage, water security and other important infrastructure.
- Establishment of new mining operations, industries and value-add facilities in and around Broken Hill, now that connection to the NBN is scheduled for completion and the Murray River water supply has been secured.
- Expansion of regional tourism and further refinement of visitor experiences at Broken Hill City.
- Further planning and development of the Broken Hill Central Business District, Broken Hill Airport, industrial precincts, major parklands and housing options to underpin Broken Hill's important service centre and tourist destination role.
- Building resilience to economic, social and climatic changes, through training, new information technology and increased levels of connectivity, new business models and products, entrepreneurship and self-employment.
- Review of local planning policies to ensure they are assisting all of the above.

Public exhibition of the Broken Hill LSPS and consideration of community feedback will be used to further refine the planning priorities identified in this strategy.





## **1. WHAT THIS STRATEGY DOES**

### **1.1. Introduction**

The Broken Hill LSPS sets the framework for the economic, social and environmental land-use needs of Broken Hill over the next 20 years (2040).

The Broken Hill LSPS generally aims to:

- Create a 20 year land-use vision for land-use planning in Broken Hill.
- Identify and give effect to the directions of the Far West Regional Plan, Far West Regional Economic Development Strategy and the Broken Hill Community Strategic Plan.
- Establish a foundation for further strategic planning work, including the next round of Council's Integrated Planning and Reporting under a proposed new Broken Hill Community Strategic Plan (2040) - one that will likely focus on taking advantage of increasing levels of connectivity and access to global markets, new information technology, new business models and products, freight logistics, commercial activation, tourism, entrepreneurship and self-employment.
- Highlight the key projects being implemented by Broken Hill City Council to broaden the economic base.
- Document the key infrastructure projects, including rail, road and airport related developments and upgrades to support Broken Hill's important role as the main regional centre in Far West NSW.
- Document the main land-use planning actions required to optimally position Broken Hill for growth and employment, access to services, health and lifestyle.
- Ensure all residents of Broken Hill, regional residents and visitors have access to the many services available at Broken Hill City.

The Broken Hill LSPS is being prepared in the context of a much larger State framework, as illustrated in the diagram below:



### **1.2. State Policy Context**

The Broken Hill LSPS has been prepared in accordance with Section 3.9 of the *NSW Environmental Planning and Assessment Act 1979*, which requires local strategic planning statements to include/identify the following:

- The basis for strategic planning in the area, having regard to economic, social and environmental matters.
- The planning priorities for the area, consistent with any strategic plan applying to the area and any applicable community strategic plan under Section 402 of the *NSW Local Government Act 1993*.
- The actions required for achieving those planning priorities.
- The basis on which Councils are to monitor and report on the implementation of those actions.

The Department of Planning, Industry and Environment has produced a Local Strategic Planning Statements - Guideline for Councils, which has been referenced in the development of the Broken Hill LSPS.

### **1.3. Regional Policy Context**

The Far West Regional Plan 2036 sets out the strategic land-use planning direction for the region over the next 20 years. The vision is to create a diverse economy, supported by the right infrastructure, strong communities and a resilient natural environment. The following goals are set in the Plan to deliver this vision:

- A diverse economy with efficient transport and infrastructure networks.
- Exceptional semi-arid rangelands traversed by the Barwon-Darling River.
- Strong and connected communities.

The western area of the Far West Region comprises the Broken Hill and Central Darling local government areas and the Unincorporated Area. Broken Hill is the largest centre in the region and provides business, office and retail services, and complementary activities such as arts, culture, recreation and entertainment to support the social needs of the community.

The priorities for the western area of the region are to:

- Support Broken Hill as a service centre for the western area of the Far West.
- Capture economic benefits from mining.
- Grow renewable energy industries.
- Grow and diversify agribusiness and irrigated agricultural areas.
- Establish value-added manufacturing industries.
- Develop a regional tourism trail between Balranald, Wentworth, Mallee Cliffs, Mungo and the Yanga floodplains; between White Cliffs, Menindee, Tibooburra and Silverton; and a Far West Sculpture Trail encompassing sites at Broken Hill, Mutawintji, White Cliffs and Wilcannia.
- Respect, protect and conserve European and Aboriginal cultural heritage assets.
- Sustainably manage water resources, including the Darling River and Menindee Lakes.
- Build community resilience to population and demographic change.

- Resolve skilled worker shortages by addressing training options, employability skills and the delivery of education options.
- Build resilience to climate change and natural hazards.
- Capitalise on key freight corridors, including the Barrier, Silver City and Cobb highways and the Sydney to Adelaide rail route.

The economic priorities are to:

- Establish new mining operations in areas of mineral potential.
- Develop renewable energy industries, including solar.
- Expand tourism opportunities and experiences.
- Establish new businesses linked to improvements in telecommunication services.
- Establish new industries following improvements to water security from the Murray River to Broken Hill.

Other policies have been developed to support a regional planning approach, including the Western Regional Transport Plan 2013 and Far West Regional Economic Development Strategy 2018.

#### **1.4. Local Policy Context**

The Broken Hill 2033 Community Strategic Plan - *Your Hill. Your Home. Your Vision* was adopted by Broken Hill City Council in 2017 and sets out the community's vision for Broken Hill as follows:

'Broken Hill will be a self-reliant, strong regional community with services and facilities to support an active, vibrant residential population, valuing and sharing the region's unique natural and built environment with regional, national and international visitors.'

The Broken Hill community see that it is important that everyone knows:

'At Broken Hill we're for real. We believe in real experiences. Real places, real friendships and real values.'

Broken Hill has proven these values in its response to the recent decline in mining operations and associated employment. The community is acutely aware of the need to reinvent itself and is taking action to remain a strong regional centre and unique destination for regional, national and international visitors.

The highest priority issues identified in the Broken Hill Community Strategic Plan 2033 are as follows:

1. Sustainable Economy
2. Roads Maintenance
3. Health, Community and Recreation Facilities
4. Population Growth
5. Training and Education
6. Tourism
7. Sense of Community
8. Trees, Parks and Open Spaces
9. Airport Redevelopment
10. Transport

Broken Hill City Council has developed a strong economic activation program that combines a Smart Community Framework with an Urban Design Strategy to set the roadmap for future development, investment and growth. The Broken Hill – A Blueprint – Advocating For Our Future 2018 provides a succinct summary of the programs, projects and initiative being progressed by Council.

Broken Hill City Council has commenced a review of its Community Strategic Plan in line with its next round of its Integrated Planning and Reporting.

#### 1.5. Community participation in planning

The Broken Hill Communication and Community Engagement Strategy 2019-2020 (CES) has been compiled by Broken Hill City Council to comply with the new engagement principles and timeframes required under the amended *Environmental Planning and Assessment Act 1979*.

As part of the CES requirements, the Broken Hill LSPS will be publicly exhibited for a minimum of 28 days. Council will also engage with the Local Aboriginal Land Council and the Barkandji Native Title Group during the exhibition period.

In previous community engagement processes, the Broken Hill community has stressed the importance of economic diversity to guarantee a sustainable future for the City. A sustainable economy was by far the largest priority identified through the 2013 community strategic planning processes that led to the adoption of the Broken Hill 2033 Community Strategic Plan - *Your Hill. Your Home. Your Vision*.

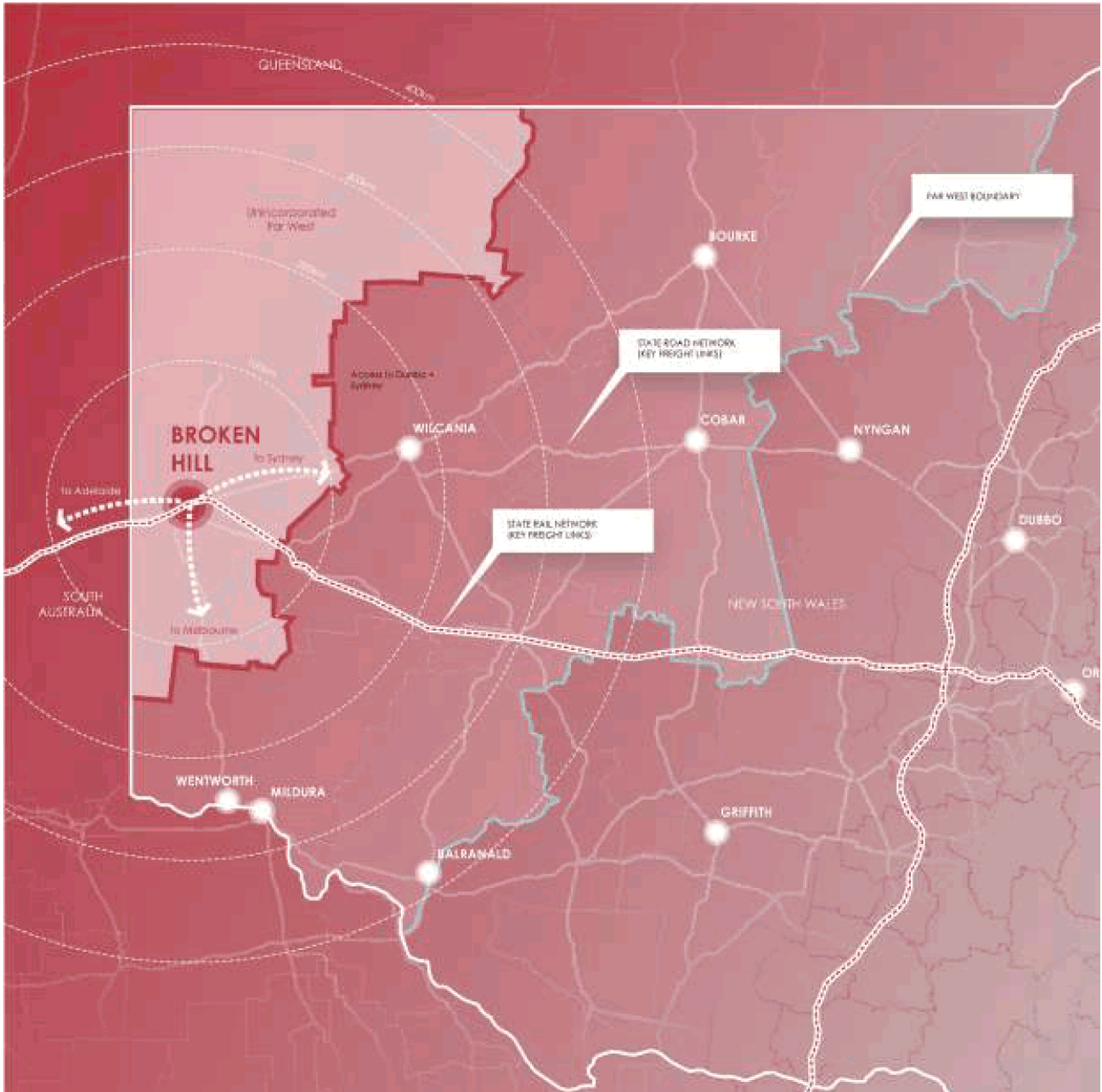
With dramatic changes in population (19,915 people in 2005 down to around 17,479 people in 2020) the community is expected to continue to place great emphasis and responsibility on Broken Hill City Council to focus on ways to create a more sustainable/stable economy in the longer term.

Broken Hill City Council has commenced a review of its Community Strategic Plan (CSP) in line with its next round of its Integrated Planning and Reporting. The Broken Hill LSPS will be used to assist with the CSP planning process as well as to provide the broad direction for the review of the Broken Hill Local Environmental Plan 2013, Broken Hill Development Control Plan 2016 and other associated planning policies.

***Broken Hill City Council understands that strategic consultative processes are the 'key' to addressing challenges associated with the expansion and contraction of the mining industry.***

## 2. WHERE WE ARE

The western area of the Far West Region of NSW has some of the most exceptional natural landscapes in Australia. A brief overview of Broken Hill's location in the wider region is provided in this section.



**2.1. Regional Snapshot**

The region consists of two local Government Areas, Broken Hill City and Central Darling Shire, and the Unincorporated Area of NSW and covers approx. 146,000 km<sup>2</sup>. The region accommodates the Barwon–Darling River system, Menindee Lakes, Mungo National Park Plan and the Willandra Lakes World Heritage Area as well as large pastoral lease holdings and small settlements such as Wilcannia, Silverton, Tibooburra and Milparinka.

Broken Hill is the largest centre in the region and an important service centre for a number of smaller towns, remote communities, farms, mines and other remote businesses. The City is located approximately 1,100 kilometres west of Sydney and 500 kilometres east of Adelaide. It is the major administrative hub and provides health, aged cared, social services, education, policing and other essential services for the Far West Region and eastern part of South Australia.

Figure 15: Distribution of population, ABS 2019

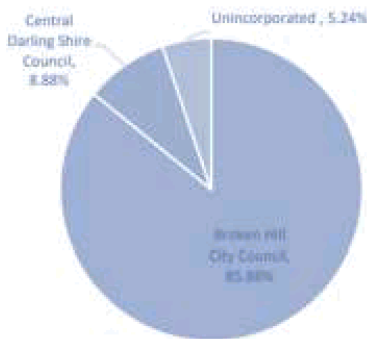


Figure 16: Distribution of respondents

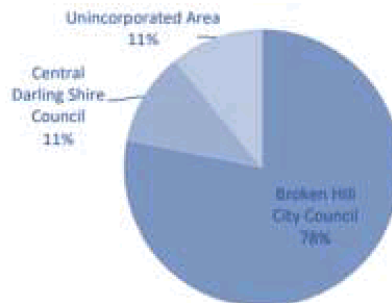


Figure 17: How long has your business been operating?

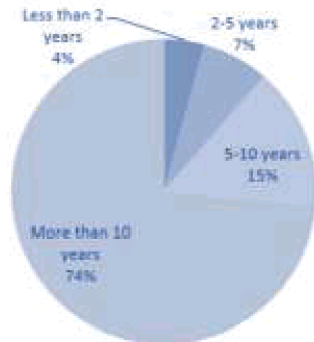
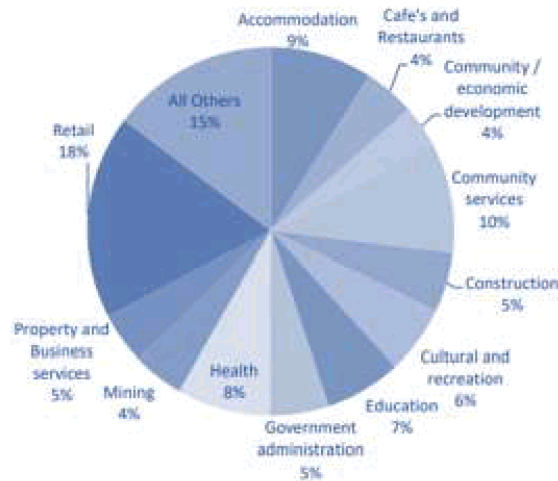


Figure 18: Industry breakdown of survey respondents



Source: RDA Far West 2019 Workforce Development Study

Broken Hill has a strong cross-regional relationship with South Australia and Victoria, and residents' access higher-order health, education, retail, commercial and transport services in Adelaide and Mildura. Broken Hill has strong connections to other regional communities such as Wilcannia, Tibooburra and Menindee, with Broken Hill being their main hub for healthcare, education, retail and business services.

The remoteness and sheer size of the Far West Region poses some of the biggest challenges for regional residents. Access to higher levels of health, education and social services continues to cause disadvantage for locals. Fortunately, Broken Hill has relatively good access to the Capital Cities of Sydney, Adelaide and Melbourne via daily air passenger services as well as daily bus services connecting to the Sydney XPT, weekly Indian Pacific passenger train services and good road transport linkages.

## **2.2. Broken Hill City**

Broken Hill City encompasses a total land area of approximately 180 square kilometres and includes the urban area and surrounding rural areas. Mining, manufacturing, agriculture, tourism and social services are important industries for Broken Hill and the wider region, and a wide range of land-uses, services and employment generating developments are packed into the relatively small Broken Hill Local Government Area.

The Broken Hill Central Business District is the major business and civic centre for the City, with two smaller retail centres at Centro Westside and the Broken Hill Village. Tourism (Outback experience and urban based tourism) is supported by numerous businesses in the City, including service stations, restaurants, cafes, galleries, museums, information centres and accommodation places.

Broken Hill Base Hospital is a major rural referral centre and provides a range of inpatient and outpatient services, including emergency, general medical and surgical, mental health, maternity, gynaecology, paediatrics, renal dialysis, rehabilitation, critical care, diagnostic services, cancer care and palliative care. It also provides a wide range of primary and community health services.

Broken Hill Airport provides daily passenger and freight deliver services to the wider region. It is also the base for the Royal Flying Doctor Service and a number of private air-related transport businesses, including hanger, servicing and general parking facilities for aircraft. REX provides direct daily passenger services to Dubbo, Sydney, Mildura, Adelaide and Griffith from Broken Hill Airport.

Broken Hill is home to seven primary schools, two high schools, School of the Air, Broken Hill TAFE College, Robinson College, the Broken Hill University Department of Rural Health and a new Country University Centre.



### **3. WHO WE ARE**

Broken Hill is recognised for its strong community spirit, the resilience of its people, its isolated location and dramatic landscape. The City has come to symbolise the challenges and remoteness of living in the Australian outback. This symbolism and the City's unique place in Australian society have drawn artists, writers, painters, poets and film makers to the centre. The unique combination of landscape and relict infrastructure in Broken Hill has become the backdrop for over 50 feature films and television productions, including Mission Impossible II, Mad Max II and The Adventures of Priscilla Queen of the Desert. The following section analyses in more detail the current demographic profile of Broken Hill.



**3.1. Demographic Profile**

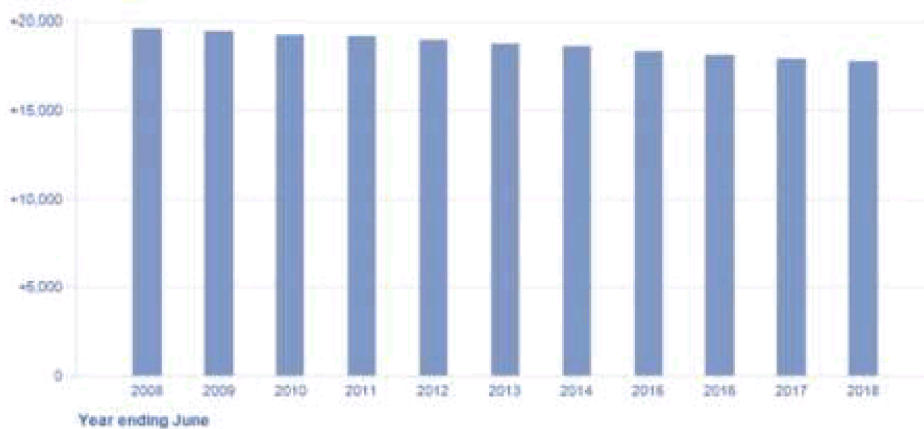
**3.1.1. Place of Birth**

According to the 2016 Australia Census, 88.3% of people living in the Broken Hill were born in Australia and 91.4% of these people speak English only. 8.5% of Broken Hill residents identify as Aboriginal or Torres Strait Islander, which is well above the national average of 3.3%.

**3.1.2. Population**

Broken Hill's population peaked at around 30,000 in the early 1960s and has shrunk to the current population of 17,479 people. Population figures from 2008 to 2018 are shown in the table below:

Table 1 – Broken Hill Estimated Resident Population 2008 - 2018



Source: Australian Bureau of Statistics

The cause of population decline has largely been attributed to more deaths than births and a decline in new mining job opportunities, with some people moving to other locations for work. Other factors contributing to local population decline are linked to improved technology in mining practices requiring less labour, pressures on local industries finding/keeping employees, young people moving away for education and work, and environmental factors such as drought.

Updated Estimate Residential Population (ERP) projections for Broken Hill were released by the State government in late 2019. These projections estimate that based on current trends, Broken Hill will have a population of 13,650 in the year 2041. The ERP projections however, do not take into account new employment generating developments in the region as well as temporary workers and visitors into the region, and the ERP projections may therefore underestimate service-level populations.

**3.1.3. Age Profile**

The age profile of Broken Hill LGA is shown in the table 2 below:

Table 2 – Broken Hill Age Structure 2016



Source: Australian Bureau of Statistics

A key factor contributing to Broken Hill’s future population and composition is the ageing of its population. Analysis of the five year age groups of Broken Hill City in 2016 compared to NSW shows that there is a higher proportion of people in the older age groups (65+). This has implications for current and future workforce supply, particularly if demand for workers is changing with new mining and infrastructure investment. It also affects housing demand, with older populations more likely to live in single person and couple households, thereby generating demand for more houses compared to younger generations who are more likely to be living with children.

**3.1.4. Population Density and Household Size**

The population density of Broken Hill is 0.34 people per km<sup>2</sup>, which is one of the least populated regional cities in NSW. Broken Hill has an average household size of 2.17, with 19% of households being couples with children. At the time of the 2016 Census, 20.6% of the 9,658 dwellings in Broken Hill were unoccupied. This rate of unoccupied dwellings in Broken Hill is significantly higher than the national average.

**3.1.5. Employment**

Employment levels from 2001 onwards for Broken Hill LGA are shown in the table 3. The year ending June 2018 saw more jobs in Broken Hill than in previous years.

Table 3 – Broken Hill Employment Levels 2001 to 2018



Source: RDA Far West 2019 Workforce Development Study

The main occupations of people living in Broken Hill are 15.7% technicians and trades workers, 14.8% professionals, 13.8% community and personal service workers, 11.6% clerical and administrative workers, 11.1% labourers, 10.9% managers, 10.9% machinery operators and drivers and 9.3% sales workers.

The main industries employing people in Broken Hill are 15.9% health care and social assistance, 12.9% retail trade, 10.2% mining, 9.7% accommodation and food services, 8.1% education and training, 7.6% public administration and safety, 5.6% construction, 3.8% transport, postal and warehousing and 3.7% in other services.

In the 2019 September quarter, the unemployment rate in Broken Hill City was 3.9%.

## 4. OUR STRENGTHS

The following section examines Broken Hill's key strengths and contribution to the wider region.

### 4.1. Mining

Broken Hill contains the largest ore seam of silver, lead and zinc ever discovered in the world. This exciting geological area is one of the world's great mineralogical rainforests, with approximately 300 minerals beneath the City.

Mining has historically been the dominant industry of Broken Hill's economy since the discovery of the ore body in 1883 by Charles Rasp. Mining revenues have not only been vital to the development of Broken Hill City, but also for the rest of Australia through mining revenue, taxes, royalties and wages into the economy totalling hundreds of millions of dollars. Broken Hill miners, engineers, chemists and scientists have also played an important role in the development of innovative mining practices and technology that have been adopted around the world. From Broken Hill, some the world's largest mining companies, (BHP Billiton, Rio Tinto and Pasminco) have built world class companies.

The mining of silver, lead and zinc continues to be a major employer and the primary driver of the Broken Hill economy. Over 1,500 people work in mining, manufacturing and construction valued at \$276M annually. The two main mining operators, Perilya and CBH Resources, together currently employ more than 700 locals.

Recent advances in mining and processing technology have resulted in lower cost for mining ventures, which is leading to increased investment in existing mines and exploration of new resources in the area for products such as gold, mineral sands, iron ore, cobalt, zirconium and potentially uranium. Broken Hill and the surrounding region continue to be a potential 'mine field' of product that will ensure a long and sustainable future for the City and continued royalties for the State Government. Noteworthy projects include:

- **Carpentaria Resources Hawsons Iron Project** - located west of Broken Hill an iron ore body has been verified by independent analysts as the world's leading undeveloped high-quality iron ore concentrate and pellet feed project. Pre-feasibility studies have shown the project is capable of producing the world's highest-grade iron products, meeting the demand from steelmakers for higher grade ore and capable of curbing pollution and increasing productivity. The project was declared a 'State Significant Development' by the NSW government in 2012 and Major Project Status was granted by the Australian Government in April 2018. Hawsons is expected to create more than 1,200 jobs in construction and 500 jobs in steady-state production, generating important employment opportunities in what could become Broken Hill's next major mine with a potential life of 20 years. Operations are expected to start in 2021.
- **Cobalt Blue/Broken Hill Prospecting Thackaringa Cobalt Project** - located 25km south-west of Broken Hill and adjacent to the main transcontinental railway line, the project has potential to be a World Class source of cobalt, an essential metal for the production of the latest generation of high density Lithium-ion batteries. Construction is programmed to commence in 2023 and employ about 450 workers during the construction phase and approximately 265 employees when operations commence in 2025. The project is generating global interest in the Broken Hill region and several smaller mining companies are now hoping to replicate Cobalt Blue's success and turn the district into a premiere cobalt mining centre.

- **Olary Project** - Olary Magnetite Pty Ltd has acquired magnetite iron ore tenements and is progressing feasibility studies for large scale mining/processing of iron ore in the Braemar Iron Province of far western NSW and north-east South Australia. The joint venture partners plan is to finish feasibility studies/detailed design and to commence construction in the near future with a view to be operating the mining, processing and exporting infrastructure by late 2022. Broken Hill is proposed as the hub of administration, operations and logistics.

Mining jobs and associated employment is expected to increase as the iron and cobalt mining industries invest further into the region. There is currently an expectation that around 2,500 mining jobs could be created in and around Broken Hill in the near future.

***The promise of new mining operations and continued investment in exploration projects confirms the importance of Broken Hill as a mining and service centre.***



#### 4.2. Industry

Industries in Broken Hill are generally positioned to service the long established mining sector. These same industries however, also provide services to pastoralists, small businesses and residents for a wide variety of services and solutions. To accommodate the future growth of industries in Broken Hill, suitable industrial land is required for a wide range of purposes.

Broken Hill's industrial area is located to the west of the City, with the majority of industry located within the Kanandah Road/Pinnacles Road Industrial Precinct. This area is currently zoned IN1 – General Industrial, with the zoning allowing for a wide range of industrial uses. A small area along Crystal Street is also zoned IN1, and a number of blocks in Rakow Street are zoned IN2 – Light Industrial.

These industrial areas are important to the local economy, offering major employment opportunities and supporting Broken Hill's primary industries of mining, manufacturing, transport and agriculture. Industries specialising in transport, heavy machinery equipment storage and servicing, construction, engineering, fabrication and various other contractor services are all possible growth areas for Broken Hill.

In the future, the availability of low cost industrial land/low cost labour when compared to other Metropolitan/regional centres may prove to be an attraction for start-up companies looking to relocate some or all of their business to more affordable locations. Broken Hill is certainly no longer isolated from the wider business sector, with instant internet connectivity, daily air passenger services/connections to all capital cities, road access to five capital cities within a day's drive and located on the transcontinental railway with access to a vast national rail network and freight logistics industry sector.

The region also has potential to develop industries around natural endowments, including solar and wind power generation and tourism and film production.

New industries such as Abattoirs and other meat processing facilities could be established at Broken Hill, including kangaroo, pig and goat meat processing, cold stores and packaging facilities.

The climate in the Far West allows for early harvest of produce, including stone and citrus fruits, olives, herbs, native bush foods and a large variety of flowers suitable for the floriculture industry. New industries could be established around storage, packaging and distribution of agribusiness products.

The dry warm climate lends itself to numerous storage and warehousing options, including motor vehicle, equipment and aircraft storage.

***Broken Hill is no longer isolated from the wider business world, with instant internet connectivity, daily air passenger services and road transport options to capital cities and access to a vast national rail network and freight logistics sector.***

### **4.3. Land Transport and Freight Logistics**

The planning and development of the regional transport network continues to be guided by a State led strategic approach, mainly through the Far West Regional Plan 2036, Far West Regional Economic Development Strategy 2018 and the Western Regional Transport Plan 2013.

#### **4.3.1. Roads**

The western area of the Far West Region is connected to other regions by several main arterial roads. The Silver City Highway connects Broken Hill to the north and south, and the Barrier Highway connects to Adelaide in the south west and Wilcannia and the rest of central NSW in the east. The Cobb Highway via Wilcannia also connects the region to Hay and south-west NSW.

Distance poses significant challenges for economic development and road safety risks. Not only is the region far from other significant economies and institutions, but the townships and governance institutions of the region are spread thin within it. Exacerbating this issue is the number of unsealed roads that compound the maintenance and travel costs associated with driving large distances.

The Western Regional Transport Plan 2013 documents the State government's commitments to supporting good transport access to Broken Hill for goods and services. Road-based transport is forecasted to remain the primary mode for travel in the region. Sealing roads will make it cheaper and safer to travel, decreasing fuel expenses and the cost of maintenance on vehicles as they experience wear and tear on uneven surfaces. It will also decrease the region's vulnerability to climate change as unsealed roads become unnavigable during heavy rains or flood events.

Broken Hill City Council continues to maintain the local road network within the LGA to a suitable standard and is supportive of new regional road infrastructure projects that will help to drive the economy forward, such as a heavy vehicle haulage bypass of Broken Hill to improve travel efficiency for the mining, transport, agricultural and other industries.

#### **4.3.2. Rail**

The Broken Hill railway line is part of the transcontinental railway from Sydney to Perth.

Rail freight has been the traditional and major method of transporting mining exports from the region and a direct rail line connects Broken Hill with Port Pirie in South Australia and to the Inland Railway and the Parkes National Logistics Hub in Central West NSW. The railway line currently handles a significant freight task. According to the Bureau of Infrastructure, Transport and Regional Economics and Australasian Railway Association Report 2018, the railways from Broken Hill supported the following freight volumes:

- Broken Hill to Parkes supported 3.68 million tonnes.
- Broken Hill to Crystal Brook (SA) 4.05 million tonnes.

The NSW Freight and Ports Plan 2018-2023 advises the volume of freight is expected to significantly increase along the transcontinental railway. The development of the Inland Railway and Parkes National Logistics Hub is expected to deliver far greater tonnages of rail freight between the eastern, southern and western seaboard of Australia, much of which will be via Broken Hill.

Broken Hill is connected by passenger train services to Sydney and Adelaide/Perth. The Indian Pacific is one of the few transcontinental train journeys linking Perth to Sydney via Broken Hill.





#### **4.3.3. Freight Logistics**

The Far West Regional Economic Development Strategy 2018 recognises the importance of coordination between businesses and other bodies that will make greater use of transport and freight corridors.

The development of the Inland Rail is the catalyst that will transform freight movement in Australia and create new investment opportunities along main freight routes. Broken Hill is ideally positioned on the Sydney to Perth railway to take advantage of improved rail freight investments.

Broken Hill has future potential for freight terminal and servicing yard facilities. Rail freight has been the traditional and major method of transporting mining exports from the region and a direct rail line connects Broken Hill with Port Pirie in South Australia and the Parkes National Logistics Hub and then on to all major sea ports on the eastern seaboard. New mining developments provide opportunities for freight terminal facilities at mine locations or alternatively at a centralised location for shared use. Toll Resources Management has committed to making Broken Hill its logistic centre, which places Broken Hill in a strong position to develop into a regional intermodal hub for the burgeoning iron ore, cobalt and other minerals mining sector in the region.

Broken Hill train operations and logistics could also be coordinated at Broken Hill, such as the marshalling of trains into longer train loads for transcontinental transport, temporary storage of goods, refuelling and servicing of locomotives and carriages as well as the transfer of train drivers along the transcontinental rail journey.

New industries such as Abattoirs and other meat processing facilities could be established at Broken Hill, including kangaroo, pig and goat meat processing, cold stores and packaging facilities.



#### 4.3.4. Airport Services and Facilities

Broken Hill Airport is located on the southern outskirts of Broken Hill. The airport is a major transport hub for Broken Hill and the surrounding Far West Region, providing vital links to the rest of NSW and to South Australia and Victoria. The Far West Regional Plan acknowledges the strategic value of the Broken Hill Airport as a regional transport hub, and advocates for improved regional air connections between Broken Hill and other regional/metropolitan centres.

Commercial passenger flights are operated by Regional Express Airlines (REX), with daily flights to capital cities including Sydney, Melbourne and Adelaide and connections to the regional centres of Dubbo, Griffith and Mildura. The Broken Hill Airport is also serviced by charter flights, scenic tourist flights and other commercial flights and operations.

The Broken Hill Airport is managed by Broken Hill City Council and the majority of the land is owned by Council as freehold operational land. The airport terminal is the main base for the commercial flight operations and features a kiosk, departure and arrivals lounge, and car hire desks.

There are eight main aircraft hangars at the airport, with some being privately owned and others leased by Council to private businesses. The Broken Hill Airport is also the base for the Broken Hill Royal Flying Doctor Service (RFDS), which provides vital emergency aeromedical retrieval and patient transport services for rural Australia. The RFDS base at the Broken Hill Airport includes offices, hangars, and a visitor centre that ranks as the second most popular Broken Hill tourist attraction on the popular travel website TripAdvisor.

Broken Hill City Council received \$2.4 million in funding in 2019 from the State government to upgrade airport fencing and lighting to allow the airport to continue to operate safely. Further funding for runway, apron and taxiway upgrades is important to ensure that the airport remains a viable transport hub for the Far West and can support increased demand for services, including passenger flights, airfreight, RFDS, private aircraft and other airside/landside activities.

The airport is also home to other Council operations such as the Council airport operations building, flight services and communications equipment, a crematorium, companion animal and ranger services facility, fuel tanks and other storage facilities.

The land at the airport is freehold and classified as operational land under the *Local Government Act 1993*. There is over 13 hectares of vacant freehold operational land at the airport that is zoned SP1 Special Activities.

***Broken Hill Airport has potential to be a major hub for expanded hanger facilities, pilot training, and emergency services, transport depots and light industry operations.***

#### **4.4. Health**

The Broken Hill Hospital is located in Thomas Street and is part of the Far West Local Health District. The hospital provides numerous services to the Broken Hill community and surrounding Far West Region. Healthcare is a major employer in Broken Hill and is increasingly important as Broken Hill's population ages. For Broken Hill to continue to be a healthcare hub for the Far West Region, the provision of services such as MRI facilities, rehabilitation, and other medical services have been highlighted.

The Royal Flying Doctor Service (RFDS) provides a vital service for Broken Hill and the surrounding unincorporated area. The RFDS not only provides 24-hour emergency medical services for rural patients without access to medical services, but also medical appointments at the Clive Bishop Medical Centre, and patient transport services.

Maari Ma Health Corporation provides an important service in the region, providing a variety of health services and programs to Aboriginal people across Far West NSW. Maari Ma has a strong presence in Broken Hill and is located within the Argent Street precinct, providing accessible and important services to the Far West.

The Broken Hill Community Health Centre was a \$30 million project by the NSW Government, the Community Health Centre that opened in July 2018. The centre provides a wide range of health services such as child and family and community health services, an oral health facility, and administration offices. The Community Health Centre is a state-of-the-art facility that provides essential healthcare services to Broken Hill and employs over 80 staff in the Broken Hill CBD.

The need for aged care services in Broken Hill is increasing due to the aging population. It is important that Broken Hill's housing stock cater for 'aging in place', with low maintenance housing close to services. It is also important that the aged care facilities in Broken Hill meet the requirements of an aging population.

The Broken Hill YMCA was a \$3.9 million redevelopment project opened in early 2019. The existing gym was redeveloped into a state-of-the-art health facility, and includes allied health services and a café. There are also a number of allied health services, medical clinics, dental clinics and gyms in the city.

With healthcare and aged care services a major employer in the City, continued improvements and refinement of services is essential for health reasons as well as maintaining the local economy.

***Healthcare is a major employer in Broken Hill and is increasingly important as Broken Hill's population ages.***



#### 4.5. Education

Broken Hill has established a reputation for excellent and innovative education and for having a highly skilled and motivated workforce across a range of sectors. With over 130 years of servicing the mining industry the region has developed significant skills in the manufacturing sector and there is a long history of training highly competent and professional tradespeople. The education sector at Broken Hill is multifaceted and is described below:

- **Preschools** - three preschools operate in Broken Hill: Alma Bugdlie Pre School, Happy Day Pre-School and Long Day Care and Rainbow Pre-School.
- **Primary** - seven primary schools operate in Broken Hill; Alma Public School, Broken Hill Public School, Burke Ward Public School, Morgan Street Public School, North Public School, Railwaytown Public School and Sacred Heart Parish Primary School.
- **School of the Air** - the famous School of the Air was established in 1956 at Broken Hill as a distance education centre. The school caters predominately for the geographically isolated students within a radius of approximately 300km from Broken Hill.
- **High school** - two High Schools are located in Broken Hill; Broken Hill High School (established 1920) and Willyama High School (established 1974).
- **Broken Hill TAFE** - is a local provider of tertiary education, with campuses in both Argent Street and Kaolin Street. Broken Hill TAFE currently offers over 20 courses in areas such as aged care, automotive, beauty, business, carpentry and joinery, ceramics, children services, community services, electrical, fine arts, fitting and machining, hairdressing, horticulture, human resources management, information technology, nursing, tourism and hospitality, welfare and welding.
- **Robinson College** - is a not for profit community organisation which provides Vocational Education and Training in Broken Hill and the wider remote region of Far West NSW.
- **The Broken Hill University Department of Rural Health** - aims to improve health care in far western NSW by providing high quality support, education and training for rural and remote health workers.
- **The Country Universities Centre (CUC)** - opened in May 2018 to provide a facility for students enrolled in tertiary education courses by distance. The CUC provides access to high speed internet, videoconferencing facilities, and other services such as tutoring, mentoring, and exam invigilation. Free for all Far West students enrolled in an online course through an Australian University, the CUC makes higher education more accessible to those living in the remote Far West who wish to undertake further education without having to relocate to do so.

All higher educational leaders in Broken Hill continue to collaborate under the Vocational Education and Training (VET) pathways to ensure students are being offered with relevant and valued skills that can provide them with opportunities to work in Broken Hill. Students are studying a variety of vocational pathways from a cross section of industries, including Primary Industries, Health, Engineering, Construction, Information Technology, Media, Retail and the Services sector.

***Broken Hill is an education hub with a reputation for excellent and innovative teaching and training for a highly skilled and motivated workforce.***

#### 4.6. Activating Commercial and Lifestyle Opportunities

The Broken Hill Central Business District (CBD) is one of the most culturally significant areas of Broken Hill. The CBD is home to many culturally significant and iconic civic buildings, such as the post office, courthouse, police station, and TAFE building. Many government services operate from the CBD, alongside retail and food and beverage premises.

The City's Main-street, Argent Street, has numerous local and State heritage listed buildings and forms an important part of Broken Hill's National Heritage Listing. Local heritage protections include over 300 individually listed heritage items, in addition to the entire Argent Street precinct being part of the Argent Street Heritage Conservation Area.

Retail activity in Broken Hill CBD has declined over the years due to a combination of factors, including:

- Growing access to private motor vehicles and improvements to vehicle comfort continues to influence people's appetite to travel to access goods and services to larger centres such as Mildura, Adelaide and Sydney.
- Growing access to on-line shopping services such as EBAY and direct freight services from Australia Post and private couriers is offering cheaper and quicker retailing to customer front doors all over Australia.
- Shrinking market share to Westside Plaza and Broken Hill Village shopping centres located outside the walkable range of the Broken Hill CBD, which offer air-conditioned shopping comfort and ease of parking.
- Rising operating costs (rents, wages, electricity and other overhead costs).
- Reduced revenue base, as regular customers continue to limit discretionary spending in Broken Hill as they work through environmental and social conditions, such as drought and recent social distancing requirements.

The above factors (and maybe more) are leading to a reduced dependence on physical stores for many retail activities.

To maintain Broken Hill CBD as the heart of the City, Broken Hill City Council has been developing a CBD renewal strategy to lead reinvestment in the City. The Broken Hill Living Museum + Perfect Light Plan 2015, the Broken Hill Cultural Framework 2019 and a number of other strategic frameworks have been progressed around smart communities, heritage, strategic land-use and tourism development. Key projects include:

- **Broken Hill Lighting Project** - Silver Bullet Projects Pty Ltd have been engaged by Broken Hill City Council to design and install lighting to highlight several Council owned buildings within the central business district as well as lighting at Sturt Park and the Town Square. The objective of the lighting projects is to highlight and make more prominent key buildings, public spaces and feature trees in the central areas of Broken Hill. The lighting installations are to provide an attraction for locals and tourists and display the City's rich mining, social and cultural history.
- **Broken Hill Cultural Precinct and Library & Archives** - The role of libraries are changing and are progressively moving away from their conventional 'book borrowing services' use to an all-encompassing 'community support' approach. A similar approach is proposed under a new Community Facility (Cultural Precinct, Library and Archive) at Argent and Blende Streets, Broken Hill. The new development will reuse part of the existing Library, Town Hall façade and Police Station for a state-of-the-art library and cultural hub.

Council also intends to develop a CBD activation strategy and City way-finding project (funded by the Far West Joint Organisation) to further refine the planning and development of Main-street infrastructure in the Broken Hill CBD as well as Wayfinding and interpretation strategy for Queen Elizabeth Park and Patton Park.

*Broken Hill CBD is one of the most culturally significant areas of Broken Hill.*



#### 4.7. Tourism

As Australia's First Heritage Listed City, Broken Hill's significance as a tourist destination cannot be understated. Broken Hill is recognised by government, businesses and tourists as being integral to the Outback NSW tourism region and is known for delivering a range of attractions and experiences, linked to mining, heritage, culture and the provision of authentic visitor accommodation.

Tourism plays an important role in the local economy. In 2018/19, 480 people were employed in this sector and the total tourism and hospitality sales in Broken Hill was \$82.2m, with the total value added being \$41.6m.

There are many tourist attractions both within and surrounding the Broken Hill Local Government Area.

- **Broken Hill CBD** - is significant for its unique mix of architecture and mining infrastructure, set in a vast arid landscape. The National Heritage Listing of Broken Hill in 2015 recognises the significance of over 130 years of continuous mining operations, its contribution to technical developments in the field of mining, its pioneering role in the development of occupational health and safety standards, and its early practice of regenerating the environment in and around mining operations.
- **The Line of Lode** - is an iconic tourist attraction in Broken Hill that dominates the Broken Hill skyline, separating north and south Broken Hill. The top of the Line of Lode features a landmark building and memorial. Managed by Crown Lands, the prominence of the Line of Lode makes it a natural tourist attraction, with opportunities to further develop the precinct and enhance its value as a tourist attraction.
- **The Living Desert** - is a unique 24 hectare flora and fauna reserve and tourist attraction which was established in 1992 by Broken Hill City Council. The Living Desert is nestled amongst the Barrier Ranges and is located 12 kilometres from the City. On top of the highest hill inside the reserve are the 12 sandstone sculptures created in 1993 by a group of international artists, which are now one of the top attractions in Outback NSW and a visual representation of Broken Hill's marriage of art and nature.
- **Art Studios and Galleries** - Broken Hill stands as an artistic and cultural beacon amongst the Australian outback. The birthplace of Pro Hart and home to the legendary Brushmen of the Bush, an artistic legacy continues to thrive. There are many art studios and dealerships offering quality artworks. The Broken Hill Regional Art Gallery located in Argent Street, is listed on the State Heritage Register and is home to the City's artwork chosen from many artists.
- **Broken Hill Railway Station** - The Indian Pacific stops at Broken Hill as part of its transcontinental journey from Sydney to Perth. The Broken Hill Railway Station provides opportunities for passengers to take a break from their journey at Broken Hill to enjoy the many City and outback experiences.
- **Silverton** - located 25 kilometres from Broken Hill, Silverton is an important attraction for visitors to the region. It is described as a picturesque cluster of buildings with a restored gaol, school, art galleries and artist's studios, Mad Max Museum and the Silverton Hotel. There are also a small, but growing number of tourism-related businesses in and around Silverton including Penrose Park and accommodation on a working station not far from town. Further out from Silverton is the Mundi Mundi Plains, an awesome desert landscape that can be viewed from a look-out and which evokes scenes from famous movies including Mad Max 2.



- **National Parks** - Broken Hill is situated in relatively close proximity to almost 728,000 hectares of National Parks, administered by the NSW National Parks and Wildlife Service. The Parks preserve and enhance unique landscapes including waterways, wildlife and indigenous experiences and provide the opportunity to increase 'hub and spoke' activity from Broken Hill. The bio-diverse Menindee Lakes system may be considered for Ramsar listing under *Environment Protection and Biodiversity Conservation Act 1999* and possible World Heritage Listing. This process is currently being supported by Regional Development Australia, Far West NSW.
- **Corner Country/Sturt's Steps** - Broken Hill connects the Corner Country area with NSW. A new tourist route is being developed/promoted along the route taken by explorer Charles Sturt in his Central Australian Expedition in 1844-1845. The touring route lies between Broken Hill and Cameron Corner, with Broken Hill providing the launch pad for touring groups and self-guided heritage tours.

Events such as the St Patrick's Races and the Broken Heel Festival attract thousands of tourists to Broken Hill annually. The Broken Heel Festival runs for four days and celebrates the theatrical anniversary of 'Priscilla Queen of the Desert' at her spiritual home, The Palace Hotel and the township of Broken Hill.

Broken Hill City Council has a strong history in advocacy and support of tourism as an industry sector that contributes significantly to the vibrancy of the community and the sustainability of its economy. Broken Hill is well-placed to further diversify its tourism offering into the emerging sectors of film, sustainable energies, culture and heritage.

***Broken Hill is integral to the Outback NSW tourism region.***



#### **4.8. Heritage**

The City of Broken Hill is of outstanding heritage value to the nation as a rare example of a long established mining City, with a long industrial history and strong union representation.

The National Heritage Listing of Broken Hill in 2015 recognises the significance of over 130 years of continuous mining operations, its contribution to technical developments in the field of mining, its pioneering role in the development of occupational health and safety standards, and its early practice of regenerating the environment in and around mining operations.

The Broken Hill CBD exhibits a rare and unusual mix of architecture, where historic government buildings reflect the NSW colonial government style of architecture, many residential buildings reflect those of South Australia and many commercial buildings displaying characteristics similar to Melbourne's late Victorian architectural period.

The Broken Hill City Council Heritage Strategy 2017-2020 focuses on the built heritage within the City and provides a number of strategies to increase awareness and appreciation of heritage in Broken Hill and to manage local and State heritage within Broken Hill in a positive manner.

Council continues to provide funding options and heritage advice to landowners to encourage restoration of properties and to raise community awareness and appreciation through education on heritage related issues.

Council is currently working on assessing the National Heritage Values of Broken Hill and developing guidelines and publications to identify, protect, enhance and manage those values through proposals, and projects that take place within the City. These guidelines and publications will articulate and set out how the National Heritage values of Broken Hill can be understood in the day-to-day development and planning of the City.

The Broken Hill Local Environmental Plan 2013 (the LEP) includes over 300 individually listed heritage items and a number of heritage conservation areas. The LEP is due for review and the current heritage listings and conservation areas will be included in land-use planning investigations.



#### 4.9. Housing

The 2016 Census recorded 9,654 residential dwellings in Broken Hill. Approximately 95% of the dwellings in Broken Hill are separate houses, with comparatively few apartments, flats, or semi-detached houses. Average number of bedrooms per occupied dwelling was 2.9 and the average household size was 2.2 people, suggesting that larger dwellings with multiple bedrooms may not be as necessary to house the majority of residents in the future.

There is a high rate of unoccupied dwellings, with over 20% being unoccupied at the time of the 2016 Census. As a result housing in Broken Hill is very affordable, with a median house price of approximately \$100,000 and median mortgage repayments of around \$953 per month compared to the state average of \$1,986 per month. The majority of Broken Hill residents either own their home outright or with a mortgage, with fewer than 25% renting.

While the low house prices are attractive to new homeowners and investors, the current quality of the housing stock is an issue. Many houses are in need of repair/renovation, and some are at risk of becoming dilapidated.

***There is no shortage of housing in Broken Hill, but there is a need for new housing that caters to a changing demographic and provides more lifestyle choices.***

**4.10. Utilities and Connectivity**

**4.10.1. Water Supply**

Securing adequate supplies of water in Broken Hill's arid climate has been a major challenge for community, due to the lack of permanent water supplies and consumer competition between mining and other industries, residential and lifestyle interests. Augmentation projects to secure water for the City that were undertaken in 1952 and 2004 have proved inadequate for the City and wider region, and the Far West Regional Plan and Broken Hill Community Strategic Plan have highlighted the importance of sustainably managing water across the Far West.

In 2016, the NSW Government announced a \$500 million pipeline project to provide Broken Hill with a permanent water supply from the Murray River. A 270-kilometre water pipeline project was finalised in 2019 and Broken Hill is now supplied by a more sustainable water supply from the Murray River at Wentworth.

Broken Hill's reticulated water supply system continues to be managed by Essential Water, a division of the state-owned Essential Energy. Sustainable management of the water supply from the Murray River should provide an adequate supply of potable water to meet the needs of residents and businesses into the future. Research of water conservation techniques and recycling will be important into the future to ensure that water resources are used in an environmentally sustainable manner.

The availability of water from the Murray River will also help to limit extraction from water from the region's natural water sources, which are highly valued by Native Title holders of the region, the Barkandji.

Although there is little in the way of water intensive agriculture within the Broken Hill LGA, the unincorporated area is home to many pastoralists whose livelihoods depend on a reliable water supply.



#### **4.10.2. Sewerage**

Broken Hill's sewerage system is managed by Essential Water, a division of the state-owned Essential Energy. Research of water conservation techniques and recycling will be important into the future to maintain scarce water resources.

#### **4.10.3. Telecommunications**

Broken Hill City Council has adopted a Smart Community Framework. The adoption of the transformational opportunities offered by smart community initiatives and making investments in smart technologies will advance the strategy and corporate goals of Broken Hill and make the region an even better place to live, work, play and invest.

The National Broadband Network (NBN) currently being rolled-out throughout Australia is expected to be ready for roll out/service in Broken Hill in the near future. The roll out of the NBN is critical for Broken Hill and surrounding unincorporated area and enhancing access to telecommunications is identified as a major priority in the Far West Regional Plan. Many households and businesses in Broken Hill have a poor internet connection, and there are numerous telecommunications blackspots surrounding Broken Hill. Further improvements to internet connectivity and telecommunications infrastructure will be vital for growth and lifestyle in Broken Hill.

#### **4.10.4. Power**

Broken Hill is becoming a hub for renewable energy due to its arid climate lending itself to large scale solar and wind energy developments.

The AGL Broken Hill Solar Plant was completed in 2016 and is a 53 MW solar farm just outside the Broken Hill LGA and the AGL Silverton Wind Farm, commissioned in 2019, is located 25 kilometres north-west of Broken Hill in the unincorporated area. With 58 turbines, the Silverton Wind Farm is currently the second largest wind farm by capacity in NSW.

Centralised electricity infrastructure continues to be provided by Essential Energy.

***Now that the NBN is on track and we have secured robust water supplies from the Murray River and an abundance of renewable energy, Broken Hill is ready to diversify its industry base.***



## **5. OUR VISION**

### **5.1. Strategic Framework**

#### **5.1.1. Broken Hill Community Strategic Plan 2033**

The Broken Hill Community Strategic Plan 2033 adopted by Council in 2017 identifies a vision for the future of Broken Hill as follows:

'Broken Hill will be a self-reliant, strong regional community with services and facilities to support an active, vibrant residential population, valuing and sharing the region's unique natural and built environment with regional, national and international visitors'

The highest priority issues identified in the Broken Hill Community Strategic Plan 2033 are as follows:

1. Sustainable Economy
2. Roads Maintenance
3. Health, Community and Recreation Facilities
4. Population Growth
5. Training and Education
6. Tourism
7. Sense of Community
8. Trees, Parks and Open Spaces
9. Airport Redevelopment
10. Transport

#### **5.1.2. Broken Hill Advocacy Strategy 2018**

The Broken Hill – A Blueprint – Advocating For Our Future (Broken Hill Advocacy Strategy) 2018 is Council's latest roadmap to guide the advocacy activities of Council for the achievement of new urban designed spaces, technology, art, events and enterprises and identifies interventions that will place the City in an optimal position to attract new visitors, residents, businesses and industries.

#### **5.1.3. Draft Broken Hill Community Strategic Plan 2040**

Broken Hill City Council is embarking on the development of a new Community Strategic Plan with its community, in order to provide clear focus on the future directions and actions required to position Broken Hill as a sustainable regional centre in Far West NSW.

#### **5.1.4. Broken Hill Draft LSPS**

Most of the objects for the achievement of the Broken Hill LSPS in accordance with the NSW *Environmental Planning and Assessment Act 1979* have already been achieved under the Broken Hill Community Strategic Plan 2033 and Broken Hill Advocacy Strategy 2018.

The Broken Hill LSPS translates the vision and priorities expressed in Council's Strategic Led Planning Framework into a succinct report on the land-use planning priorities for the LGA.





## **6. OUR FUTURE PROSPECTS**

As discussed in Section 3 of this LSPS, Broken Hill's economy and population base has been in decline from its heydays at the turn of the century, largely due to a general slowdown in mining interests and more recently due to the ongoing drought. As a consequence, some people living in Broken Hill have moved to other locations for work and/or other reasons in recent years.

The latest Estimated Residential Population (ERP) projections undertaken the NSW Department of Planning, Industry and Environment in 2019 suggest that if current trends were to continue, Broken Hill will have a population of approximately 13,650 by the year 2040. This population is significantly less than the current population of around 17,479.

Unfortunately, the ERP projections do not take into account recent economic and employment data (post 2016 Census) as well as the potential employment generation from new mining/industry projects in the region.

The following section analyses current/local data and supports an alternate stabilized Broken Hill population at around current levels.

### **6.1. Population Analysis**

#### **6.1.1. ERP Population Projection**

The NSW ERP population projections use a multi-regional cohort component model, whereby State, region and LGA assumptions are set from Census data, with LGAs constrained to the regional projection it sits within and regions constrained to State totals. The latest ERP population projections (2019) are based on 2016 Census data and further informed by the Commonwealth Government budget papers. Recent Federal government reductions in overseas migration (from 190,000 down to 160,000) and the current trend for immigration settlement in metropolitan areas is having the effect of producing very low ERP figures in regional NSW. The ERP projections also don't take into account the effects of new employment generation on resident populations post 2016 Census.

#### **6.1.2. Updated Local Data**

There is emerging evidence (post 2016 Census) that suggests improved economic conditions in Broken Hill and potential for even high levels of economic performance and confidence into the future. The following data is presented in support of improved local economic conditions:

#### **6.1.3. Unemployment Data**

The Broken Hill City Economic Profile shows 8.8% of the resident workforce of Broken Hill City was unemployed in 2011, compared to 6.3% in NSW. At the time of the 2016 Census, the unemployment rate in Broken Hill was 7.0%, compared to 5.0% in NSW. The current unemployment rate in Broken Hill City (based on 2019 September Quarter figures) is 3.9%, compared to 4.6% in NSW. The data shows there is considerably less unemployment of Broken Hill residents post 2016 Census.

#### **6.1.4. Employment Data**

At the time of the 2016 Census, the estimated number of employed residents in Broken Hill City was 7,768. The current employment rate in Broken Hill City (based on 2019 September figures) is 7,852. The data shows there are more Broken Hill residents in full time employment post 2016 Census.

#### **6.1.5. Workforce Development Data**

In 2016, Regional Development Australia Far West (RDA Far West) conducted the Far West Workforce Development Study. In partnership with other State government agencies, Central Darling Shire Council and Broken Hill City Council and Country Universities Centre Far West, RDA Far West has updated their research originally conducted in 2016 around the workforce development needs of the Far West NSW region. The findings of this work have been published in the 2019 RDA Workforce Development Study. It provides significant insights into the aspirations, requirements, workforce issues and needs across the region with more than 120 regional businesses participating, many of whom operate in the Broken Hill LGA.

There is important data provided in the 2019 RDA Workforce Development Study about businesses confidence, with 86% of responding business planning growth over the next 10 years indicating greater workforce demand. Whilst 14% of the businesses planning for growth were unsure of the extent of that growth, 10% indicated they were planning for significant growth and 56% were planning for moderate growth.

Equally important, the latest 2019 RDA Workforce Development Study analyses what has changed since their original survey findings in 2016 and their most recent survey in 2019, with the following changes being reported:

- Increased difficulties in filling positions.
- Significant increases in delays for production of service of goods.
- Greater missed opportunities.
- Additional operating expenses.
- Increase failures to meet deadlines.
- Increased negative impacts on credibility and viability.
- Slight increase in staff retention difficulties.

The results of the study indicate the majority of local employers are trying to overcome skill shortages, rather than a lack of work in the region. The RDA reporting suggests the challenge for the region is to attract and retain staff.

#### **6.1.6. Construction Projects Data**

Since 2016 there has been considerable volume of new construction projects in and around Broken Hill, as follows:

- 2016: \$5.2m Broken Hill Civic Centre Refurbishment.
- 2016: Hailstorm resulting in multiple building repairs in Broken Hill.
- 2017/18: \$450m Silverton Wind Farm.
- 2018: \$5m YMCA Integrated Wellness Centre Redevelopment.
- 2018: \$30 million Broken Hill Health Service Redevelopment.
- 2018/19: \$500m Wentworth to Broken Hill Water Pipeline.
- 2019/20: \$2.6m Jubilee Oval Redevelopment.
- 2020: \$3.2m Broken Hill Airport Upgrade (under development).

Anecdotal evidence (passenger flight records and discussions with construction companies) suggests a large proportion of the workforce for the above construction projects were residents of other areas of NSW, South Australia and Victoria. However, in addition to an increase in the temporary construction workforce, there has been a general increase in demand for a wide

range of local materials and services at Broken Hill such as building supplies, manufacturing, earthmoving, labor-hire, fuel and mechanical services, accommodation and food and beverage services. The data supports the assumption that there has been a strengthening of the local economy post 2016 Census.

**6.1.7. Passenger Flight Data**

The monthly Passenger Flight Figures compiled for Broken Hill Airport (2010 – 2020) show a strong correlation between the low economic activity experienced in Broken Hill (mid-2013 to end of 2016) and the improved economic conditions post 2016 Census. Increased passenger numbers are largely attributed to a general upturn in local economic conditions across a number of sectors, including construction and mining, health and other administrative services and tourism.

**Broken Hill Airport Landing Data 2010 - 2020**

<b>2010-11</b>	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
<b>63,041</b>	64,306	65,259	59,610	56,391	52,930	56,691	66,506	67,358	5,144

The latest 2020 data is highly impacted by Covid 19 Pandemic restrictions.

**6.1.8. Visitor Data**

The Broken Hill Tourism Monitor has been collecting data on visitor numbers into the local government area since 1990. The latest National Visitor Survey (NVS) data indicates that over 229,000 domestic overnight visitors spent at least one night in Broken Hill during the year ending 2019. This is the highest visitor volume for any 12 month period since data collection commenced in 2005. The data suggests a stronger visitor economy for Broken Hill, along with all associated spin-off effects on local businesses.

**6.1.9. Major Mine Proposals**

Since 2016 there has been considerable renewed interest in mining exploration and planning in and around Broken Hill. Major projects include:

- **Cobalt Blue/Broken Hill Prospecting Thackaringa Cobalt Project** - proposed to commence construction in 2023 and employ 450 at construction phase for two years and 265 workers during operations.
- **Carpentaria Resources Hawson’s Iron Project** - proposed to commence construction in 2021 and employ 1,200 at construction phase for two years and 500 workers during operations.
- **Olary Project** - proposed to commence construction in 2021 and employ 500 at construction phase and 200 workers during start-up operations and up to 1,000 to 2,000 under full operation.

With over 1,500 people currently working in mining, manufacturing and construction at Broken Hill, an additional 2,000 jobs could be expected to be created in the area in the near future.

**6.1.10. Other Employment Generating Industries**

Connection to the NBN and achievement of a secure/robust water supply from the Murray River and an abundance of renewable energy provides a solid foundation for Broken Hill to further develop and diversify its industry base. Investigations into new solar farming opportunities, abattoirs, value-add industries and freight logistics are showing promising signs of new development potential that could lead to additional jobs for Broken Hill and further stabilization of the resident population.

#### **6.1.11. Alternate (Local) Population Projection**

An alternate population projection has been offered in this LSPS that shows the stabilization of the Broken Hill population at around current levels (17,500 people). The alternate population projection for Broken Hill assumes the same rates of births and deaths as in the ERP projections but assumes higher levels of in-migration of workers and their families and less outmigration in the short to medium term, due to increased employment opportunities and other local conditions. Headline assumptions are detailed below:

#### **6.1.12. Industry Analysis Modelling**

To inform the local population projections, an economic/industry analysis has been undertaken to determine the multiplier effects of new jobs on the resident population.

The method for arriving at the multiplier effect uses the ABS Input-Output (I-O) model, based on the following steps:

1. Determine the current ratio of the number of persons employed to the total population (0.45).
2. Apply this ratio to the number of forecast jobs from the employment forecasts (2,000).

Based on the current population of Broken Hill (17,479) and the total number of persons employed at Broken Hill (7,852) a multiplier effect of 0.45 has been used. This implies that for every two new jobs created within Broken Hill LGA almost one other job will be created elsewhere in Broken Hill. Based on the current estimates for workers required in new mining/industry jobs (say 2,000) another 898 jobs could be created into the local economy.

#### **6.1.13. FIFO/DIDO verses Local Employment**

Broken Hill has served as the residential base for workers since mining began in the mid-1880s. This is due to the relative isolation of Broken Hill to other populations of potential employees. Historically, there has always been a strong correlation between the ratio of the number of persons employed in Broken Hill and the resident population of Broken Hill.

Improvements in transport and travel have allowed some companies, and in particular mining companies, to structure their workforces around fly-in fly-out (FIFO) or drive-in drive-out (DIDO) shifts. The FIFO/DIDO methods are generally used in remote areas by transporting workers temporarily to their work site instead of relocating employees permanently to mining camps and/or small settlements.

The use of FIFO/DIDO for existing mining companies at Broken Hill has not been used extensively. This is largely due to the skilled workforce available in Broken Hill, the availability of housing in Broken Hill and the high level of services and facilities available in the City. This is certainly the case for the two main mines currently operating at Broken Hill (Perilya and CBH Resources) whereby over 80% of their workforces reside permanently in Broken Hill. For Broken Hill, FIFO/DIDO has largely been limited to some construction workers and specialist professionals.

Discussions with potential new mining and construction companies (Cobalt Blue Holdings, Broken Hill Prospecting, Carpentaria Resources and Olary Magnetite) confirm their commitments to employ locally within the Broken Hill region, with FIFO/DIDO workers generally being limited to some areas of construction and to specialist professionals. No construction/mining camps are proposed to provide temporary accommodation for new workers.

Given the high level of services and housing available at Broken Hill, there would appear to be little warrant for FIFO/DIDO at Broken Hill.

A continued strong correlation between the number of persons employed and the resident population of Broken Hill has been factored into the local population projection.

#### **6.1.14. Alternate Local Population Projection**

Taking into account the baseline data from the NSW ERP projections as well as the local data and the predicted low incidence of FIFO/DIDO, it is predicted that the Broken Hill population will remain steady at 17,500 people by 2040.

This stable resident population of 17,500 may prove to be a conservative figure, depending on how new employment generating developments and other economic initiatives progress into the future. However, the methods used in arriving at the Local Population Projection assumes only positive change to the local economic profile and assumes many of all future jobs will need new people to move into the LGA. It assumes neither changes to the age profile, nor any change to labour force participation by those not in the labour force (particularly women). It assumes no catastrophic events (drought, recession or pandemic) that could place downward pressures on the economy. For these reasons, a higher population projection than the existing Broken Hill population has not been shown.

#### **6.1.15. Use of ERP and Local Data Population Projections**

The ERP and local data projections are not predictions or forecasts but are simply illustrations of the growth and change in population, which would occur if certain assumptions about future levels of fertility, mortality, overseas migration and internal migration were to prevail over the projection period.

For the purposes of this LSPS, it is proposed to use the NSW ERP Population Projection as a low projection scenario for Broken Hill LGA and the Local Population Projection as the high projection scenario for the City.

Future planning for new land-uses and zoning, roads and other infrastructure managed by Broken Hill City Council will therefore take into consideration two possible population projection scenarios as follows:

- Broken Hill LGA Low Projection Scenario - 13,650 in the year 2040.
- Broken Hill LGA Stable Projection Scenario - 17,500 people in the year 2040.

**6.1.16. Key Issues for Projection Scenarios**

Key issues for each projection scenario are summarised as follows:

<b>Projection Scenario</b>	<b>Broken Hill Population</b>	<b>Planning Issue</b>
<b>Low</b>	13,650	Decline in labour force. Decline in local economy conditions, particularly in education, child care, retail, construction and industry. Limited housing demand and potential downturn in real estate values. Potential decline in public transport options, depending on subsidisation. Increased demand for some health, aged care and tourism services. Small pockets of new employment generating industries likely to continue, with reliance on temporary FIFO/DIDO workers for construction of major projects.
<b>Stable</b>	17,500	Increase in labour force. Potential for new industries, business models and innovations, subject to addressing skill shortages and attracting and retaining staff. Demand for housing and industrial land increases, including potential for expanded airport and rail freight services. Maintenance of existing urban services and facilities. Increased demand for health, aged care, education and tourism services. Growth is cumulative so could still be shortages of workers during major construction projects or for particular skills.

**6.1.17. Focus on Development, Training and Flexibility**

Consideration of the future growth prospects of Broken Hill serves as an important reminder that the City must rely on its own actions to maintain a strong economy and resultant population base, with all the spin-off benefits for improvements in employment, health, education, shopping and lifestyle.

At the forefront of Broken Hill's vision for the future must be a continued focus on employment generation, based on the community's existing strengths as well as increased appetite for training, employing locally, women in employment, new business models, innovation and entrepreneurship as well as new mining projects, industries and other employment generating developments.

Training strategies will need to be more closely aligned to the industries that will grow the economy and population into the future. Greater focus is required on upskilling and/or reskilling the existing workforce and attracting new workers to the region.

Land-use planning should continue to be as flexible as practical in the Broken Hill context, with adequate supplies of employment lands being made available for future growth and development.

## 7. PLANNING PRIORITIES

A central objective of the Broken Hill LSPS is to support the existing industry base as well as emerging opportunities to grow and support Broken Hill City to become a more resilient regional centre. Improvements in mining technology, transport and business models are particularly promising for growing the diversity of businesses in Broken Hill. However, until new initiatives and projects become more certain it important that the LSPS plays to Broken Hill's strengths. The following section examines the key focus areas for action under the Broken Hill LSPS.

### 7.1. Mining

The mining industry must be a key focus for Broken Hill into the short to medium term. There are too many people in Broken Hill dependent on mining and there has been too much investment in infrastructure and services to support the mining industry sector to prematurely turn our attention away from this important industry sector.

Mining jobs and associated employment are forecast to increase with the development of iron and cobalt ore reserves, with as many as 2,500 jobs being created in the near future. With the right financial conditions and support, Broken Hill and the surrounding region could continue to be a potential 'mine field' of new product in Far West NSW.

Future investments in projects that make mining generally cheaper and easier to perform at Broken Hill are important for the long-term sustainability of the City. Haulage roads and town bypasses, water and electricity supply augmentation projects and improvements in telecommunications can assist with the viability of mining projects.

Planning priorities for Mining		
Priority No.	Action	Timeframe
1	Continue to support existing/future mining operations in Broken Hill.	Ongoing
2	Continue to advocate for the employment of local residents in mining operations in and around Broken Hill.	Ongoing
3	Continue to advocate for a heavy vehicle bypass for Broken Hill that connects all State highways and regional roads and removes heavy vehicle haulage from residential areas and other sensitive land-uses.	Ongoing
4	Continue to support existing air passenger services through the provision of appropriate terminal facilities.	Short to medium term
5	Continue to investigate the needs of mining operations for services that can be provided at Broken Hill, including housing, training, emergency services and the like.	Short to long term

## **7.2. Industry**

In recent years, the unimproved land values for properties zoned either IN1 General Industrial or IN2 Light Industrial have increased, indicating strong demand for industrial zoned land. The Far West Regional Economic Development Strategy, 2018 advises that industries that add value to agriculture and mining (the two largest exporting industries in the Region) are heavily constrained by the availability of industrial land within existing urban centres. This increase in demand for industrial land is also being reflected in local business feedback to Council requesting the development of additional industrial land reserves.

The existing Kanandah Road/Pinnacles Road Industrial Precinct is surrounded by vacant Crown Land, with most of the Crown Land in the area under Council management as Trust Manager of the Willyama Common. Part of the Willyama Common located along Pinnacles Road was zoned IN1 – General Industrial in the Broken Hill Local Environmental Plan 2013 to allow for an expansion of the industrial area. Expansion of the industrial area into the Willyama Common would appear to be a logical project. The land is serviced appropriately zoned for industrial development and is relatively constraints free.

At this stage however, the section of the Willyama Common already zoned for industrial purposes cannot be further developed due to an undetermined Aboriginal Land Claim under the *Aboriginal Land Rights Act 1983*. Other land options in the Broken Hill LGA for expansion of industrial land-use also face similar limitations. Most of the vacant land in the LGA is Crown land and subject to either an undetermined Aboriginal Land Claim or the Barkandji Native Title determination.

With approximately 30,000 undetermined Aboriginal Land Claims in NSW, the current rate of determination indicates that land claims in the Broken Hill LGA are unlikely to be determined in the short to medium term. It would appear necessary for Council to negotiate directly with the Local Aboriginal Land Council in the first instance and investigate expedited determination of undetermined Aboriginal Land Claims.

Along with the need to investigate new industrial land opportunities on both Crown and freehold land areas, there is a need to also investigate the servicing requirements of potential industrial land areas.

The feasibility of establishing new industries at Broken Hill, such as abattoirs, cold stores and packaging facilities for livestock and/or kangaroo, pig and goat meat, should also be investigated.



<b>Planning priority for Industry</b>		
<b>Priority No.</b>	<b>Action</b>	<b>Timeframe</b>
1	Investigate opportunities to further diversify Broken Hill's economy through new industries.	Ongoing
2	Investigate opportunities to further subdivide existing industrial zoned land, not subject to Aboriginal Land Claim, to meet future short term demands for industrial land/premises.	Short term
3	Undertake an Industrial Land Release Investigation to determine the future needs/locations for industrial land in Broken Hill as well as the land purchase/acquisition and infrastructure requirements for development of new industrial areas.	Medium term
4	Investigate options to expedite determination of undetermined Aboriginal Land Claims for purchase of new industrial areas.	Medium term
5	Undertake a Land Use Strategy to rezone identified land to a suitable industrial zone.	Medium term
6	Undertake detailed designs, costings and environmental assessments to progress industrial subdivisions for private sale.	Medium term
7	Investigate a heavy vehicle bypass for Broken Hill that connects all State highways and regional roads and removes heavy vehicle haulage from residential areas and other sensitive land-uses.	Medium term
8	Seek funding to purchase industrial land and augment infrastructure to new industrial areas in stages and as required.	Medium term

**7.3. Land Transport and Freight Logistics**

Roads continue to be a primary focus of Broken Hill City Council. Council continues to be challenged by the limited funding available from Federal, State and local sources to properly maintain the road network. Strategies to maintain/upgrade roads in and around Broken Hill are continually being refined by the State Government and Council as a means of driving greater efficiencies in the movement of freight, as well as to achieve local road safety, social equity and amenity improvements.

Providing suitable public transport options over long distances also continues to be a challenge for service providers and residents. There are limited cheap public transport options for residents to access major cities and other larger centres for shopping, medical services and employment.

The Far West Regional Plan 2036, the Western Regional Transport Plan 2013, the Broken Hill Community Strategic Plan 2033 and the Broken Hill Advocacy Strategy 2018 all recognise the strategic importance of providing a heavy vehicle haulage bypass of Broken Hill to improve travel efficiency for the mining and agricultural industries. Providing suitable rest areas for motorists travelling along main roads has also been highlighted as important for ensuring long term road safety objectives.

Active transport (walking and cycling) is a new transport planning focus, which helps improve health and wellbeing, social capital and economic development through tourism and events for visitors seeking active holidays.

Potential for Broken Hill to develop rail terminal facilities and/or intermodal facilities need further investigation to ensure that the City is positioned to take advantage of an expanding national rail freight task, new mining developments and linkages to other freight initiatives, such as the Parkes National Logistics Hub Special Activation Precinct located on the Parkes to Broken Hill Railway line.

The implications of all these transport issues need to be considered under a more holistic planning approach.

Planning priority for Land Transport and Logistics		
Priority No.	Action	Timeframe
1	Continue the program of bitumen sealing of all public roads within Broken Hill.	Ongoing
2	Advocate for continued maintenance/upgrades to main road routes, including the Barrier, Silver City and Cobb Highways.	Ongoing
3	Advocate for continued maintenance/upgrades of the Sydney to Adelaide railway.	Ongoing
4	Advocate for a Heavy Vehicle Bypass Strategy for Broken Hill that connects all State highways and regional roads to provide alternate heavy vehicle haulage routes from residential areas and other sensitive land-uses.	Ongoing
5	Undertake a review of the Active Transport Strategy for Broken Hill.	Short term
6	Advocate for the review of rest areas along main roads linking to Broken Hill.	Short term
7	Undertake an Approach Routes Strategy to enhance the main road approaches into Broken Hill, including upgrades to truck stop areas, landscaped treatments and signage along road approaches.	Short term
8	Investigate opportunities for improved rail terminal/intermodal facilities at Broken Hill.	Medium term

**7.4. Airport Services and Facilities**

The Broken Hill Airport and Terminal is critical infrastructure for the long term sustainability and development of Broken Hill City. It is important that the airport continues to develop to provide safe, efficient, cost effective and relevant air services to existing/future tenants, airlines, passengers and other businesses.

The Broken Hill Advocacy Strategy 2018 lists the upgrade of the Broken Hill Airport as a priority. Council is currently seeking funding to upgrade the airport and increase the capacity of the runway so that the airport can accommodate larger aircraft and to connect existing and future hanger space to taxiways. Currently, there are no vacant land parcels that can readily accessed from existing runway/taxiways. If taxiways were extended, this would provide opportunities for more land to be made available for hangars and other developments.

There are a number of lease arrangements with commercial operators to construct new hangars and other improvements on land leased from Council. However, many business operators have expressed their preference to purchase land as opposed to lease. The security of freehold ownership would likely encourage greater investment and development at the airport. Further subdivision of airport land would allow for the sale of land as opposed to lease.

In line with runway and taxiway upgrades, the existing airport terminal would require further upgrades to increase passenger comfort and provide for enhanced baggage and freight handling facilities.

Council has established part of its own business operations at Broken Hill Airport, including depot, companion animals and ranger facilities. There may be other opportunities to expand Council depot operations and/or services at the airport site, which should be investigated further.

<b>Planning priority for Airport Services and Facilities</b>		
<b>Priority No.</b>	<b>Action</b>	<b>Timeframe</b>
1	Continue the program of upgrades and maintenance of Broken Hill Airport.	Ongoing
2	Advocate for continued regular passenger services to and from Broken Hill.	Ongoing
3	Advocate for funding of upgrades to the main Broken Hill Airport Runway.	Short term
4	Review the Broken Hill Airport Master Plan 2008 to confirm the scope of runway/taxiway upgrades and to investigate the potential/requirements/constraints for the expansion of business activities (both Council and other government services and the private sector) at the airport site.	Short term
5	Investigate the potential for land at the airport to be used for light industry, transport depots, pilot training facilities and the like.	Short term
6	Investigate the merits of centralising more Council business operations at the Broken Hill Airport.	Short term
7	Include the Pro Hart Way in any Approach Routes Strategy to enhance this road corridor approach to Broken Hill from the Broken Hill Airport.	Short term
8	Undertake detailed designs, costings and environmental assessments to progress landside subdivisions for private sale/long term lease.	Short term
9	Investigate opportunities for improved rail terminal/intermodal facilities at Broken Hill.	Medium term

**7.5. Health**

It is important that Broken Hill maintains/enhances its current healthcare services to local and regional residents, including services administered by the Broken Hill Hospital, Maari Ma Health Corporation, Royal Flying Doctor Service, Broken Hill Community Health Centre, Far West Mental Health Recovery Centre, Broken Hill YMCA and numerous aged care providers and other medical services.

The Broken Hill community should aim to be generally self-sufficient in health care facilities and not rely on Adelaide or other larger centres for health services.

<b>Planning priority for Health</b>		
<b>Priority No.</b>	<b>Action</b>	<b>Timeframe</b>
<b>1</b>	Advocate for upgrades to health services to limit the burden on Broken Hill residents to travel long distances to access special medical services and treatments.	Ongoing
<b>2</b>	Advocate for aged care facilities in Broken Hill that meet the requirements of an aging population.	Ongoing
<b>3</b>	Investigate opportunities to further establish Broken Hill as a healthcare hub for Far West NSW.	Short to medium term
<b>4</b>	Investigate options to allow for 'aging in place', with low maintenance housing close to services. It is also important that the aged care facilities in Broken Hill meet the requirements of an aging population.	Short to medium term



**7.6. Education**

It is important that Broken Hill maintains/enhances its current education facilities. It will be important to make higher education more accessible to citizens in the Far West, including for students enrolled in tertiary education courses by distance.

Making higher education more accessible to citizens in the Far West is important for the future of Broken Hill. This will not only increase the tertiary education rate of Broken Hill (which is significantly lower than the national average) but also benefit local business and industry through increasingly qualified staff and help boost the local economy.

Without access to higher education, school leavers may choose to leave Broken Hill for tertiary education opportunities.

<b>Planning priority for Education</b>		
<b>Priority No.</b>	<b>Action</b>	<b>Timeframe</b>
<b>1</b>	Advocate for upgrades to primary and secondary education services to limit the burden on Broken Hill students to travel long distances and/or attend Boarding Schools to obtain their education.	Ongoing
<b>2</b>	Investigate opportunities to further establish Broken Hill as a higher education hub for Far West NSW.	Ongoing

**7.7. Activating Commercial and Lifestyle Opportunities**

The general decline in the need for physical retail stores is having a marked effect on the way commercial activity is being conducted in central business districts across Australia. There is increasing focus on urban renewal, place making, wayfinding and peripheral parking projects to improve the attraction, amenity and ease of access throughout centres to appeal to a growing visitor market.

The Broken Hill Central Business District (CBD) is literally 'streets ahead' of other town centres in marketing its wider appeal to new markets such as national and international tourists, visitors from nearby areas, people travelling through the region or visiting friends and family or to attend an event. Many of the buildings in Argent Street (the City's Main-street) date back to the early mining days and help tell the incredibly interesting storey of early settlement in the area. Combined with quality commercial and civic buildings, easy-to-negotiate roads, wide footpaths and easy parking, the overall attraction of Argent Street is attracting a much larger customer base.

The Broken Hill Advocacy Strategy 2018 embraces investment in capital infrastructure (transport and connectivity), innovation and entrepreneurialism in the Broken Hill CBD to help transform the local economy. The Strategy highlights the importance of the CBD as a major tourism drawcard to increase overnight visitation the Broken Hill. It focuses on the activation of key sites in the CBD, such as the proposed new Broken Hill Cultural Precinct and Library & Archives. A wide range of commercial and retail businesses should benefit from greater commercial activation and visitations into the CBD, such as shops selling food and drinks, clothing and shoes and other personable goods and services.

Greater focus on government policies that increase appetite for property owners and businesses to invest in building refurbishments and maintenance is also considered important in the current context. Council can play a particularly important role in encouraging property reinvestment, as the authority responsible for administering most of the regularly framework relating to planning, building regulation, heritage and footpath trading in the CBD.

Enhancement of parkland and other open spaces are important for maintaining health and social capital in Broken Hill City. Broken Hill City Council intends to prepare Plans of Management for all Crown Land under its control, including parks and reserves. Major upgrades to the main parks within Broken Hill City are also proposed.



<b>Planning priority for Commercial/Lifestyle Activity</b>		
<b>Priority No.</b>	<b>Action</b>	<b>Timeframe</b>
1	Continue the program of upgrades and maintenance of Broken Hill CBD.	Ongoing
2	Undertake the construction of the Broken Hill Cultural Precinct and Library & Archives as a key activation project for the Broken Hill CBD.	Short term
3	Undertake the installation of the Broken Hill Projection and Lighting Project as a key activation project for the Broken Hill CBD as well as Sturt Park.	Short term
4	Undertake the Broken Hill CBD Masterplan.	Short term
5	Undertake Plans of Management for all Crown Land under the care and control of Broken Hill City Council.	Short term
6	Undertake the Masterplans for all major parks (Sturt, Patton and Queen Elizabeth Parks).	Short term
7	Review the Broken Hill Local Environmental Plan 2013 and Broken Hill Development Control Plan 2016 to ensure controls and guidelines properly support existing/future business activity in the Broken Hill CBD.	Medium term
8	Undertake detailed designs, costings and environmental assessments to implement the Broken Hill CBD Masterplan once completed.	Medium term



**7.8. Tourism**

Broken Hill benefits from a wide range of visitors, including international and national tourists, overland travellers (touring groups and individuals), passengers from the Indian Pacific, visitors from other nearby areas, people visiting friends and relatives and people invited to attend events (races, concerts, sports, weddings).

Broken Hill is acknowledged as playing an important role in bringing domestic and international visitors to the Outback NSW region. Tourism provides a huge economic boost to Broken Hill. Local businesses benefit from Broken Hill's role as an important stopover and launch pad into the wider Outback NSW region. The 'grey nomad' and 'family' markets are important to the region and current marketing research and programs are focusing on the expansion of this audience.

There is a need to undertake regular reviews of tourist attractions, temporary accommodation and tourist services to ensure they are meeting customer demands/expectations, including a review of visitor centre facilities, art galleries, conference facilities, caravan parks, overnight RV parking, serviced apartments, motels and hotels.

The Far West Regional Economic Development Strategy 2018 supports tourism as a key growth industry for Broken Hill and highlights a number of initiatives to grow the visitor economy, including the film and television industry and capitalising on the areas heritage, cultural, seasonal and natural endowments like National Parks and famous film locations.

The Broken Hill Advocacy Strategy 2018 highlights the importance of the CBD as a major tourism drawcard to increase overnight visitation the Broken Hill. The Strategy also highlights the need to enhance the City's cultural offering including in creative arts and film and television as well as its natural endowments.

Broken Hill City Council will continue to work with key stakeholders to further develop a destination brand, manage Council's tourism assets and the visitor economy in the region.

<b>Planning priority for Tourism</b>		
<b>Priority No.</b>	<b>Action</b>	<b>Timeframe</b>
1	Promote the importance of collaborative asset management and marketing to Federal and State Governments, industry and private benefactors.	Ongoing
2	Continue the program of upgrade and maintenance of tourist assets owned/controlled by Council.	Ongoing
3	Continue to support the upgrade and maintenance of local tourist assets, local flagship events, festivals, and conventions.	Ongoing
4	Support the development of a Film School at Broken Hill.	Ongoing
5	Implement activation actions in the Broken Hill CBD, including the development of the Broken Hill CBD Masterplan, Broken Hill Cultural Precinct and Library & Archives Project and the Broken Hill Projection and Lighting Project.	Short term
6	Refurbish/revitalise visitor facilities and signage to Aboriginal, outback, mining and film and television heritage sites and attractions.	Short term



**7.9. Heritage**

The Broken Hill City Council Heritage Strategy 2017-2020 focuses on the built heritage within the City and provides a number of strategies to increase awareness and appreciation of heritage in Broken Hill and to manage local and State heritage within Broken Hill in a positive manner.

The Broken Hill Advocacy Strategy 2018 embraces investment in capital infrastructure, innovation and entrepreneurialism to transform the economy of Australia's First Heritage Listed City - Broken Hill.

Council can play a particularly important role in encouraging restoration and maintenance of heritage buildings, as the authority responsible for administering most of the regularly framework relating to heritage conservation and management in the CBD.

The Broken Hill Local Environmental Plan 2013 is intended to be reviewed to ensure that heritage listings and conservation areas remain relevant in the local context. Council will also continue to provide funding options to landowners to encourage the maintenance/restoration of properties.

Planning priority for Heritage		
Priority No.	Action	Timeframe
1	Promote Broken Hill as an asset of outstanding heritage value to the nation.	Ongoing
2	Continue the program of heritage incentive funding.	Ongoing
3	Review the Broken Hill Local Environmental Plan 2013 heritage listing and heritage conservation areas.	Medium term
4	Develop guidelines and publications to protect, enhance, and manage Broken Hill's National Heritage Values.	Medium term



### **7.10. Housing**

The Broken Hill Advocacy Strategy 2018 highlights adequate housing and land as one of the pillars of sustainable development in Broken Hill. While Broken Hill has a long history of, and continues to offer affordable housing, the future success of industry growth requires residential housing stock to attract families to move to the City.

The quality of housing is important for both current residents and attracting new residents and investors. So far the housing stock in Broken Hill as a whole is being relatively well managed and there are no significant planning issues. To some extent however, this may be masked due to the maintenance and repair work still being completed on houses damaged in the November 2016 hailstorm.

It is also important that there is a mix of housing types to accommodate the requirements of the community. Broken Hill has an aging population, and the housing requirements of older citizens need to be considered when addressing future housing requirements. The need for housing that caters to 'seniors' independence and 'aging in place' is identified in the Far West Regional Plan. New housing with 1-2 bedrooms, smaller yards and close to essential services is ideal for residents who wish to maintain their independence. The area surrounding the city centre in Argent Street, local centres in Patton and Gypsum Street, the Westside Plaza, Broken Hill Village, and possibly nearby the hospital in Thomas Street might be suitable investigation areas.

The new residential houses in the Brown Street and Schlapp Street areas include larger residential lots which have proven popular. However, it is difficult for this area to expand further beyond the existing land available. In the 1920s a regeneration area was developed by renowned conservationist Albert Morris, planting a 'green belt' protecting the city from dust storms. This regeneration area not only has environmental significance but has heritage significance which is noted in Broken Hill's National Heritage Listing. The regeneration area is protected by E2 – Environmental Conservation zoning and residential development is prohibited. This means that residential development in Broken Hill, particularly in the Schlapp Street area, cannot expand further to accommodate demand for large residential blocks.

Rezoning of land on the edge of Broken Hill to allow for larger residential lots may be worthy of consideration. There may be merit in lifting the current land-use restrictions on horse stables in some areas of Broken Hill zoned R1 General Residential, such land around the Brookfield Avenue area. Review of Council owned operational land that could be made available for sale may also be required to address the limited supply of vacant residential land.

The growth of Bed and Breakfast (B&B) style accommodation and the 'sharing economy' is also important to consider. There are currently over 40 listings in Broken Hill on the AirBnB website, with prices ranging from \$40 per night to over \$300 per night. Many of the Air BnB accommodation types are historical heritage, capitalising on the City's heritage listing and creating a unique experience for tourists. Organisers of events such as Broken Heel have previously encouraged local homeowners to consider listing their home on AirBnB and similar sites, due to the shortage of tourist accommodation in Broken Hill during major events.

Depending on whether or not the trends in population decline continue in Broken Hill in the longer term, there could be potential for a decline in real estate values/rents to an extent that there is a lack of revenue for landowners to properly maintain building assets. At this stage, it is important to continue to monitor housing supply and demand and monitor the general condition of housing stocks in certain areas. Should conditions deteriorate, Council could consider implementing a number of programs aimed at assisting landowners, such as:

- Providing incentives and initiatives to encourage the maintenance/renovation of existing houses in need of repair.

- Household hard waste kerbside pickup schemes to remove unsightly materials/items from residential premises in order to improve the amenity of some streetscapes.
- Review of heritage conservation areas to ensure they only apply to dwellings of significant heritage values, thereby removing some of the 'red tape' for landowners to renovate, change or demolish dwellings that have low heritage value.
- Voluntary demolition of dilapidated houses by landowners, especially where the limited supply of vacant/serviced residential land parcels may present a viable return on investment to some landowners.
- Direct action on landowners where dilapidation or structural issues present as public safety or streetscape amenity concerns.

<b>Planning priority for Housing</b>		
<b>Priority No.</b>	<b>Action</b>	<b>Timeframe</b>
1	Investigate opportunities to work with social housing providers.	Short term
2	Investigate incentives to encourage renovation, redevelopment or removal of dilapidated housing stock.	Short term
3	Review the Broken Hill Local Environmental Plan 2013 heritage listing and heritage conservation areas.	Medium term
4	Investigate the need to liberalise land-use restrictions on land zoned R1 General Residential on the edge of Broken Hill to allow for keeping of horses.	Medium term

**7.11. Utilities and Connectivity**

To support existing communities and cater for future growth, continued investment in maintaining existing services and infrastructure is required as well as continued planning for new and improved facilities. Funding for new projects continue to be limited, so targeted planning is critical to ensure that new investments provide maximum benefits.

Further improving internet connectivity and telecommunications infrastructure is vital to the long-term survival of a remote city such as Broken Hill. Council will advocate for telecommunication services that allow businesses to connect to the world. Improvements in services will help local businesses to compete with regional, national and international markets.

Ensuring future growth is provided with appropriate infrastructure will be a collaborative effort with all levels of government. A coordinated sub-regional infrastructure strategy between Broken Hill City Council in collaboration with the relevant Federal, State and Local government authorities and other service authorities will assist in service delivery.

Broken Hill City Council intends to investigate whether the electricity grid capacity has further potential for renewable energy investment. Council will also encourage further industry research into options to supply more of the electricity supply needs of Broken Hill and surrounding region from solar power.

**Planning priority for Utilities and Connectivity**

<b>Priority No.</b>	<b>Action</b>	<b>Timeframe</b>
<b>1</b>	Undertake a coordinated sub-regional infrastructure strategy for the western area of the Far West Region of NSW, involving collaboration between the relevant Federal, State and Local government authorities and other service authorities to assist in service delivery.	Medium term
<b>2</b>	Investigate opportunities for further renewable energy developments in the Broken Hill LGA and surrounding unincorporated area.	Short to medium term





## **8. MONITORING PROGRESS**

The Broken Hill LSPS will be reviewed on a regular basis, to ensure any strategic plans are consistent with any updates to the Far West Regional Plan, Broken Hill Community Strategic Plan, and the Broken Hill Local Environmental Plan.

Implementing the priorities of the Broken Hill LSPS will require on-going review of progress and regular feedback to key stakeholders and the wider community. Council will monitor, review and report on its LSPS to ensure that its planning priorities are being achieved. The following provides the framework for monitoring of our progress against planning priorities:

### **8.1. Monitoring and Reporting**

A key action of the Broken Hill LSPS is for Council to adopt a system to properly monitor population growth and employment generating developments and determine the appropriate release of urban land-uses and associated services.

Council will use the existing Integrated Planning and Reporting (4-Year Delivery Program) Framework under the *Local Government Act 1993* for the purpose of reporting on its monitoring of developments, population growth as well as progress on implementation key infrastructure and services.

Council will undertake regular reviews of the Broken Hill LSPS Planning Priorities to align with Council's overarching community strategic planning under the Integrated Planning and Reporting Framework.

Regular reviews will ensure that the Broken Hill LSPS reflects the vision the community has for future of Broken Hill and is aligned to the latest trends and information available about the environment and the community's social and economic needs.

#### **8.1.1. Population Monitoring**

Key indicators to monitor:

- Estimated resident population (monitor how it is changing, and how it compares to the population projection scenarios).
- Births and deaths (estimate of impact of natural change).
- Regional internal migration estimates (look at number of arrivals, departures and the net internal migration to give an indication of overall changes and the kind of demand likely to be placed on services for newly arrived persons).
- Regional overseas migration estimates (while the numbers are small, changes to the regional migration program could have an impact).
- Temporary population indicators, including visitor numbers, passenger arrivals and accommodation rates.

It is important to continue to monitor housing supply and demand and monitor the general condition of housing stocks in certain areas. Should conditions deteriorate Council may need to consider implementing a number of programs to address issues.

### **8.1.2. Funding and Investment**

The Broken Hill LSPS will play an important role in Council's resourcing strategy, with preparation of strategies and studies required by this Plan, considered and agreed upon for implementation under Council's 4-Year Delivery Program and Annual Operational Plans.

### **8.1.3. Governance and Partnerships**

The need to work effectively with Central Darling Shire Council, Far West Joint Organisation and other organisations in the region recognises the wider role that Council's strategic planning and decision-making plays in achieving the objectives of the Far West Regional Plan 2036. It also recognises the potential impact that strategically important decisions taken by Council regarding critical infrastructure, environmental issues, housing, investment and a range of other topics covered in the LSPS may have on the plans of neighbouring councils. These valued cross boundary partnerships will also support Council to realise its vision by driving efficiencies in accessing government funding, attracting inward investment and accessing a wider field of expertise.

The Broken Hill LSPS also provides a framework for the coordinated action of many other partners in delivery. Council will continue to work hard to establish effective partnerships with Federal and State government agencies and other organisations to support the realisation of the plan.

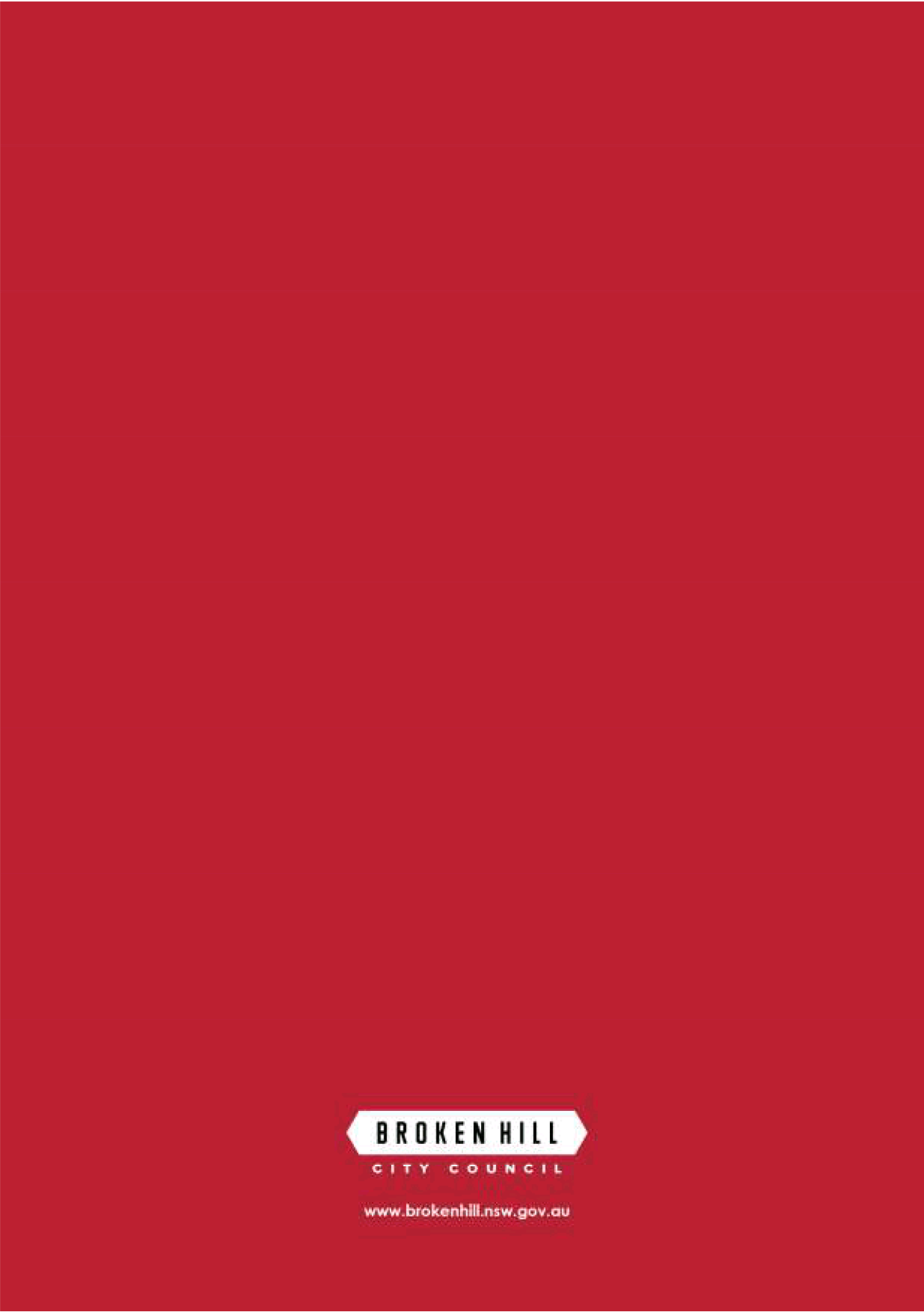
## **9. FURTHER READING AND REFERENCES**

### **9.1. Further Reading**

- Far West Regional Plan 2036
- Far West Region Economic Development Strategy 2018-2022
- Far West Regional Economic Development Strategy Supporting Industry Analysis 2018-2022
- Far West Workforce Development Study 2019
- Broken Hill Community Strategic Plan 2033
- Broken Hill – A Blueprint – Advocating For Our Future 2018
- The Broken Hill Communication and Community Engagement Strategy 2019-2020
- Broken Hill Heritage Strategy 2017
- Broken Hill Local Environmental Plan 2013
- Broken Hill Development Control Plan 2016
- Broken Hill Cultural Framework and Synopsis Report 2019

### **9.2. References**

- Western Regional Transport Plan December 2013
- Far West Regional Economic Development Study 2018
- NSW Department of Industry, Eligibility Criteria to be Considered when Purchasing a Western Lands Lease in the Western Division
- Bureau of Infrastructure, Transport and Regional Economics and Australasian Railway Association Trainline 6 Statistical Report, 2018
- DIRD, 2017



[www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)



**BROKEN HILL CITY  
STRUCTURE PLAN**

**EXISTING LAND-USE**

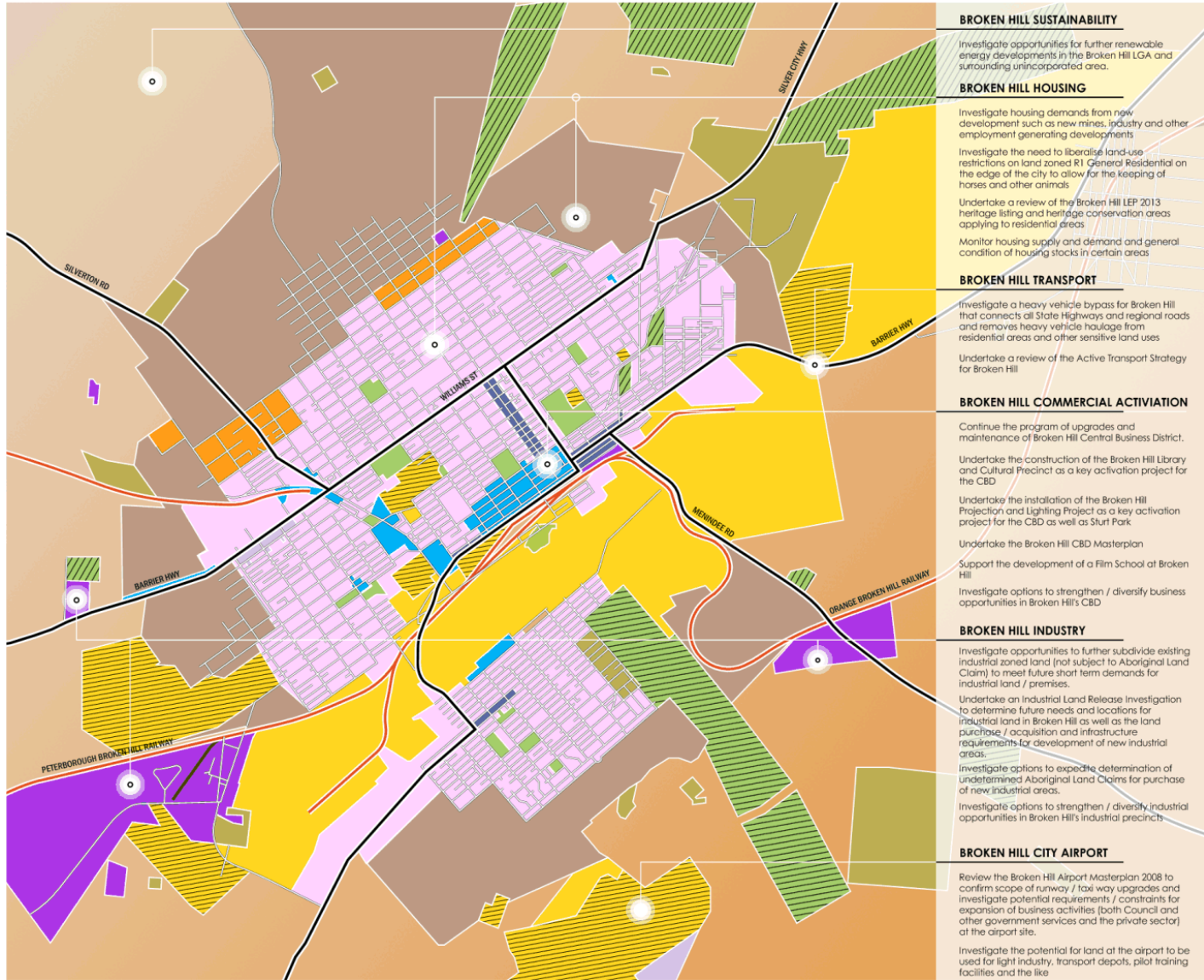
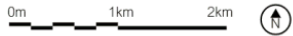
- Residential
- Commercial
- Mixed Use
- Light Industrial
- General Industrial
- Public Recreation
- Private Recreation
- Environmental Conservation
- Environmental Living
- Special Activities
- Infrastructure
- Tourist

**FUTURE LAND-USE**

- Consider large lot residential expansion

**TRANSPORTATION NETWORK**

- Main road network
- Local road network
- Rail network



**BROKEN HILL SUSTAINABILITY**

Investigate opportunities for further renewable energy developments in the Broken Hill LGA and surrounding unincorporated area.

**BROKEN HILL HOUSING**

Investigate housing demands from new development such as new mines, industry and other employment generating developments

Investigate the need to liberalise land-use restrictions on land zoned R1 General Residential on the edge of the city to allow for the keeping of horses and other animals

Undertake a review of the Broken Hill LEP 2013 heritage listing and heritage conservation areas applying to residential areas

Monitor housing supply and demand and general condition of housing stocks in certain areas

**BROKEN HILL TRANSPORT**

Investigate a heavy vehicle bypass for Broken Hill that connects all State Highways and regional roads and removes heavy vehicle haulage from residential areas and other sensitive land uses

Undertake a review of the Active Transport Strategy for Broken Hill

**BROKEN HILL COMMERCIAL ACTIVATION**

Continue the program of upgrades and maintenance of Broken Hill Central Business District.

Undertake the construction of the Broken Hill Library and Cultural Precinct as a key activation project for the CBD

Undertake the installation of the Broken Hill Projection and Lighting Project as a key activation project for the CBD as well as Sturt Park

Undertake the Broken Hill CBD Masterplan

Support the development of a Film School at Broken Hill

Investigate options to strengthen / diversify business opportunities in Broken Hill's CBD

**BROKEN HILL INDUSTRY**

Investigate opportunities to further subdivide existing industrial zoned land (not subject to Aboriginal Land Claim) to meet future short term demands for industrial land / premises.

Undertake an industrial Land Release Investigation to determine future needs and locations for industrial land in Broken Hill as well as the land purchase / acquisition and infrastructure requirements for development of new industrial areas.

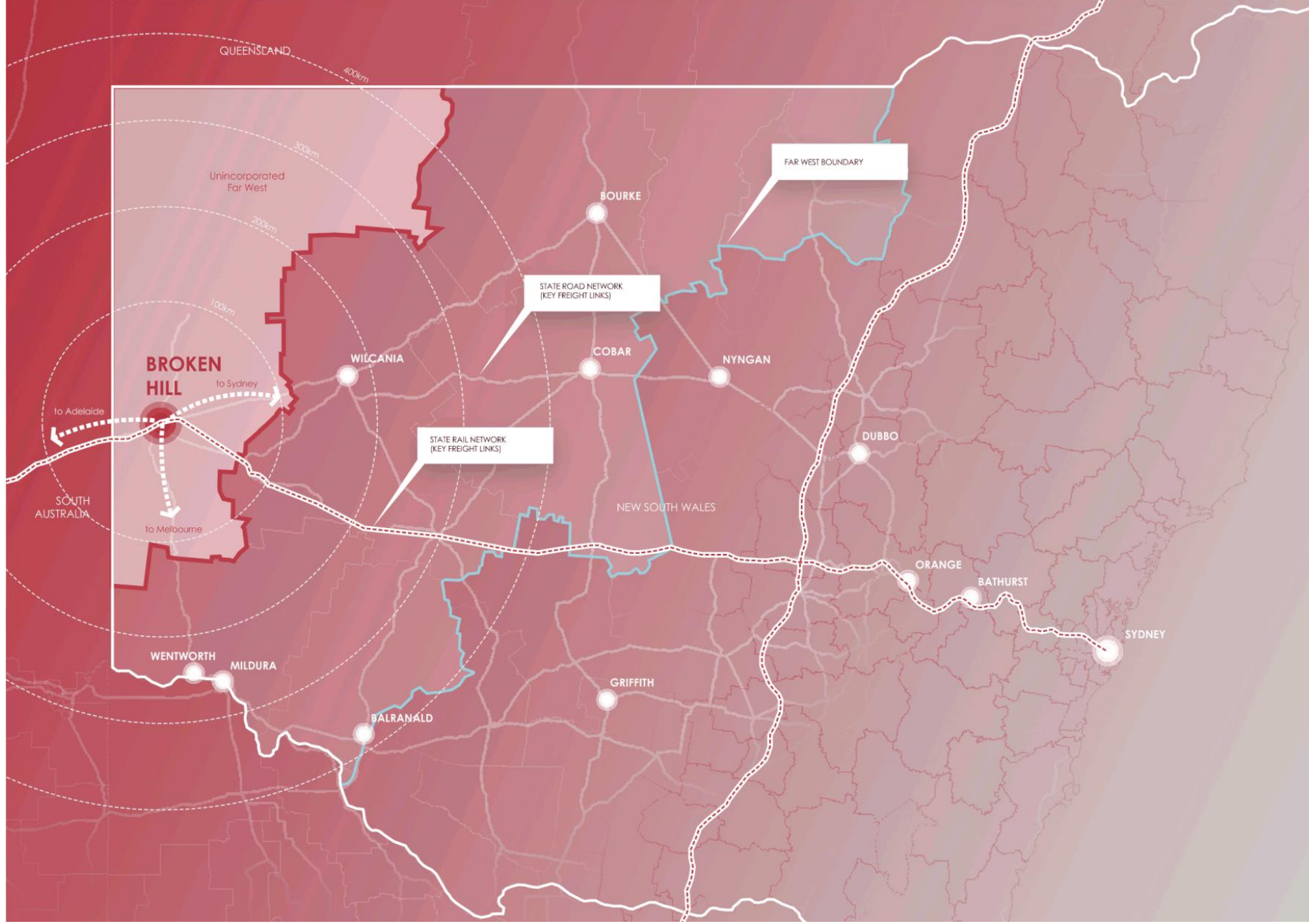
Investigate options to expedite determination of undetermined Aboriginal Land Claims for purchase of new industrial areas.

Investigate options to strengthen / diversify industrial opportunities in Broken Hill's industrial precincts

**BROKEN HILL CITY AIRPORT**

Review the Broken Hill Airport Masterplan 2008 to confirm scope of runway / taxi way upgrades and investigate potential requirements / constraints for expansion of business activities (both Council and other government services and the private sector) at the airport site.

Investigate the potential for land at the airport to be used for light industry, transport depots, pilot training facilities and the like



ORDINARY MEETING OF THE COUNCIL

August 14, 2020

**ITEM 7**

BROKEN HILL CITY COUNCIL REPORT NO. 113/20

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

**Recommendation**

1. That Broken Hill City Council Report No. 113/20 dated August 14, 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:**

The draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy was presented to the Ordinary Council Meeting held 29 July 2020.

Councillors raised concerns regarding the application of the policy to local community not-for-profit organisations undertaking fundraising activities through cake stalls/sausage sizzles, and subsequently Council resolved:

**ITEM 4 - 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

**RESOLUTION**

Minute No. 46309

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

**Resolved**

1. That Broken Hill City Council Report No. 96/20 dated July 9, 2020, be received.
2. That consideration of the report be deferred pending a Councillor Workshop on the Draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy.

CARRIED

The Councillor Workshop was held 13 August 2020, with a suggestion to amend the draft policy to clarify that the policy does not relate to fundraising activities of community not-for-profit organisations; but relates wholly to food hawker and food vendor businesses.

The amended draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy is presented to Council for the consideration of endorsement to go on public exhibition.

**Report:**

The purpose of this draft 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.

Essentially food hawkers and vendors are classified as persons undertaking a business activity of a commercial nature (see definitions section of the draft policy).

The policy does not relate to fundraising activities of community not-for-profit organisations, although these activities still need to be advised to Council and if conducted on community land, and public liability insurance needs to be provided along with proof of food handling knowledge.

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.

Once adopted, the draft policy will replace the Food Hawker and Vendor Regulations Policy, 2008.

**Community Engagement:**

The draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy will be placed on public exhibition for a 28 day period during which time Council will accept submissions from the public.

**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 Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy

JAMES RONCON  
GENERAL MANAGER

## **DRAFT MOBILE FOOD VEHICLES, TEMPORARY FOOD STALLS AND HAWKING POLICY**

<b>QUALITY CONTROL</b>		
<b>EDRMS REFERENCES</b>	12/14 – D20/2706	
<b>RESPONSIBLE POSITION</b>	Environmental Health Officers	
<b>APPROVED BY</b>	Council Resolution	
<b>REVIEW DATE</b>	<b>August 2024</b>	<b>REVISION NUMBER</b> 1
<b>EFFECTIVE DATE</b>	<b>ACTION</b>	<b>MINUTE NUMBER</b>

### **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:

- 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.

### **3. POLICY SCOPE**

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

This Policy does not apply to temporary food stalls selling food for fundraising or not-for-profit stalls. In this case, Council should still be notified if a not-for-profit organisation wishes to sell food on community land and Public Liability Insurance cover will be required as well as basic food safety knowledge.

### **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 organiser.
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](http://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 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.

### **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 City Development & 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:

- 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** refer 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

August 11, 2020

**ITEM 8****BROKEN HILL CITY COUNCIL REPORT NO. 114/20****SUBJECT:**                    **INVESTMENT REPORT FOR JULY 2020**                    **17/82****Recommendation**

1. That Broken Hill City Council Report No. 114/20 dated August 11, 2020, be received.

**Executive Summary:**

The *Local Government (General) Regulation 2005* (Part 9, Division 5, Clause 212), effective from 1 September 2005, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the *Local Government Act 1993*, as per the Minister's Amended Investment Order gazetted 11 March 2011. The Responsible Accounting Officer must also include in the report, a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policy.

As at 31 July 2020, Council's Investment Portfolio had a current market valuation of \$18,153,552 or principal value (face value) of \$18,123,197 and was compliant with policy and legislative requirements as per the below table.

**Report:**

Council's investments as at 31 July 2020 are detailed in Attachment 1.

<b>Portfolio Summary</b>		
Portfolio Performance vs. RBA Cash Rate	✓	Council's investment performance did exceed benchmark.
<b>Investment Policy Compliance</b>		
Legislative Requirements	✓	Compliant with policy
Portfolio Credit Rating Limit	✓	Compliant with policy
Institutional Exposure Limits	✓	Compliant with policy
Term to Maturity Limits	✓	Compliant with policy

**Market Review****Global issues**

In the US, as widely anticipated, the June quarter GDP revealed a sharp drop due to the coronavirus related shutdowns. The -9.5% quarter-on-quarter result (-32.9% annualised) was the largest decline since 1946. The European Union passed a landmark agreement to provide significant support to member countries with a €750bn stimulus package. The markets took the news positively, both in regard to virus related support and the precedence the nations set for establishing a common fiscal policy. Asia's economic growth in the first quarter of 2020 was better than expectations due to early stabilization of the virus in some countries. But, economists have revised downward their projections for 2020 for most of the



countries in the region on account of weaker global conditions and more protracted containment measures in several emerging economies.

### **Domestic issues**

In Australia, the Government's budget deficit projection for 2020/21 was revealed to be \$180bln off the back of \$174bln in coronavirus related stimulus measures. Australia's virus related expenditures are among the world's most generous in relation to national GDP. June quarter inflation data had its biggest decline since 1997, at -1.9%pa. When adjusting for extraordinary price adjustments, like the Commonwealth Government's childcare fee relief plans, the underlying rate of inflation was 1.25%. Inflation is expected to rebound this quarter as government assistance is scaled back and petrol prices have increased. The Australian share market ended the month marginally higher and the AUD/USD closed out the month at 71.4c after spending the last third of the month above 70c.

### **Interest rates**

The RBA kept the official cash rate at 0.25%pa at its July meeting. The RBA again reiterated that a negative official cash rate is not a monetary option being considered, but it would consider cutting rates even lower, but not to zero. Average term deposit rates continue to slip lower across all maturities. The average of the best term deposit rates among large banks were on average 16 basis points lower versus June month end.

### **Investment Portfolio Commentary**

Council's investment portfolio posted a return of 3.47%pa for the month of July versus the bank bill index benchmark return of 0.11%pa. For the past 12 months, the investment portfolio returned -0.74%pa (July 2019's strong 7.04%pa result cycled out of the 12 month calculation), underperforming the bank bill index benchmark's 0.73%pa by 1.47%pa.

During July, Council's investment portfolio had a total of \$1m split between 4 and 7 month term deposits mature with an average rate of 1.62%pa. No new investments were made during the month.

The TCorpIM MT Growth fund rose 0.8% in July. The Australian share market posted its 4th month of gains in a row, up 1.0%. Materials (+5.9%) was the best performing sector as both base and precious metals gained during the month, with gold hitting an all time high. Energy (-6.3%) was again the worst performing sector. Overseas markets were mixed with the US S&P 500 (+5.6%) and Chinese S&P 300 (+13.0%) gaining, however the European S&P350 (-1.5%) and Japanese S&P 500 (-4.0%) were both down.

### ***Council's Portfolio by Source of Funds – July 2020***

As at 31 July 2020, Council's Investment Portfolio had a current market valuation of \$18,153,552 or principal value (face value) of \$18,123,197 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
<b>GENERAL Fund</b>	Operating Capital & Internal Restrictions	\$15,183,197
	Royalties Reserve	\$700,000
	Domestic Waste Management Reserve	\$1,390,000
	Grants	\$850,000
	<b>TOTAL PORTFOLIO</b>	<b>\$18,123,197</b>

### ***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. [↓](#) July 2020 Investment Report

JAY NANKIVELL  
CHIEF FINANCIAL OFFICER

JAMES RONCON  
GENERAL MANAGER



**Investment Summary Report  
July 2020**



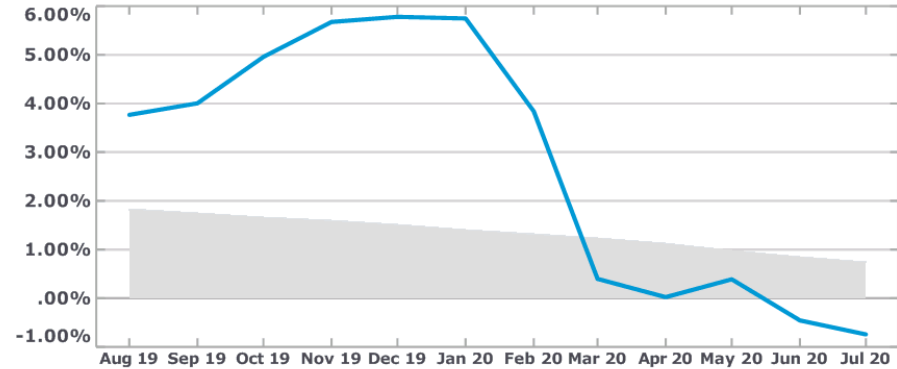
**Broken Hill City Council**  
Executive Summary



**Investment Holdings**

	Face Value (\$)	Current Value (\$)
Cash	7,464,093.16	7,464,093.16
Managed Funds	5,159,103.69	5,159,103.69
Term Deposit	5,500,000.00	5,530,355.48
	<b>18,123,196.85</b>	<b>18,153,552.33</b>

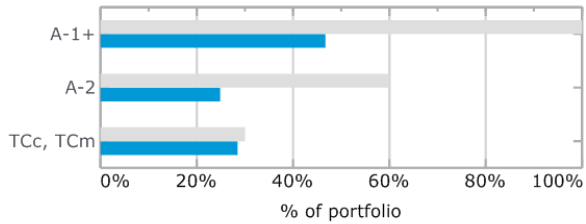
**Investment Performance**



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

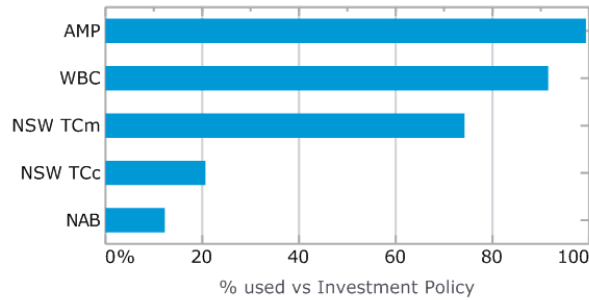
**Investment Policy Compliance**

**Total Credit Exposure**



Portfolio Exposure Investment Policy Limit

**Highest Individual Exposures**



% used vs Investment Policy

**Term to Maturities**

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	18,123,197	100% 100%
	<b>18,123,197</b>	

**Broken Hill City Council**  
Investment Holdings Report



Cash Accounts							
Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference	
2,073,675.11	0.0000%	Westpac Group	A-1+	2,073,675.11	473409	Cheque	
5,390,418.05	1.1077%	Westpac Group	A-1+	5,390,418.05	535442	90d Notice	
<b>7,464,093.16</b>	<b>0.7999%</b>			<b>7,464,093.16</b>			

Managed Funds							
Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
1,123,912.94	0.0757%	NSW T-Corp (Cash)	TCc	Cash Fund	1,123,912.94	535329	
4,035,190.75	0.8663%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	4,035,190.75	536441	
<b>5,159,103.69</b>					<b>5,159,103.69</b>		

Term Deposits											
Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
5-Aug-20	500,000.00	2.0000%	AMP Bank	A-2	500,000.00	7-Aug-19	509,863.01	538375	9,863.01	At Maturity	
12-Aug-20	500,000.00	1.8000%	AMP Bank	A-2	500,000.00	12-Feb-20	504,216.44	539452	4,216.44	At Maturity	
19-Aug-20	500,000.00	1.9000%	AMP Bank	A-2	500,000.00	19-Feb-20	504,268.49	539467	4,268.49	At Maturity	
2-Sep-20	500,000.00	1.8500%	AMP Bank	A-2	500,000.00	4-Mar-20	503,801.37	539525	3,801.37	At Maturity	
16-Sep-20	500,000.00	0.7500%	National Australia Bank	A-1+	500,000.00	30-Jun-20	500,328.77	539975	328.77	At Maturity	
30-Sep-20	500,000.00	1.4000%	AMP Bank	A-2	500,000.00	27-May-20	501,265.75	539848	1,265.75	At Maturity	
28-Oct-20	500,000.00	0.8500%	National Australia Bank	A-1+	500,000.00	29-Jun-20	500,384.25	539970	384.25	At Maturity	
11-Nov-20	500,000.00	1.4000%	AMP Bank	A-2	500,000.00	10-Jun-20	500,997.26	539917	997.26	At Maturity	
2-Dec-20	500,000.00	1.7000%	AMP Bank	A-2	500,000.00	4-Mar-20	503,493.15	539526	3,493.15	At Maturity	
9-Dec-20	500,000.00	1.5500%	AMP Bank	A-2	500,000.00	10-Jun-20	501,104.11	539914	1,104.11	At Maturity	
3-Feb-21	500,000.00	1.4000%	AMP Bank	A-2	500,000.00	29-Jun-20	500,632.88	539971	632.88	At Maturity	
	<b>5,500,000.00</b>	<b>1.5091%</b>			<b>5,500,000.00</b>		<b>5,530,355.48</b>		<b>30,355.48</b>		



**Broken Hill City Council**  
Accrued Interest Report - July 2020

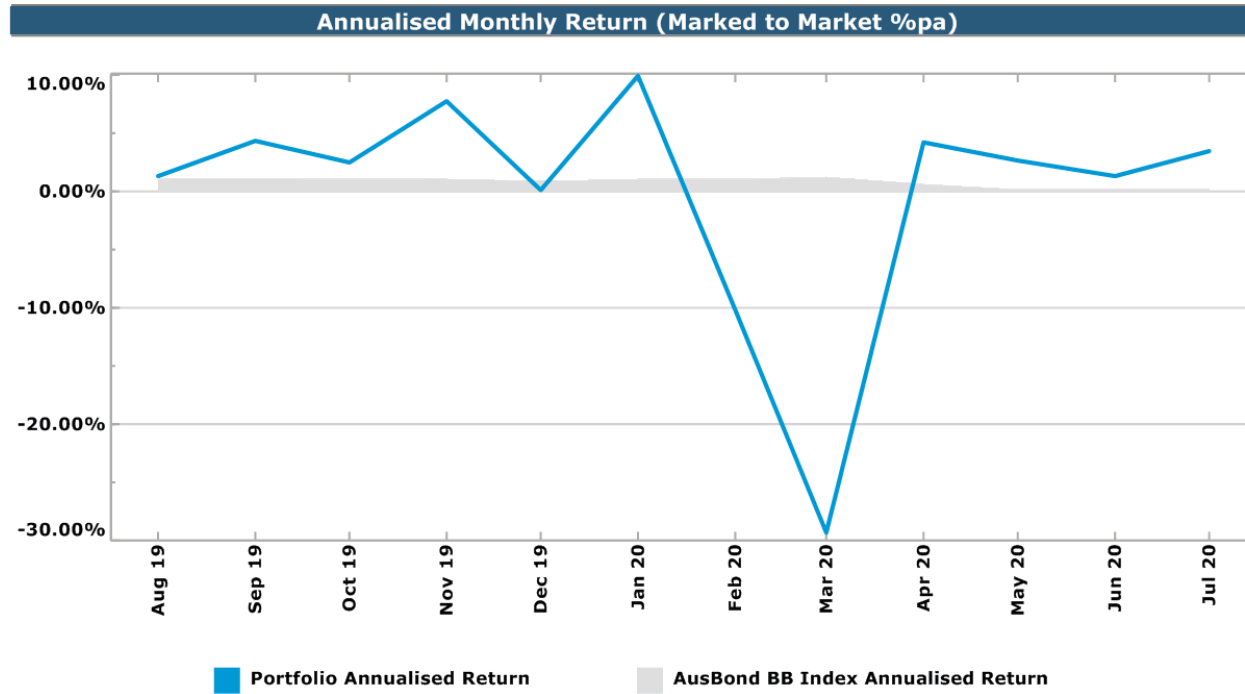


<b>Accrued Interest Report</b>									
<b>Investment</b>	<b>Deal No.</b>	<b>Ref</b>	<b>Face Value (\$)</b>	<b>Settlement Date</b>	<b>Maturity Date</b>	<b>Interest Received (\$)</b>	<b>Days</b>	<b>Interest Accrued (\$)</b>	<b>Percentage Return</b>
<b><u>Cash</u></b>									
Westpac Group	473409	Cheque	2,073,675.11			0.00	31	0.00	
Westpac Group	535442	90d Notice	5,390,418.05			5,229.56	31	5,229.56	1.11%
<b>Cash Total</b>						<b>5,229.57</b>		<b>5,229.57</b>	<b>1.11%</b>
<b><u>Managed Funds</u></b>									
Cash Fund	535329		1,123,912.94	29-May-17			31	849.84	.89%
Medium Term Growth Fund	536441		4,035,190.75	12-Feb-18			31	34,656.13	10.69%
<b>Managed Funds Total</b>								<b>35,505.97</b>	<b>8.47%</b>
<b><u>Term Deposits</u></b>									
Credit Union Australia	538901		500,000.00	11-Dec-19	15-Jul-20	4,904.79	14	316.43	1.65%
Macquarie Bank	539566		500,000.00	11-Mar-20	15-Jul-20	2,761.64	14	306.85	1.60%
AMP Bank	538375		500,000.00	07-Aug-19	05-Aug-20		31	849.31	2.00%
AMP Bank	539452		500,000.00	12-Feb-20	12-Aug-20		31	764.39	1.80%
AMP Bank	539467		500,000.00	19-Feb-20	19-Aug-20		31	806.85	1.90%
AMP Bank	539525		500,000.00	04-Mar-20	02-Sep-20		31	785.62	1.85%
National Australia Bank	539975		500,000.00	30-Jun-20	16-Sep-20		31	318.50	.75%
AMP Bank	539848		500,000.00	27-May-20	30-Sep-20		31	594.52	1.40%
National Australia Bank	539970		500,000.00	29-Jun-20	28-Oct-20		31	360.96	.85%
AMP Bank	539917		500,000.00	10-Jun-20	11-Nov-20		31	594.52	1.40%
AMP Bank	539526		500,000.00	04-Mar-20	02-Dec-20		31	721.92	1.70%
AMP Bank	539914		500,000.00	10-Jun-20	09-Dec-20		31	658.22	1.55%
AMP Bank	539971		500,000.00	29-Jun-20	03-Feb-21		31	594.52	1.40%
<b>Term Deposits Total</b>						<b>7,666.43</b>		<b>7,672.61</b>	<b>1.52%</b>

**Broken Hill City Council**  
Accrued Interest Report - July 2020



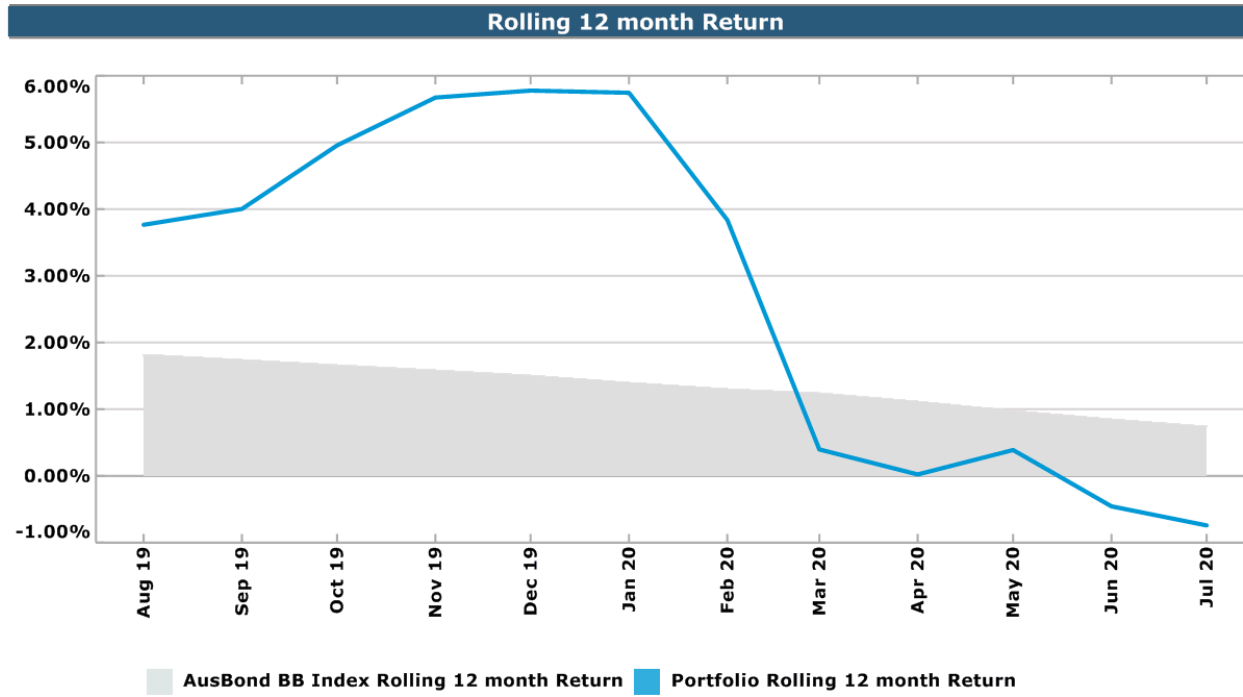
Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
						12,896.00		48,408.15	3.47%



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Jul 2020	3.47%	0.11%	3.36%
Last 3 Months	2.49%	0.10%	2.39%
Last 6 Months	-5.54%	0.50%	-6.04%
Financial Year to Date	3.47%	0.11%	3.36%
Last 12 months	-0.74%	0.73%	-1.47%



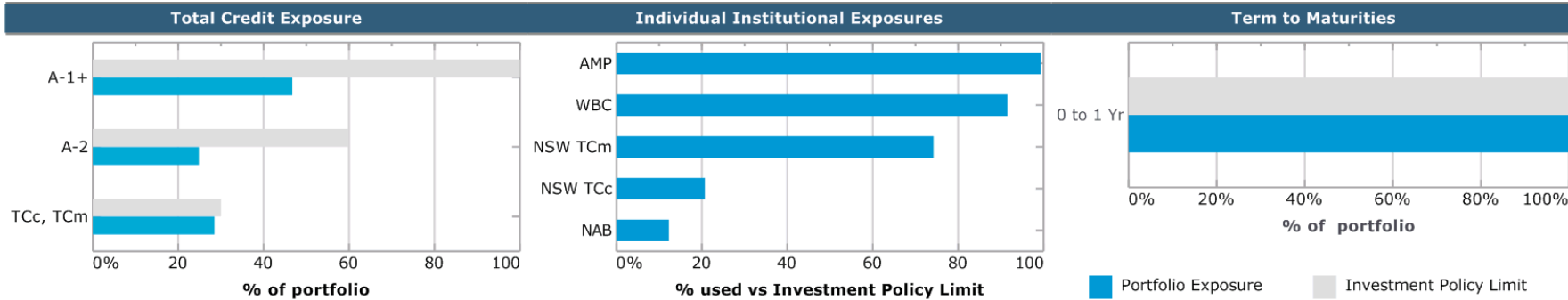
**Broken Hill City Council**  
Investment Performance Report



<b>Historical Performance Summary (actual)</b>			
	<b>Portfolio</b>	<b>AusBond BB Index</b>	<b>Outperformance</b>
Jul 2020	0.29%	0.01%	0.28%
Last 3 Months	0.62%	0.03%	0.59%
Last 6 Months	-2.80%	0.25%	-3.05%
Financial Year to Date	0.29%	0.01%	0.28%
Last 12 months	-0.74%	0.73%	-1.47%



**Broken Hill City Council**  
Investment Policy Compliance Report



	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1+	8,464,093	
		<b>8,464,093</b>	<b>47%</b> <b>100%</b> ✓
Short Term	A-2	4,500,000	
		<b>4,500,000</b>	<b>25%</b> <b>60%</b> ✓
Short Term	TCc	1,123,913	
Short Term	TCm	4,035,191	
		<b>5,159,104</b>	<b>28%</b> <b>30%</b> ✓
		<b>18,123,197</b>	<b>100%</b>

✓ = compliant  
✗ = non-compliant

	% used vs Investment Policy Limit
AMP Bank (A-2, BBB+)	99% ✓
Westpac Group (A-1+, AA-)	92% ✓
NSW T-Corp (MT) (TCm)	74% ✓
NSW T-Corp (Cash) (TCc)	21% ✓
National Australia Bank (A-1+, AA-)	12% ✓

	Face Value (\$)	Policy Max
Between 0 and 1 Year	18,123,197	100% 100% ✓
	<b>18,123,197</b>	

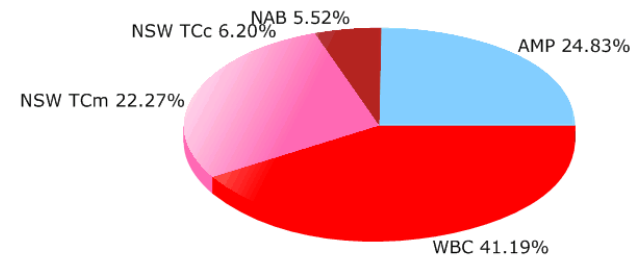
Detailed Maturity Profile	Face Value (\$)
00. Cash + Managed Funds	12,623,197 70%
01. Less Than 30 Days	1,500,000 8%
02. Between 30 Days and 60 Days	1,000,000 6%
03. Between 60 Days and 90 Days	1,000,000 6%
04. Between 90 Days and 180 Days	1,500,000 8%
05. Between 180 Days and 365 Days	500,000 3%
	<b>18,123,197</b>

**Broken Hill City Council**  
Individual Institutional Exposures Report



**Individual Institutional Exposures** **Individual Institutional Exposure Charts**

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
AMP Bank	A-2, BBB+	4,500,000	4,530,799
National Australia Bank	A-1+, AA-	1,000,000	8,155,439
NSW T-Corp (Cash)	TCc	1,123,913	5,436,959
NSW T-Corp (MT)	TCm	4,035,191	5,436,959
Westpac Group	A-1+, AA-	7,464,093	8,155,439
		<b>18,123,197</b>	



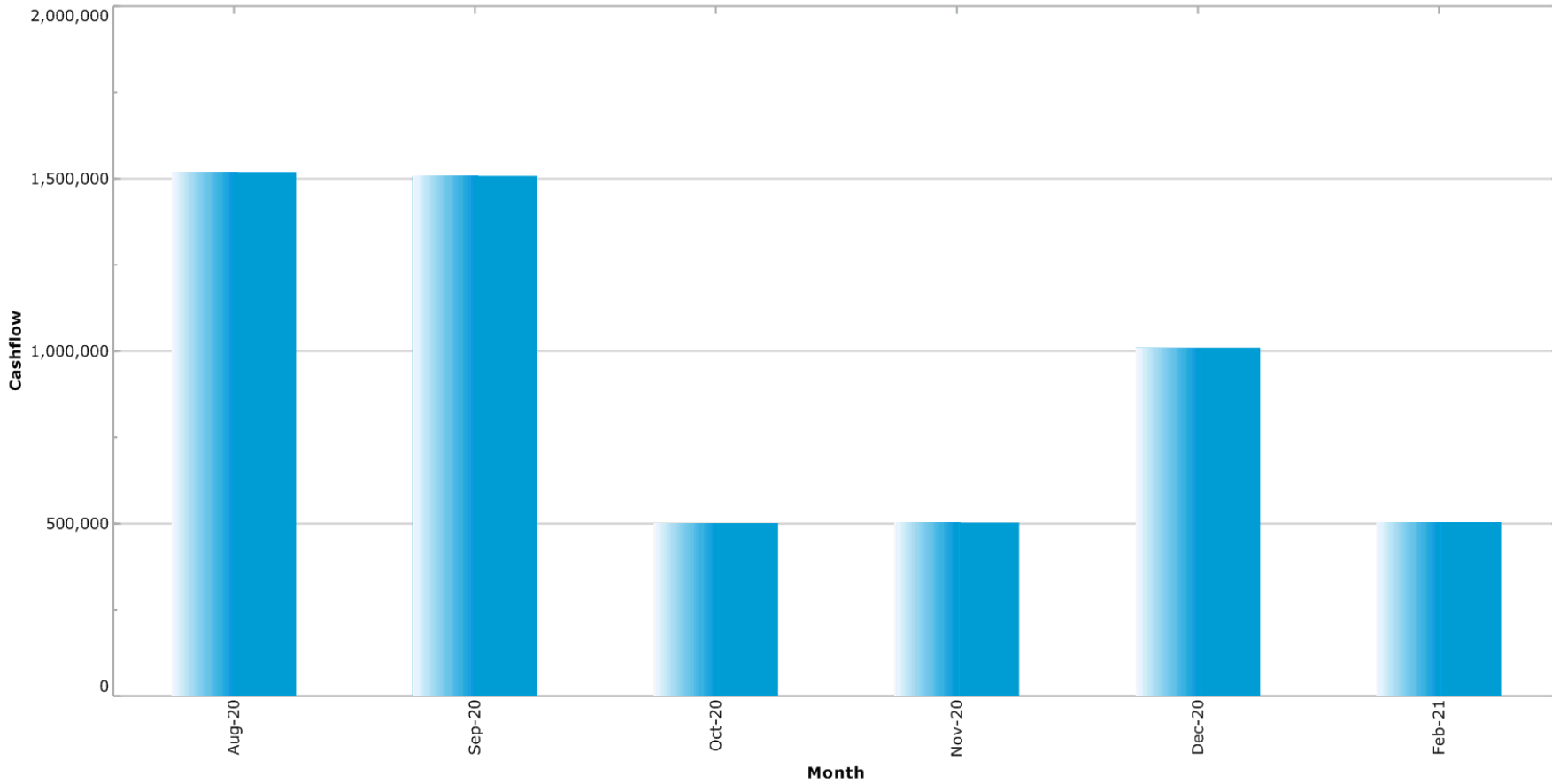
**Broken Hill City Council**  
Cash Flows Report



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

<b>Next Month Cashflows</b>					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
5-Aug-20	538375	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposit	Interest - Received	9,972.60
<u>Deal Total</u>					<u>509,972.60</u>
<b>Day Total</b>					<b>509,972.60</b>
12-Aug-20	539452	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposit	Interest - Received	4,487.67
<u>Deal Total</u>					<u>504,487.67</u>
<b>Day Total</b>					<b>504,487.67</b>
19-Aug-20	539467	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00
		AMP Bank	Term Deposit	Interest - Received	4,736.99
<u>Deal Total</u>					<u>504,736.99</u>
<b>Day Total</b>					<b>504,736.99</b>
<b>Net Cash Movement for Period</b>					<b>1,519,197.26</b>

**Broken Hill City Council**  
Cash Flows Report



ORDINARY MEETING OF THE COUNCIL

August 14, 2020

**ITEM 9**

BROKEN HILL CITY COUNCIL REPORT NO. 115/20

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO  
405 HELD TUESDAY, 4 AUGUST 2020 11/397

**Recommendation**

1. That Broken Hill City Council Report No. 115/20 dated August 14, 2020, be received.
2. That the minutes for the Local Traffic Committee Meeting No.405 held Tuesday, 4 August 2020 be received.

**Executive Summary:**

Under Guidelines published in March 2009 by the Roads and Traffic Authority (now known as the Roads and Maritime Services), entitled ‘A guide to the delegation to councils for the regulation of traffic states:

“The Local Traffic Committee (LTC) has no decision-making powers and is primarily a technical review committee. It only advises the Council on matters for which the Council has delegated authority, being certain prescribed traffic control devices and traffic control facilities.

The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to Roads and Maritime Services or relevant organisation. Such matters must not be referred to the LTC.

Council is not bound by the advice given by its LTC. However, if Council does wish to act contrary to the unanimous advice of the LTC or when the advice is not unanimous, it must notify Roads and Maritime Services and the NSW Police and wait 14 days before proceeding.”

**Report:**

This report is to provide Council with the minutes and action list of the Local Traffic Committee meeting held Tuesday, 4 August 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. [↓](#) Minutes - Local Traffic Committee - Meeting No 405, 4 August 2020

JAY NANKIVELL  
CHIEF FINANCIAL OFFICER

JAMES RONCON  
GENERAL MANAGER

## LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING NO 405

Held 2.00pm Tuesday, 4 August 2020  
Video conference/teleconference via BlueJeans

Chairperson Rajkumari Navis, Strategic Asset Manager opened the meeting at 2.09pm and welcomed all representatives present.

### 405.1 Present

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

### 405.2 Apologies

### 405.3 Disclosure of interest – NIL

### 405.4 Adoption of previous minutes

Previous minutes of meeting No 404 held 7 July 2020 were confirmed via online voting as follows:

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

### 405.5 Council Resolutions

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

**ITEM 10 - 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

#### RESOLUTION

##### Minute No. 1

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

#### Resolved

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'.

CARRIED UNANIMOUSLY



405.6 Correspondence In

Item No.	EDRMS No.	Details
405.6.1	D20/28954	343 Crystal Lane – New parking space for my apartment – Jovanovic
<b>Discussion Notes</b>		Discussion around location of apartment and neighbouring properties/buildings.  Residential apartment which was purchased/rented with no allocation of a parking space, now trying to change a timed parking space into a residential/unlimited timed parking spaced. There is no justification for this request.  Committee does not support request.
<b>Recommendation</b>		Committee does not support request – letter to be sent advising of outcome.

405.7 Correspondence Out

Item No.	EDRMS No.	Details
405.7.1	D20/28842	Response – Installation of a disabled park – 23 Sulphide Street- James Gifford
405.7.2	D20/28461	Response – Installation of a Loading Zone – David Trinder (ASTRA)

405.8 General Business

Item No.	EDRMS No.	Details
405.8.1		Bowen Street
<b>Discussion Notes</b>		Complained continually about unregistered or abandoned vehicles along Bowen Street to both Council and Police.  Yvette to follow up.
<b>Recommendation</b>		

405.9 Action Item List

<b>Item No.</b>	<b>397.6.1</b>
<b>EDRMS No.</b>	D19/43779
<b>CRM No.</b>	

<b>Responsible Officer</b>	Council's Chief Operations Officer, Anthony Misagh
<b>Current Status</b>	Pending
<b>Date</b>	<b>Item Details</b>
October 2019	Angle parking at taxi rank outside the Theatre Royal Hotel – Point to Point Transport Commission
<b>Date</b>	<b>Committee Recommendation/s</b>

<b>Action Date</b>	<b>Running Actions</b>
October 2019	<p>After an assessment by the Point to Point Transport Commission (regulator for taxi's and hire vehicles in NSW) there were concerns regarding the angled parks directly in front of the Theatre Royal Hotel operating as taxi bays during the hours of 9pm and 3am Friday and Saturday nights.</p> <p>Discussion around suggested safety concerns about potential blind spots when taxis are reversing and suggested solution to change the 5 parking spots from angled parking to parallel parking for Friday and Saturday nights.</p> <p>The suggested parallel parking raised questions about how the new parks would fit amongst angled parks and if all the parallel parks were utilised and the angled parks before and after this section, could this be a potential risk for the taxis reducing their turning space and ability to get out.</p> <p>The parallel parking would only create 2 parking spots therefore reducing the available parking. Point to Point suggested the parking spots be marked by cones during hours of operation, this places possible pressure on Council to be responsible on Friday and Saturday nights to mark out the area.</p> <p>Committee didn't believe there had been any previous concerns regarding parking in this area or accidents caused due to blind spots. They couldn't see a difference between a taxi backing out or a normal vehicle.</p> <p>RMS, David Vant advised this style of parking arrangement had happened in two other locations being Dubbo and Orange. He suggested contacting either Dennis Valentine at Dubbo Council or Jason Pheakstone at Orange Council. Both Council's would have had to create a traffic management plan for the installation of parallel parking. David suggested if Broken Hill City Council wanted to go down this path, instead of reinventing the wheel, speak to either of the above Council's.</p> <p>Local Member Representative, Peter Bevan discussed current parking behaviours in Argent Street. Normally when someone is travelling along Argent street, even if they don't want the carpark, they normally indicate to the driver backing out that they can come out. He presumed the same thing would happen for taxis.</p> <p>Discussion around the operation of the parallel parking bay, being that taxis would park in a location nearby and then just drive in, pick up their passenger and drive back out. It would be a rather quick stop.</p>

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	Point to Point Transport Commissioner, Jenny and Chairperson, Raji have had a discussion regarding the issue at the Theatre Royal Hotel. Raji has also spoken to Orange and Dubbo Council's regarding the proposal as it has already been implemented at these sites.  Current proposal is to change the 5 angled parks to 2 parallel parks only during taxi times. Parallel parking signs within the taxi zone sign including times would need to be installed.

Raji has had a discussion with the Theatre Royal Hotel and Independent Taxi regarding the concerns raised and the proposal. Both have confirmed they do not have any issues with how the taxi bay currently operates.

A discussion between Raji and Yellow Cabs has also occurred. It was identified that Yellow Cabs are the ones who have raised this issue with the Point to Point Transport Commissioner. Yellow cabs are in favour of the parallel parking.

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

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

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

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

Council report to be created with the above recommendation.

March 2020	Ongoing – signs to be installed beginning of April 2020.
April 2020	Signs have been installed – item to stay open until next Local Traffic Meeting on Tuesday, 5 May 2020 for review. Council, Raji to follow up with Theatre Royal Hotel and Taxi companies.
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.
August 2020	Trial period to be extended to December due to Covid-19.

<b>Item No.</b>	<b>403.6.2</b>
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<b>EDRMS No.</b>	D20/20316
<b>CRM No.</b>	
<b>Responsible Officer</b>	Chairperson, Raji Navis
<b>Current Status</b>	Pending
<b>Date</b>	<b>Item Details</b>
June 2020	37 Mica Street – Dangerous Road – Robyn Slater
<b>Date</b>	<b>Committee Recommendation/s</b>
June 2020	Install traffic classifiers
<b>Action Date</b>	<b>Running Actions</b>
June 2020	<p>Discussion around location and road terminating close to the house.</p> <p>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.</p> <p>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.</p> <p>Not necessarily speeding but a lot of cars for a narrow road.</p> <p>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.</p> <p>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.</p>
July 2020	Classifiers have been installed but data needs to be reviewed – update at August Meeting.
August 2020	Data to be reviewed September Meeting.
<b>Item No.</b>	<b>403.6.3</b>
<b>EDRMS No.</b>	
<b>CRM No.</b>	

<b>Responsible Officer</b>	Chairperson, Raji Navis
<b>Current Status</b>	Pending
<b>Date</b>	<b>Item Details</b>
June 2020	St Vinnies - Disabled Ramp & Footpath Development
<b>Date</b>	<b>Committee Recommendation/s</b>
June 2020	Resubmit design plan for next LTC and then if approved, can go to public consultation.
<b>Action Date</b>	<b>Running Actions</b>
June 2020	<p>Request was raised by Vinnies and Meals and Wheels to Council's Planning Department.</p> <p>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.</p> <p>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.</p> <p>What is the justification for moving the ramp as the initial ramps have been placed in current location for a reason.</p> <p>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.</p> <p>Ramp will need to be built to conform to Australian Standards and be signed posted as a disabled park.</p> <p>Current parking arrangements are not desirable for disabled parking.</p> <p>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.</p> <p>Two concerns:</p> <ul style="list-style-type: none"> <li>- After ramp has been built only allows 2 metres for passing pedestrian foot traffic.</li> <li>- Wheelchair has to travel a fair distance along the ramp and turn on the ramp to enter shop.</li> </ul> <p>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.</p> <p>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.</p> <p>Change handrail to anchor to footpath where the step is.</p>

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.

August 2020 Item to be removed – handled by Council's Planning, Development and Compliance Department.

<b>Item No.</b>	<b>403.6.4</b>
<b>EDRMS No.</b>	D20/21069
<b>CRM No.</b>	
<b>Responsible Officer</b>	Chairperson, Raji Navis
<b>Current Status</b>	Pending
<b>Date</b>	<b>Item Details</b>

June 2020 Excelsior area needs a crossing – Renee Zammit

<b>Date</b>	<b>Committee Recommendation/s</b>
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June 2020 Install traffic classifiers

<b>Action Date</b>	<b>Running Actions</b>
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June 2020 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.  
Does not meet criteria for a pedestrian crossing. Unsure where the desire line would be.  
There is an island in the middle of the road that pedestrians can use whilst crossing.  
Does not meet the requirements of a pedestrian crossing as there is not a constant flow of pedestrian traffic.  
Install classifiers to start the investigation and get a better idea of what is happening in the area.

July 2020                      Classifiers have been installed but data needs to be reviewed – update at August Meeting.

August 2020                      Data to be reviewed September Meeting.



<b>Item No.</b>	<b>403.6.6</b>
<b>EDRMS No.</b>	D20/21069
<b>CRM No.</b>	
<b>Responsible Officer</b>	Chairperson, Raji Navis
<b>Current Status</b>	Pending
<b>Date</b>	<b>Item Details</b>

June 2020                      Brown Street – Speeding Motorists – Ann Evers

<b>Date</b>	<b>Committee Recommendation/s</b>
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June 2020                      Install traffic classifiers

<b>Action Date</b>	<b>Running Actions</b>
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June 2020                      Inspection conducted at Brown Street and there were no visible marks on the road of dangerous driving.  
  
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.  
  
A matter of people of driving properly. Speed bumps will not resolve the issue.  
  
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.

July 2020                      Signs and speed bumps as per the Brown Street design will be installed within the next couple weeks.  
  
Centre line marking has been completed, the giveway sign marking is yet to be completed due to covid-19.  
  
Hopefully the above will resolve the issue. Follow up at next meeting.

August 2020                      Data to be reviewed September Meeting.



<b>Item No.</b>	<b>404.6.1</b>
<b>EDRMS No.</b>	D20/22740
<b>CRM No.</b>	
<b>Responsible Officer</b>	Chairperson, Raji Navis
<b>Current Status</b>	Pending
<b>Date</b>	<b>Item Details</b>
July 2020	23 Sulphide Street – Request Disability Parking Spot – Benevolent Society
<b>Date</b>	<b>Committee Recommendation/s</b>
July 2020	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.
<b>Action Date</b>	<b>Running Actions</b>
July 2020	<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 carparks 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 carpark if there are other nearby solutions.</p> <p>Contact Benevolent Society to get a better understanding of the need.</p>
August 2020	Await to see if a response is received by the September 2020 meeting otherwise item to be removed.

**Next Meeting Date** – Tuesday, 1 September 2020 (2pm to 3.30pm).

**405.11 Meeting Closed** – 2.30pm



Overdue For Action	<b>Division:</b> <b>Committee:</b> Ordinary Council <b>Officer:</b> <b>Further Report Required:</b> Including Further Reports	<b>Date From:</b> 12/04/2018 <b>Date To:</b> 12/08/2020 <b>Printed:</b> Wednesday, 12 August 2020 11:35:33 AM
<b>Action Sheets Report Ordinary Council Meetings</b>		

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/04/2018	VanDerBerg, Francois Roncon, James	Reports	COMPULSORY ACQUISITION OF WARNOCK GOSSAN STREET ROAD RESERVE

Resolved:

1. That Broken Hill City Council Report No. 59/18 dated April 6, 2018, be received.
2. That Council make an application to the Minister and Governor for approval to acquire the sections of Warnock and Gossan Street traversing Crown Land in Lot 7469 in Deposited Plan 1182254, under Section 177 of the *Roads Act 1993* and Section 186 of the *Local Government Act 1993*.
3. That the acquisition be undertaken in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
4. That upon acquisition, Council to undertake required actions to open the subject road by registration of a plan in accordance with Section 7 of the *Roads Act 1993*.

16 May 2018 - 9:45 AM - Leisa Bartlett  
In progress.

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.

11 Sep 2018 - 4:40 PM - Leisa Bartlett  
No change, still awaiting advice from OLG.

9 Oct 2018 - 5:08 PM - Leisa Bartlett  
Awaiting OLG advice

13 Nov 2018 - 9:26 AM - Leisa Bartlett  
Still awaiting OLG advice due to Native Title.

6 Feb 2019 - 1:51 PM - Leisa Bartlett  
In discussions with Crown Lands regarding Native Title.

7 Mar 2019 - 1:55 PM - Leisa Bartlett  
No change, still awaiting response from Crown Lands.

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.

14 Jun 2019 - 3:27 PM - Leisa Bartlett  
no change in status

4 Jul 2019 - 1:51 PM - Leisa Bartlett  
no change in status

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.

17 Oct 2019 - 9:54 AM - Leisa Bartlett  
Discussions being held with month with the Department of Crown Lands.

14 Nov 2019 - 4:35 PM - Leisa Bartlett  
Seeking legal advice from Council's Solicitors

12 Feb 2020 - 12:12 PM - Leisa Bartlett  
Legal advice received. Matter in progress.

7 Apr 2020 - 10:14 AM - Leisa Bartlett  
11/03/2020 - Matter still in progress.

8 Apr 2020 - 11:16 AM - Leisa Bartlett  
In progress.

8 May 2020 - 11:58 AM - Leisa Bartlett  
Still in progress.

10 Jun 2020 - 2:35 PM - Leisa Bartlett  
Matter in progress.

15 Jul 2020 - 1:45 PM - Leisa Bartlett  
Matter still in progress.

12 Aug 2020 - 9:41 AM - Leisa Bartlett  
Matter still in progress.

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

Resolved

Overdue For Action	<b>Division:</b> <b>Committee:</b> Ordinary Council <b>Officer:</b> <b>Further Report Required:</b> Including Further Reports	<b>Date From:</b> 12/04/2018 <b>Date To:</b> 12/08/2020 <b>Printed: Wednesday, 12 August 2020 11:35:33 AM</b>
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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.
- 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.
- 12 Aug 2020 - 9:41 AM - Leisa Bartlett  
New lease terms being negotiated.

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/11/2019	VanDerBerg, Francois Roncon, James	Reports	ACQUISITION OF FEDERATION WAY

- Resolved
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 *Land Acquisition (Just Terms Compensation) Act 1991*, under Section 186 of the *Local Government Act 1993* and for the purposes of a public road under Section 177 of the *Roads Act 1993*.
  4. That upon acquisition, Council undertake the required actions to open the subject road by registration of a plan in accordance with Section 7 of the *Roads Act 1993*.
  5. That the Mayor and General Manager be authorised to sign and execute any documents related to the acquisition or road opening under the Common Seal of Council.
- 12 Feb 2020 - 12:21 PM - Leisa Bartlett

Overdue For Action	<b>Division:</b> <b>Committee:</b> Ordinary Council <b>Officer:</b> <b>Further Report Required:</b> Including Further Reports	<b>Date From:</b> 12/04/2018 <b>Date To:</b> 12/08/2020  <b>Printed: Wednesday, 12 August 2020 11:35:33 AM</b>
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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.  
12 Aug 2020 - 9:42 AM - Leisa Bartlett  
Still with 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
<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. 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. 12 Aug 2020 - 11:20 AM - Leisa Bartlett Finance Department are chasing up the return of the financial records.</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
<p><b>Resolved</b></p> <ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 80/20 dated June 4, 2020, be received.</li> <li>That Council refer the Draft Plan of Management for Queen Elizabeth Park to the Minister administering the <i>Crown Land Management Act 2016</i></li> <li>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>.</li> <li>That the General Manager be authorised to sign any documents required to notify the Minister.</li> </ol> <p style="text-align: right;">CARRIED UNANIMOUSLY</p> <p>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. 12 Aug 2020 - 9:42 AM - Leisa Bartlett Awaiting response from Crown Lands.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Schipanski, Louise Roncon, James	Mayoral Minute	LOCAL GOVERNMENT EXCLUSION FROM NATIONAL CABINET
<p><b>Resolved</b></p> <ol style="list-style-type: none"> <li>That Mayoral Minute No. 9/20 dated July 27, 2020, be received.</li> </ol>			

Overdue  
For Action

**Division:**  
**Committee:** Ordinary Council  
**Officer:**  
**Further Report Required:** Including Further Reports

**Date From:** 12/04/2018  
**Date To:** 12/08/2020

**Printed:** Wednesday, 12 August  
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### Action Sheets Report Ordinary Council Meetings

2. That Council sends correspondence to the Premier of NSW, the Federal Member for Parkes and the State Member for Barwon, highlighting the critical necessity for Local Government representation on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.
3. That Council seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda.
4. That Council notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

CARRIED

31 Jul 2020 - 4:58 PM - Leisa Bartlett  
Letters sent as per resolution and letter request a meeting to be scheduled.  
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Bartlett, Leisa Roncon, James	Reports	CONSIDERATION OF THE RETURN OF COUNCIL MEETINGS HELD IN THE COUNCIL CHAMBERS
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 94/20 dated July 17, 2020, be received.</li> <li>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.</li> <li>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).</li> </ol>			
			CARRIED
<p>31 Jul 2020 - 4:59 PM - Leisa Bartlett A report will be presented to the December 2020 Council Meeting. The Code of Meeting Practice Policy has been amended and replaced on Council's website. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Bartlett, Leisa Roncon, James	Reports	ADOPTION OF THE DRAFT BROKEN HILL REGIONAL ART GALLERY POLICIES
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 95/20 dated December 2, 2019 be received.</li> <li>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.</li> <li>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: <ul style="list-style-type: none"> <li>a) Broken Hill Regional Art Gallery Acquisitions Policy – May 2008</li> </ul> </li> </ol>			

Overdue For Action	<b>Division:</b> <b>Committee:</b> Ordinary Council <b>Officer:</b> <b>Further Report Required:</b> Including Further Reports	<b>Date From:</b> 12/04/2018 <b>Date To:</b> 12/08/2020  <b>Printed: Wednesday, 12 August 2020 11:35:33 AM</b>
<b>Action Sheets Report Ordinary Council Meetings</b>		

<ul style="list-style-type: none"> <li>b) Broken Hill Regional Art Gallery Appraisals Policy – May 2008</li> <li>c) Broken Hill Regional Art Gallery Donations and Gifts Policy – May 2008</li> <li>d) Broken Hill Regional Art Gallery Loan of Art Works to Council – May 2008</li> <li>e) Broken Hill Regional Art Gallery Loan of Works to External Locations – May 2008</li> <li>f) Broken Hill Regional Art Gallery Reporting Procedures Policy – May 2008</li> </ul>	<b>CARRIED</b>
<p><i>7 Aug 2020 - 3:18 PM - Leisa Bartlett</i> All processes complete to adopt draft policies and remove superseded policies. <b>COMPLETE</b></p>	

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Andrews, Anne Roncon, James	Reports	DRAFT POLICY MOBILE FOOD VEHICLES, TEMPORARY FOOD STALLS AND HAWKING POLICY
<b>Resolved</b>			
<ul style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 96/20 dated July 9, 2020, be received.</li> <li>2. That consideration of the report be deferred pending a Councillor Workshop on the Draft Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy.</li> </ul>			
<b>CARRIED</b>			
<p><i>31 Jul 2020 - 5:00 PM - Leisa Bartlett</i> A Councillor Workshop has been arranged. <b>COMPLETE</b></p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Bartlett, Leisa Roncon, James	Reports	DRAFT SMOKE FREE PLAYGROUNDS AND SPORTING RESERVES POLICY
<b>Resolved</b>			
<ul style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 97/20 dated July 9, 2020, be received.</li> <li>2. That Council endorses the draft Smoke Free Playgrounds and Sporting Policy for the purpose of public exhibition.</li> <li>3. That Council publicly exhibits the draft Smoke Free Playgrounds and Sporting Policy accepts submissions from the public for a period of 28 days.</li> <li>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.</li> </ul>			
<b>CARRIED</b>			
<p><i>31 Jul 2020 - 5:01 PM - Leisa Bartlett</i> Draft Policy has been placed on public exhibition closing 28 August 2020. <b>COMPLETE.</b></p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Bartlett, Leisa Roncon, James	Reports	DRAFT PUBLIC ART POLICY FOR PUBLIC EXHIBITION
<b>Resolved</b>			

<p>Overdue For Action</p> <p><b>Action Sheets Report Ordinary Council Meetings</b></p>	<p><b>Division:</b> <b>Committee:</b> Ordinary Council <b>Officer:</b> <b>Further Report Required:</b> Including Further Reports</p>	<p><b>Date From:</b> 12/04/2018 <b>Date To:</b> 12/08/2020</p> <p><b>Printed: Wednesday, 12 August 2020 11:35:33 AM</b></p>
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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 with the following amendments:
    - a) to clarify, where reference is made to publicly facing art on private property where projects do not require development consent, that no additional approval is required but Council's guidance is available and recommended.
    - b) to indicate that the Chairperson be one of the two independent panel members on the interdepartmental group/panel co-opted from the Broken Hill Regional Art Gallery Advisory Committee.
  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.
- CARRIED
- 31 Jul 2020 - 5:02 PM - Leisa Bartlett*  
Draft Policy has been placed on public exhibition closing 28 August 2020.  
**COMPLETE.**

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Andrews, Anne  Roncon, James	Reports	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

- Resolved**
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 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.



Overdue  
For Action

**Division:**  
**Committee:** Ordinary Council  
**Officer:**  
**Further Report Required:** Including Further Reports

**Date From:** 12/04/2018  
**Date To:** 12/08/2020

**Printed:** Wednesday, 12 August  
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## Action Sheets Report Ordinary Council Meetings

(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

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<p>(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.</p> <p>(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 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.</p> <p>(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.</p> <p>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.</p> <p>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—</p> <ul style="list-style-type: none"> <li>(a) entertainment venue,</li> <li>(b) function centre,</li> <li>(c) pub,</li> <li>(d) registered club,</li> <li>(e) restaurant.</li> </ul> <p>(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.</p> <p>(3) Words and expressions used in this clause have the same meanings as they have in the Standard Instrument.</p> <p>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—</p> <ul style="list-style-type: none"> <li>(a) protect and support the building, structure or work from possible damage from the excavation, and</li> <li>(b) where necessary, underpin the building, structure or work to prevent any such damage.</li> </ul> <p>(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.</p> <p><b>APPROVED PLANS AND DETAILS</b></p> <p>2. The development must take place in accordance with the approved plans and documents submitted with the application, listed below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Title</th> <th style="text-align: center;">Revision/Date</th> <th style="text-align: center;">Prepared by</th> </tr> </thead> <tbody> <tr> <td>Statement of Environmental Effects</td> <td>April 2020</td> <td>ekistics</td> </tr> </tbody> </table>	Title	Revision/Date	Prepared by	Statement of Environmental Effects	April 2020	ekistics
Title	Revision/Date	Prepared by				
Statement of Environmental Effects	April 2020	ekistics				

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Architectural package	<ul style="list-style-type: none"> <li>• Location Plan – Rev A</li> <li>• Titles – Existing</li> <li>• Titles – Proposed</li> <li>• Existing Site Plan – Rev A</li> <li>• Demolition Site Plan – Rev C</li> <li>• Proposed Site Plan – Rev F</li> <li>• Proposed Roof Plan – Rev B</li> <li>• Proposed Service Protection Detail – Rev A</li> <li>• ALDI External Elevations – Rev D</li> <li>• Proposed Sections – Rev B</li> <li>• Signage Plan – Rev C</li> <li>• Signage Details - Sheet 1 – Rev A</li> <li>• Signage Details - Sheet 2 – Rev B</li> </ul>	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.

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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](http://www.brokenhill.nsw.gov.au)

Contribution Type	Proposed Cost of Development	Levy Percentage	Total Contribution
Section 7.12 Contribution	\$6,683,000	1%	\$66,830

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](http://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.

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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.

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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.

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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 10:00pm.
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.

CARRIED

7 Aug 2020 - 3:20 PM - Leisa Bartlett

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DA approval documents sent to applicant.  
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Andrews, Anne Roncon, James	Reports	SALE OF 118 BROWN STREET
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 101/20 dated July 2, 2020, be received.</li> <li>2. That Council engage a real estate agent to sell the land at 118 Brown Street (Lot 2244 DP 757298).</li> <li>3. That the General Manager be authorised to negotiate and finalise the sale of 118 Brown Street.</li> <li>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.</li> </ol>			
CARRIED			
<p><i>7 Aug 2020 - 3:21 PM - Leisa Bartlett</i> Solicitors drawing up sale contract ready for land to go on the market. Market Valuation received and quotes being sought from interested Real Estate Agents.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Nankivell, Jay Roncon, James	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 404 HELD TUESDAY, 7 JULY 2020
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 102/20 dated July 15, 2020, be received.</li> <li>2. That the minutes for the Local Traffic Committee Meeting No.404 held Tuesday, 7 July 2020 be received.</li> <li>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'.</li> </ol>			
CARRIED UNANIMOUSLY			
<p><i>12 Aug 2020 - 11:16 AM - Leisa Bartlett</i> Item has been placed in Council's Works Scheduled and work is anticipated to be carried out in September 2020. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Andrews, Anne Roncon, James	Confidential Matters	WILLYAMA COMMON TRUST LEASE OF PART LOT 7421 DP 1183597 TO AXICOM PTY LIMITED
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>1. That Broken Hill City Council Report No. 104/20 dated June 23, 2020, be received.</li> <li>2. That the Willyama Common Trust lease Part Lot 7421 DP 1183597 (being a telecommunications compound on the Line of Lode) to Axicom Pty Limited for a period of 20 years for telecommunications purposes.</li> <li>3. That the annual rent be \$12,000.00 per annum with an annual 2.5% increase.</li> <li>4. That the Mayor and General Manager be authorised to sign and execute the lease documents under the Common Seal of Council, in the absence of a Trust Seal.</li> </ol>			



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<b>CARRIED UNANIMOUSLY</b>
<i>12 Aug 2020 - 10:00 AM - Leisa Bartlett</i> Solicitors are drawing up the lease agreement.

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Andrews, Anne Roncon, James	Confidential Matters	WILLYAMA COMMON TRUST LICENCE OF PART LOT 7315 DP 1183447 TO BROKEN HILL SPEEDWAY CLUB
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 105/20 dated July 1, 2020, be received.</li> <li>That Council (as Trust Manager for the Willyama Common Trust) lease Part Lot 7315 in Deposited Plan 1183447 to the Broken Hill Speedway Club for the purpose of a motocross track extension and associated access.</li> <li>That the lease term be 25 years and the annual rental be the minimum Crown Lands rental.</li> <li>That the Mayor and General Manager be authorised to sign and execute any documents under the Common Seal of Council, the absence of a Trust Seal.</li> </ol>			
<b>CARRIED UNANIMOUSLY</b>			
<i>12 Aug 2020 - 10:00 AM - Leisa Bartlett</i> Solicitors are drawing up the licence agreement.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Nankivell, Jay Roncon, James	Confidential Matters	Civic Centre Litigation
<b>Resolved</b>			
<ol style="list-style-type: none"> <li>That Broken Hill City Council Report No. 106/20 dated July 21, 2020, be received.</li> <li>That Council adopt option two and further commit to proceed with litigation.</li> <li>That Council adopt an increase in budget in accordance with the option two as detailed within the report.</li> </ol>			
<b>CARRIED</b>			
<i>12 Aug 2020 - 10:06 AM - Leisa Bartlett</i> All processes complete to proceed with litigation. <b>COMPLETE</b>			

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

1. QUESTIONS ON NOTICE NO. 9/20 - DATED AUGUST 05, 2020 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE JULY 2020 ORDINARY COUNCIL MEETING (11/417) .....443

ORDINARY MEETING OF THE COUNCIL

August 5, 2020

**ITEM 1**

QUESTIONS ON NOTICE NO. 9/20

SUBJECT: COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE JULY 2020 ORDINARY COUNCIL MEETING 11/417

**Summary**

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

**Recommendation**

1. That Questions On Notice No. 9/20 dated August 5, 2020, be received.

**Background**

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

Question:	<p><u>COVID-19 Travel Procedure</u></p> <p><i>Councillor Kennedy asked for a report on the cost of the defence against the United Services Union in the Commission.</i></p>
Response:	\$0.00

**Attachments**

There are no attachments for this report

JAMES RONCON  
GENERAL MANAGER

## **CLOSED**

### **Council Meeting to be held** **Wednesday, August 26, 2020**

1. **BROKEN HILL CITY COUNCIL REPORT NO. 117/20 - DATED AUGUST 19, 2020 - CONFIDENTIAL MINUTES FOR CONFIRMATION - ORDINARY COUNCIL MEETING HELD 29 JULY 2020 - CONFIDENTIAL**

**(General Manager's Note:** This report considers confidential minutes for confirmation that relate to a legal matter 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).