

September 23, 2020

ORDINARY MONTHLY MEETING

TO BE HELD

WEDNESDAY, SEPTEMBER 30, 2020


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

ABN 84 873 116 132

Dear Sir/Madam,

Your attendance is requested at the Ordinary Meeting of the Council of the City of Broken Hill to be held **via Videoconference** on **Wednesday, September 30, 2020** commencing at 6:30pm to consider the following business:

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


JAMES RONCON
GENERAL MANAGER

LIVESTREAMING AND RECORDING OF COUNCIL MEETINGS

PLEASE NOTE: This Council meeting is being livestreamed via YouTube and 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 livestream 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,
August 26, 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. The meeting was held via videoconference.

Meeting commenced at 6:28p.m.

PRESENT:

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

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

Media (2), Members of the Public - nil.

APOLOGIES:

Nil.

PRAYER

Councillor Adams delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 46323

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

Resolved

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held July 29, 2020 be confirmed with an amendment to the resolution of Item 8 (Development Application 41/2020) to include the word "carried" where it is missing throughout the resolution.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Councillor Licul declared:

- a non-pecuniary interest in Report No. 115/20 as he is an acquaintance of an applicant mentioned in the report and advised that he will leave the meeting whilst the item is considered.

MAYORAL MINUTES

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

11/364

RESOLUTION

Minute No. 46324

Councillor D. Turley moved
Councillor C. Adams seconded

)

)

Resolved

1. That Mayoral Minute No. 10/20 dated August 11, 2020, be received.
2. That Council determine motions to the NSW Local Government Annual Conference in line with the criteria for motions.
3. That motions along with the accompanying Council Resolution be submitted prior to the closing date of 28 September 2020.
4. That Councillors advise the General Manager's Office if they wish to participate in the online Conference.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

ITEM 2 - 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

Motion

Councillor T. Kennedy moved
Councillor B. Algate seconded

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)

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.

Amendment

Councillor M. Clark moved
Councillor J. Nolan seconded

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)

1. That Motions of Which Notice has been Given No. 10/20 dated August 14, 2020, be received.
2. That the Broken Hill City Council commends Mayor Turley on her efforts to make contact with and persuade the South Australian government to open its borders to the residents of Broken Hill; and that this action should continue if it proves necessary to do so in the future with due consideration to any

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changes in the prevalence of COVID-19 in
South Australia.

CARRIED

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

AGAINST: Crs Algate, Kennedy and Page

The amendment becomes the motion.

RESOLUTION

Minute No. 46325

Councillor M. Clark moved)

Councillor J. Nolan seconded)

Resolved

1. That Motions of Which Notice has been Given No. 10/20 dated August 14, 2020, be received.
2. That the Broken Hill City Council commends Mayor Turley on her efforts to make contact with and persuade the South Australian government to open its borders to the residents of Broken Hill; and that this action should continue if it proves necessary to do so in the future with due consideration to any changes in the prevalence of COVID-19 in South Australia.

CARRIED

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

AGAINST: Crs Algate, Kennedy and Page

ITEM 3 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 11/20 - DATED AUGUST 14, 2020
- SEALING OF THE BROKEN HILL TO TIBOOBURRA ROAD 11/161

Motion

Councillor T. Kennedy moved)

Councillor B. Algate seconded)

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.

Amendment

Councillor M. Browne moved)

Councillor C. Adams seconded)

1. That Motions of Which Notice has been Given No. 11/20 dated August 14, 2020, be received.

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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, Mr Peter Beven, Mr John Elliott and Mr John Williams be acknowledged for the role they played in ensuring the Broken Hill to Tibooburra Road was sealed.
3. That the Mayor write to Mr Black, Mr Beven and Mr Elliott, Mr Williams to acknowledge their contribution towards the sealing of the Tibooburra Road.

CARRIED

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

The amendment becomes the motion.

Motion

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

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, Mr Peter Beven, Mr John Elliott and Mr John Williams be acknowledged for the role they played in ensuring the Broken Hill to Tibooburra Road was sealed.
3. That the Mayor write to Mr Black, Mr Beven and Mr Elliott, Mr Williams to acknowledge their contribution towards the sealing of the Tibooburra Road.

Amendment

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

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 Mr Peter Black, Mr John Elliott, Mr Peter Beven and Mr John Williams for their contribution to the sealing of the Broken Hill to Tibooburra Road and the opportunities this has opened to the region.

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4. That Peter Black be contacted to ask who else should be acknowledged and invited to the Civic Reception.
5. That the Mayor write to Mr Black, Mr Beven, Mr Elliott and Mr John Williams to acknowledge their contribution towards the sealing of the Tibooburra Road.

LOST

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

The motion was put.

RESOLUTION

Minute No. 46326

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

Resolved

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, Mr Peter Beven, Mr John Elliott and Mr John Williams be acknowledged for the role they played in ensuring the Broken Hill to Tibooburra Road was sealed.
3. That the Mayor write to Mr Black, Mr Beven, Mr Elliott and Mr Williams to acknowledge their contribution towards the sealing of the Tibooburra Road.

CARRIED

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

ITEM 4 - MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 12/20 - DATED AUGUST 14, 2020
- MENINDEE LAKES WATER SAVING PROPOSALS - WATER NSW 11/426

Mayor Turley declared a pecuniary interest in Item 4 as she owns a permanent van on the Menindee Lakes, and left the meeting at 7:12p.m.

The Deputy Mayor assumed the Chair.

Motion

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

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.

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- (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.

Councillor Browne suggested the following amendment (being the motion with the inclusion of points 5(iv)-5(vi):

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.

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- (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.
- (iv) Ensure the critical supply of water for the environment, cultural and human needs along the Darling at Menindee and within the Lower Darling/Annabranche system in dry or low flow years.
- (v) Provide for the critical human needs for towns cultural stock and domestic users and the needs of riparian land owners to be met before access to irrigation is allowed in the Barwon Darling and Northern tributaries.
- (vi) Determine critical flow triggers in the Barwon Darling and Lower Darling and storage volumes in the Menindee Lakes (minimum 2 years) that will ensure that the protection of the health of the river is made a priority before access to water for irrigation is allowed.

Councillor Kennedy accepted points 5(iv)-5(vi) as addendums to his motion.

The motion was put.

RESOLUTION

Minute No. 46327

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

Resolved

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.

- (iv) Ensure the critical supply of water for the environment, cultural and human needs along the Darling at Menindee and within the Lower Darling/Anabranch system in dry or low flow years.
- (v) Provide for the critical human needs for towns cultural stock and domestic users and the needs of riparian land owners to be met before access to irrigation is allowed in the Barwon Darling and Northern tributaries.
- (vi) Determine critical flow triggers in the Barwon Darling and Lower Darling and storage volumes in the Menindee Lakes (minimum 2 years) that will ensure that the protection of the health of the river is made a priority before access to water for irrigation is allowed.

CARRIED UNANIMOUSLY

The Mayor returned to the meeting and resumed the Chair at 7:21 p.m. The Deputy Mayor advised the Mayor that the recommendation had been adopted with Councillor Browne's suggested addendum.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

Nil.

REPORTS

ITEM 5 - 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

RESOLUTION

Minute No. 46328

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

Resolved

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.

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3. That the \$50.00 cap on gifts and benefits be retained in Council's adopted Code of Conduct Policy and Gifts and Benefits Policy.
4. That Council's adopted Gifts and Benefits Policy be amended to reflect the following new provisions in the 2020 Model Code of Conduct for Local Councils in NSW:
 - a) that items up to the value of \$10.00 are not classed as "gifts and benefits" and do not need to be declared.
 - b) 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.
 - c) 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.
5. 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).

CARRIED

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

**ITEM 6 - 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

RESOLUTION

Minute No. 46329

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

Resolved

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.

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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.

CARRIED

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

ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 109/20 - DATED JULY 21, 2020 - 2019-2021 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 30 JUNE 2020, INCLUSIVE OF OPERATIONAL PLAN 2019/2020 OUTCOMES 16/165

RESOLUTION

Minute No. 46330

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

Resolved

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.

CARRIED

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

ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 110/20 - DATED AUGUST 06, 2020 - 2017-2021 DISABILITY INCLUSION ACTION PLAN KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 30 JUNE 2020 16/82

RESOLUTION

Minute No. 46331

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

Resolved

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.

CARRIED

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

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**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 111/20 - DATED JUNE 29, 2020 -
ADOPTION OF DRAFT PROCUREMENT FRAMEWORK AND POLICY**

11/663

RESOLUTION

Resolved

Minute No. 46332

Councillor J. Nolan moved)

Councillor C. Adams seconded)

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.

CARRIED

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

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 112/20 - DATED JUNE 29, 2020 -
ADOPTION OF DRAFT BROKEN HILL LOCAL STRATEGIC PLANNING STATEMENT**

19/75

RESOLUTION

Resolved

Minute No. 46333

Councillor C. Adams moved)

Councillor M. Browne seconded)

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.

CARRIED

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

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 113/20 - DATED AUGUST 14, 2020 -
DRAFT POLICY MOBILE FOOD VEHICLES, TEMPORARY FOOD STALLS AND HAWKING
POLICY FOR PUBLIC EXHIBITION**

12/14

RESOLUTION

Resolved

Minute No. 46334

Councillor J. Nolan moved)

Councillor D. Gallagher seconded)

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.

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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.

CARRIED UNANIMOUSLY

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 114/20 - DATED AUGUST 11, 2020 - INVESTMENT REPORT FOR JULY 2020

17/82

RESOLUTION

Minute No. 46335

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

Resolved

1. That Broken Hill City Council Report No. 114/20 dated August 11, 2020, be received.

CARRIED UNANIMOUSLY

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 115/20 - DATED AUGUST 14, 2020 - MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 405 HELD TUESDAY, 4 AUGUST 2020

11/397

Councillor Licul declared a non-pecuniary interest in Item 13 and left the meeting at 7:57 p.m.

RESOLUTION

Minute No. 46336

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

Resolved

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.

CARRIED UNANIMOUSLY

Councillor Licul returned to the meeting at 7:58 p.m. The Mayor advised Councillor Licul that the report recommendation of Item 13 had been adopted.

ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 116/20 - DATED AUGUST 12, 2020 - ACTION LIST REPORT

11/21

RESOLUTION

Minute No. 46337

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

Resolved

1. That Broken Hill City Council Report No. 116/20 dated August 12, 2020, be received.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

Nil.

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 15 - QUESTIONS ON NOTICE NO. 9/20 - DATED AUGUST 05, 2020 - COUNCILLOR
QUESTIONS TAKEN ON NOTICE AT THE JULY 2020 ORDINARY COUNCIL MEETING 11/417

RESOLUTION

Resolved

Minute No. 46338

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

1. That Questions On Notice No. 9/20 dated August 5, 2020, be received.

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

From Item 8 - Disability Inclusion Action Plan Consultation Committee 16/82
Councillor Browne commented that it is disappointing that the Consultation Committee has been disbanded and asked that staff investigate alternate ways of engaging with the community user representatives to provide input into the Disability Inclusion Action Plan.

From Item 15 – Questions on Notice - COVID-19 Travel Procedure 11/417
Councillor Kennedy asked for the cost to Council in relation to staffing hours in the defence against the United Services Union in the Commission.

From Item 8 – Disability Inclusion Action Plan – Homeless Persons 16/82
Councillor Algate asked whether Council can take any role in assisting the homeless persons that frequent the Central Business District area, in relation to the provision of portable amenities?

The Mayor advised not a role for Council, refer to the Police.

From Item 13 – Traffic Committee – Arboretum at the Art Gallery Carpark 11/397
Councillor Algate referred to the development of a small Arboretum in the Art Gallery Carpark and raised concerns regarding the reduction in car parking spaces; and that businesses in the vicinity had not been advised that car parking spaces were going to be lost.

From Item 4 - Menindee Lakes Water Savings Proposals – Request for funding towards a Flood Plain Irrigation Report 11/426
Councillor Kennedy advised that Marryanne Slattery contacted Council with a request to receive funding to carry out and prepare a flood plain investigation report. Given that the Mayor was quoted in the newspaper as stating that Council could not provide funding, Councillor Kennedy asked whether this request was circulated to Councillors or reported to Council?

Mayor advised no formal request received.

From Item 13 – Traffic Committee – Arboretum at the Art Gallery Carpark 11/397
Councillor Kennedy advised members of the public had contacted him with concerns that car parking spaces will be reduces in the Art Gallery Carpark due to the Arboretum development and asked why a decision was made to put an Arboretum in the Art Gallery Carpark without a resolution of Council?

From Item 10 – Broken Hill Local Strategic Planning Statement – Closure of Gypsum Street 19/75
Councillor Kennedy referred to the major roadworks in Gypsum Street and asked why Council did not plan to undertake the road works in a manner that would have provided access to the businesses throughout the works and prevented businesses from closing or having to relocate?

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
AUGUST 26, 2020

The Mayor reminded Councillors that questions raised at the Council Meeting must relate to the items of business on the agenda and that all other questions should be emailed to the General Manager at the time that they arise; and that Councillors should not wait for a Council Meeting to raise these issues. Such questions will not be accepted in the future.

CONFIDENTIAL MATTERS

**ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 117/20 - DATED AUGUST 19, 2020 -
CONFIDENTIAL MINUTES FOR CONFIRMATION - ORDINARY COUNCIL MEETING HELD 29
JULY 2020 - CONFIDENTIAL**

20/82

(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).

RESOLUTION

Resolved

Minute No. 46339

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

1. That Broken Hill City Council Report No. 117/20 dated August 19, 2020, be received.
2. That the confidential minutes of the Ordinary Council Meeting held 29 July 2020 be confirmed.

CARRIED UNANIMOUSLY

There being no further business the Mayor closed the meeting at 8:16 p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 30 SEPTEMBER 2020.)

CHAIRPERSON

NOTICES OF MOTION

1. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 13/20 - DATED
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2. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 14/20 - DATED
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SEPTEMBER 18, 2020 - GYPSUM STREET ROAD WORKS (17/128)36

ORDINARY MEETING OF THE COUNCIL

September 18, 2020

ITEM 1MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 13/20

SUBJECT: INTERNAL REVIEW PROCESS FOR THE ISSUING OF FINES 11/140

Notice of Motion

1. That Motions of Which Notice has been Given No. 13/20 dated September 18, 2020, be received.
2. That Broken Hill City Council take note of the Fines Act 1996 Section 24A, review of fines by the issuing agency.
3. That Broken Hill City Council develop and introduce an internal review process for fines issued by the Broken Hill City Council.
4. That Broken Hill City Council considers the arguments provided within the Notice of Motion.

Summary

Council has received a Notice of Motion submitted by Councillor Kennedy on 18 September 2020 requesting that Council develops an internal review process for fines issued by Council.

Councillor Kennedy's Notice of Motion reads:

- "1. *That Broken Hill City Council take note of the Fines Act 1996 Section 24A, review of fines by the issuing agency.*
2. *That Broken Hill City Council develop and introduce an internal review process for fines issued by the Broken Hill City Council.*

Reasons and Argument:

3. *That Broken Hill City Council consider the following arguments; the Fines Act states that the issuing agency should have an internal review process. Council does not currently have a review process. People that approach Council administration to have their fine reviewed are told in the first instances that it is not a Council responsibility. After it being pointed out they should have a review process, the fine is directed back to the issuing officer who refuses to deal with it and tells those subjects of the fine to approach the debt recovery office or take it to court.*

It is unacceptable that the officer who issued the fine has any part to play in reviewing the fine; it goes against the perception of procedural fairness. As we all know some are deserving of fines and some have authentic reasons to dispute fines.

An example that was directed to me recently described the above happening, he pulled over in a no stopping park for what was described as a medical emergency and tried to

have his fine reviewed.

The State Debt Recovery Office (SDRO) said they would likely withdraw the fine but told him it was a Council decision and directed him back to Council. Council directed him back to the SDRO who make a recommendation to Council.

We as a community need an internal review process to ensure those that are wrongly fined have the right to be judged by an independent local panel that takes into account local circumstances.

Having an internal review will give the community faith in Broken Hill City Council's process of issuing fines. Innocent people should not be forced to pay significant costs to go to court to prove their innocence."

General Manager's Comment:

There is in fact a very clear review process that Council seeks to work too (attached PDF). The Penalty Notice has four options on the reverse side including the opportunity for a review from the State Debt Recovery Office.

Council follows the Review Guidelines from Revenue NSW.
<https://www.revenue.nsw.gov.au/help-centre/resources-library/br001.pdf>

The review guidelines are a framework which Revenue NSW applies when reviewing fines.

They are designed to address the most common reasons for review.

They ensure the fines process is fair and upholds the expectation of public and road safety in NSW.

Customers can request a review if they believe:

- The fine was issued in error
- They have extenuating circumstances, or
- They are requesting leniency based on driving history.

Documentation supporting the claim may be required. In this instance, the SDRO will also request evidence from the issuing authority (Council), which is primarily the photographic evidence of the offence.

The guidelines were developed in collaboration with NSW Police, Legal Aid, Department of Justice, the Ombudsman's office, community advocates, customers, agencies who issue fines and community members. These guidelines are issued by the Minister for Finance, Services and Property under section 120 of the Fines Act 1996 and support the application of the Attorney General's Caution Guidelines.

Attachments

1. [!\[\]\(f9e62ae797645c5367e33d9390832789_img.jpg\)](#) Councillor Kennedy's Notice of Motion
2. [!\[\]\(3ae06528cbf191565604ae076c36537e_img.jpg\)](#) State Government Fine Review Guidelines

T. KENNEDY
COUNCILLOR

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held on September 2020

From Councillor Tom Kennedy

1. That BHCC take note of the FINES ACT 1996 SECTION 24A, review of fines by the issuing agency.
2. That BHCC develop and introduce an internal review process for fines issued by the BHCC.
3. That BHCC consider the following arguments; the Fines Act states that the issuing agency should have an internal review process. Council does not currently have a review process. People that approach council administration to have their fine reviewed are told in the first instances that it is not a council responsibility. After it being pointed out they should have a review process, the fine is directed back to the issuing officer who refuses to deal with it and tells those subjects of the fine to approach the debt recovery office or take it to court. It is unacceptable that the officer who issued the fine has any part to play in reviewing the fine; it goes against the perception of procedural fairness. As we all know some are deserving of fines and some have authentic reasons to dispute fines. An example that was directed to me recently described the above happening, he pulled over in a no stopping park for what was described a medical emergency and tried to have his fine reviewed. The State debt recovery office said they would likely withdraw the fine but told him it was a council decision and directed him back to council. Council directed him back to the SDRO who make a recommendation to council. We as a community need an internal review process to ensure those that are wrongly fined have the right to be judged by an independent local panel that takes into account local circumstances. Having an internal review will give the community faith in BHCC's processes of issuing fines. Innocent people should not be forced to pay significant costs to go to court to prove their innocence.

Councillor Tom Kennedy



Review Guidelines



Fairer outcomes for NSW



revenue.nsw.gov.au

What are the Review Guidelines?

The review guidelines are a framework which Revenue NSW applies when reviewing fines. They are designed to address the most common reasons for review. They ensure the fines process is fair and upholds the expectation of public and road safety in NSW. For help with your review, you can access Review Assist.

You can request a review if you believe:

- your fine was issued in error
- you have extenuating circumstances, or
- you are requesting leniency based on your driving history.

Documentation supporting your claim may be required.

The guidelines were developed in collaboration with NSW Police, Legal Aid, Department of Justice, the Ombudsman's office, community advocates, customers, agencies who issue fines and community members. These guidelines are issued by the Minister for Finance, Services and Property under section 120 of the Fines Act 1996 and support the application of the Attorney General's Caution Guidelines.

How do I lodge a review?

You can submit a review and evidence online. You can call us to discuss your review, or you can mail your review.



Online

<https://www.revenue.nsw.gov.au/fines-and-fees/request-a-review>



Phone

1300 138 118
7.30am - 8.00pm Monday to Friday



Mail

Revenue NSW
PO Box 786
Strawberry Hills NSW 2012

For overseas callers:

+61 2 4937 9207

Hearing or speech impaired:

TTY 1300 889 529

Translating and Interpreting Service (TIS):

131 450

Each review is considered on the merits of the claim, on a case by case basis.

Note: if someone else was responsible for your vehicle and you have received a fine in your name, you should nominate them at www.revenue.nsw.gov.au

What evidence do I need to give you?

Depending on the reason you are requesting a review, you may be required to supply documentation such as copies of tickets, permits, police reports, medical evidence, or proof of vehicle repairs to support your claim.

You can scan and attach a copy of your documents when lodging your review online. If you are mailing a review to Revenue NSW, we always recommend you keep your original documents and mail copies of any relevant evidence.

Published 28 February 2019

What happens after I submit my review?

Once your request for review is received, a hold will be placed on the fine while we conduct a review.

The review process can take some time if we require additional information from the issuing authority. You should include your email address and phone number in case we need to contact you. If we cannot contact you, we will review the fine based on the information we have. When the review is completed you will receive written advice of the outcome.

Can any fine be reviewed?

Any fine can be reviewed. For offences that attract demerit points, your driving history may be considered, however offences that pose serious safety risks are unlikely to be cautioned. You can refer to Review Assist for more guidance about possible outcomes.

Can I request a review of a fine for someone else?

If you are helping someone else, we need their permission. Please include an Authority to Act form with your review at <https://www.revenue.nsw.gov.au/fines-and-fees/authorise-someone-else>

We will always consider your circumstances

Our role is to assess if leniency or cancellation is appropriate, or if the fine should be upheld.

Likely factors

- The offence did not take place, the fine has been issued in error
- I was not responsible for the vehicle at the time of offence
- For demerit offences, I have a good driving history and would like to ask for a caution
- I had a medical emergency or crisis which explains why the offence took place
- I have an intellectual disability, mental illness or cognitive impairment, or am homeless, and as such did not understand that I was committing an offence or was unable to control my conduct.

You may be required to provide documents to support your claim.

Unlikely factors

- When the offence is a serious offence that posed a risk to public and/or road safety
- Claim where you are unable to provide supporting documentation when requested
- You were unaware of or misunderstood a particular rule, offence or restriction (such as sign posted parking restrictions)
- An oversight that resulted in you committing an offence

If you wish to dispute a fine on these grounds, you can elect to have your circumstances heard at court.

Note: We will always consider claims from the 'unlikely' list if there are extenuating circumstances such as mental illness or medical emergencies.

What if I am not happy with the outcome?

If you are not satisfied with the outcome of your review, you may be entitled to have your fine heard in court.

Review Outcomes



Upheld (penalty to stand)

Our investigation determines that the fine has been correctly issued. You need to take action to finalise your fine.



Caution (leniency)

The offence took place and you are responsible, however due to your circumstances you are given leniency. You are not required to pay the fine. If applicable, the fine is recorded on your driving record.



Cancellation (no action)

The evidence shows that an error was made and the fine should not be applied. The fine is cancelled and you are not required to pay. The fine does not appear on your driving record.

Hardship Options

I can't afford to pay my fine. I just need some more time to be able to pay it off.

We can negotiate payment plans. You should phone us on 1300 138 118 to discuss your options.

I'm experiencing intense personal or financial hardship and need some help to resolve my fine.

Work and Development Orders (WDO) are made by Revenue NSW, in conjunction with an approved community organisation, to support eligible customers to gain access to certain courses/treatments.

These programs can count towards repaying your fines. You may be eligible if you have a mental illness, an intellectual disability or cognitive impairment, are homeless, have a serious addiction to drugs or alcohol, or are experiencing acute financial hardship.

For more information and eligibility criteria:



Visit our website at <https://www.revenue.nsw.gov.au/fines-and-fees/cant-pay-your-debt>



Call our WDO hotline on **1300 478 879** from 9.00am - 5.00pm Monday to Friday.

ORDINARY MEETING OF THE COUNCIL

September 18, 2020

ITEM 2MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 14/20

SUBJECT: BROKEN HILL LAND RATES 17/90

Notice of Motion

1. That Motions of Which Notice has been Given No. 14/20 dated September 18, 2020, be received.
2. That Broken Hill City Council acknowledge the significant impact that recent land values have had on the rates paid by businesses in Kandandah Road area. The average rates rise has been approximately 60%.
3. That Broken Hill City Council investigate and prepare a report for the introduction of a subcategory as per the Local Government Act 1993, Section 529, that includes businesses that are located in and around the Kanandah Road area.
4. That Broken Hill City Council investigate and prepare a report about back dating this subcategory to the 2019-20 rates charges as a starting point for rates for the Kanandah Road precinct.
5. That Broken Hill City Council investigate and prepare a report on a rate holiday that could be granted to the portion of rates in the industrial area above rate pegging as per the actions Councillors can use from Council's Business Development Policy.
6. That Broken Hill City Council considers the arguments provided within the Notice of Motion.

Summary

Council has received a Notice of Motion submitted by Councillor Kennedy on 18 September 2020 regarding land rates for businesses in the Kanandah Road area.

Councillor Kennedy's Notice of Motion reads:

- "1. That Broken Hill City Council acknowledge the significant impact that recent land values have had on the rates paid by businesses in Kandandah Road area. The average rates rise has been approximately 60%.*
- 2. That Broken Hill City Council investigate and prepare a report for the introduction of a subcategory as per the Local Government Act 1993, Section 529, that includes businesses that are located in and around the Kanandah Road area.*
- 3. That Broken Hill City Council investigate and prepare a report about back dating this subcategory to the 2019-20 rates charges as a starting point for rates for the Kanandah Road precinct.*

4. *That Broken Hill City Council investigate and prepare a report on a rate holiday that could be granted to the portion of rates in the industrial area above rate pegging as per the actions Councillors can use from Council's Business Development Policy.*

Reasons and Argument:

5. *That Broken Hill City Council considers the following arguments; That a business subcategory will allow council to rate the properties in that areas at a different ad valorem rates in the dollar. If the Mayor and Councillors were to do this it would bring businesses back in line across the board 2.6% rate peg rise, an example property that paid \$16,000 last year increased by 60% to \$25,600 and has a land value of \$322,086. The 2.6% increase on \$16,000 would be \$416. The introduction of a subcategory would allow Council to change the ad valorem for Kanandah Road precinct properties to 0.0482 rates in the dollar instead of the current 0.0892894, this would have the same property valued \$322,086 to be rated at \$16,419.55.*

It is important that Broken Hill City Council takes this step to ensure businesses located in the area are able to continue to operate. It has been stated that the increase in land values is a reflection of demand. This may be the case but most businesses located in the industrial area started businesses under business models that had rates at levels that increase roughly by CPI. The increase of 60% is not sustainable and I direct the Mayor and Councillors to the Broken Hill City Council's Business Development Policy. The policy encourages businesses to the City and Council can apply rate holidays, pay for relocation, build infrastructure etc. We do not want to lose established businesses by poor management."

General Managers Comments

As Councillors are aware, all NSW Councils were subject to a general revaluation this year.

Representatives from the NSW Valuer General made a presentation to Councillors on the 11 March 2020 which explained to those Councillors present, the major increases/decreases across the City and the reasons why. It was highlighted at that stage that the Industrial Precinct had the largest land increases across the City due to the current sale prices, demand and a lack of supply.

It is also worthy of note that in addition to the VG briefing session with Councillors, the increases in land value were the subject of multiple budget workshops attended by Councillors and ELT and were part of the draft budget discussion, public exhibition and consultation and then formal budget adoption on 30 June 2020.

In October and November 2019 landowners had an opportunity to appeal to the Valuer General if they believed their new land values were unreasonable. In this particular instance, unimproved land valuations rose on average by about 55% across the industrial area.

The introduction of a new rating sub-category, firstly, cannot be done retrospectively as once 'rates are made' they are set for the financial year and so only future years can be impacted.

Secondly and perhaps more importantly, as advised to Councillor Kennedy in an email exchange on 8 September, such an approach would have numerous unintended consequences that would need to be worked through.

In essence and put simply, before making a decision to even review, Councillors must reconcile in their own minds, two options:

- Place the 'foregone' rates currently paid by these businesses onto the other rate categories (residential, mining, [remaining] business).
- Reduce the overall rates (income) base of the City (accept less money in rates), which will see a commensurate reduction in service delivery to the community; and risk not achieving the long-term financial plan goals as recently adopted on 30 June 2020, which may have the impact of making Council financially unsustainable.

To date the 'disgruntled group of business owners' have not made contact with the Mayor and I, as had been indicated would be the case in Councillor Kennedy's email of 8 September 2020.

In reference to providing 'A rate Holiday', apart from this not being the intention of the Business Development Policy, it will not relieve the rates payable on these properties, it will only provide interim payment relief. Council already has policies and procedures in place to deal with such payment arrangements and encourages business owners who are struggling to pay their rates to contact Council to put a suitable payment plan arrangement in place.

Attachments

1. [!\[\]\(f2fdbbba686c1099e6b2b8779766e2d3_img.jpg\)](#) Councillor Kennedy's Notice of Motion

T. KENNEDY
COUNCILLOR

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held on September 2020

From Councillor Tom Kennedy

1. That BHCC acknowledge the significant impact that recent land values have had on the rates paid by business in Kanandah Road area. The average rate rise has been approximately 60%.
2. That BHCC investigate and prepare a report for the introduction of a subcategory as per the LOCAL GOVERNMENT ACT 1993 SECT 529 that includes businesses that are located in and around the Kanandah Road area.
3. That BHCC investigate and prepare a report about back dating this subcategory to the 2019-20 rates charges as a starting point for rates for the Kanandah Road precinct.
4. That BHCC investigate and prepare a report on a rate holiday that could be granted to the portion of rates in the industrial area above rate pegging as per the actions councillors can use from council's Business Development Policy.
5. That BHCC consider the following arguments; That a business subcategory will allow council to rate the properties in that area at a different ad valorem rates in the dollar. If the Mayor and councillors were to do this it would bring businesses back in line across the board 2.6% rate peg rise, an example property that paid \$16000 last year increased by 60% to \$25600 and has a land value of \$322,086. The 2.6% increase on \$16000 would be \$416. The introduction of a subcategory would allow council to change the ad valorem for Kanandah Road precinct properties to 0.0482 rates in the dollar instead of the current 0.0892894, this would have the same property valued \$322,086 to be rated at \$16,419.55.

It is important that BHCC takes this step to ensure businesses located in the area are able to continue to operate. It has been stated that the increase in land values is a reflection of demand. This may be the case but most businesses located in the industrial area started businesses under business models that had rates at levels that increase roughly by CPI. The increase of 60% is not sustainable and I direct the Mayor and councillors to the BHCC's "Business Development Policy". The policy encourages business to the city and council can apply rate holidays, pay for relocation, build infrastructure etc. We do not want to lose established businesses by poor management.

Councillor Tom Kennedy



ORDINARY MEETING OF THE COUNCIL

September 18, 2020

ITEM 3

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 15/20

SUBJECT: OPENING HOURS OF THE VISITORS' INFORMATION CENTRE
AND COUNCIL'S TOURIST FACILITIES 11/212

Notice of Motion

1. That Motions of Which Notice has been Given No. 15/20 dated September 18, 2020, be received.
2. That Broken Hill City Council immediately reinstate pre-COVID-19 opening hours of the Visitors' Information Centre and all other Council owned tourist attractions.
3. That Broken Hill City Council immediately prepares a report for the potential for the Visitors' Information Centre to be staffed by volunteers and in co-ordination with Council paid employees.
4. That Broken Hill City Council immediately prepare a report about savings in employee hours from using volunteers and that any hours saved be used by council to have Council tourism employee resource to market and promote the City.
5. That Broken Hill City Council consult and ask for input on the best ways to use Council tourism expertise.
6. That Broken Hill City Council considers the arguments provided within the Notice of Motion.

Summary

Council has received a Notice of Motion submitted by Councillor Kennedy on 18 September 2020 regarding the reopening of the Visitors' Information Centre and all Council owned tourist facilities to pre-COVID-19 operating hours.

Councillor Kennedy's Notice of Motion reads:

- "1. That Broken Hill City Council immediately reinstate pre-COVID-19 opening hours of the Visitors' Information Centre and all other Council owned tourist attractions.*
- 2. That Broken Hill City Council immediately prepares a report for the potential for the Visitors' Information Centre to be staffed by volunteers and in co-ordination with Council paid employees.*
- 3. That Broken Hill City Council immediately prepare a report about savings in employee hours from using volunteers and that any hours saved be used by council to have Council tourism employee resource to market and promote the City.*
- 4. That Broken Hill City Council consult and ask for input on the best ways to use Council tourism expertise.*

Reasons and argument:

5. *That Broken Hill City Council consider the following argument; the use of the Council employee expertise to market the City has a greater value than having them man the counters at the Visitors' Information Centre.*

The Broken Hill tourism sector has been put under immense pressure from COVID-19 restrictions and is looking for Council direction and help to invigorate a flat market. The COVID-19 restrictions have opened a significant avenue for increased tourism and tourism revenue.

The restrictions will and have forced NSW tourists to take holidays in our own State. This is an opportunity the Broken Hill community cannot afford to miss. To take full advantage of the potential tourism boom for the City, all Council tourism assets must be opened to normal operating hours, Council must gather together an itinerary that has tourists staying in the City and the region for the maximum time spending the maximum amount of money. The best way to achieve a whole of City approach is to have tourism industry input."

General Manager's comment:

On 28 September 2016 (Minute Number 45342) Council adopted its Business Continuity Policy. This Policy ensures the implementation of the integrated planning and management processes designed to minimise disruption related risk at Council.

The policy is required to ensure Council can define what infrastructure and resources are required to achieve minimum operating performance and maintain uninterrupted availability of key business resources necessary to meet Council's strategic and operational objectives and legal obligations.

This policy covers Disruptive Incidents (Incidents) of such a scale as to otherwise be beyond the coping capability of an organisation's normal management system.

The General Manager will undertake appropriate action(s) necessary to assess, evaluate and respond to, and recover from, disruptive incidents.

Through the establishment of Business Continuity Plans (BCP) the policy provides a mechanism that enables Council and its officers to:

- Build resilience within Council's operations.
- Manage business interruption risks in accordance with AS/NZS 5050:2010 Business Continuity – Managing Disruption Related Risk.
- Develop resumption plans based on criticality of business functions rather than geographic location.
- Identify and document roles and responsibilities for key staff positions to plan, review and implement the Business Continuity Plan.
- Minimise the impact of function loss on Council's stakeholders and the community.
- Minimise the impact of function loss on Council's reputation.
- Minimise any risks associated with public health, safety and/or welfare.

- Ensure Council considers regulatory requirements and/or compliance with legally enforceable contracts during outages.
- Maintain control of expenditure and minimise extraordinary costs resulting from incidents.

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

- The Broken Hill City Council BCP is developed under the authority of the Executive Team. Prior to implementation the plan is reviewed and approved by that body.
- The General Manager or delegated Council Officer holds the authority to develop, assess, evaluate, and activate Council Business Continuity arrangements and procedures in response to incidents.
- A standing authority is given to the Sub-Plan owners by the Executive Team to implement the actions identified within the sub plans.

In line with the Business Continuity Policy, the General Manager enacted the Business Continuity Plan for Broken Hill City Council on 13 March 2020 and stood up the Continuity Management Team to deal with the Council's response to the COVID-19 pandemic.

Broken Hill City Council closed council facilities from the 20th March 2020, including the VIC due to the COVID-19 outbreak. The Federal and State Governments announced the closure of cultural facilities and non-essential businesses with Australia moving into self-isolation and a ban on any non-essential travel soon after.

The majority of NSW VICs suspended face-to-face customer service by the end of March.

With the tightening of travel restrictions and border closures plus the closing of tourist attractions and National Park camping in April, the visitor economy effectively stopped with a few exceptions (workers, stranded overseas visitors, travellers on their way home).

The main VIC and Box Office phone number were diverted to Customer Service Call Centre where it now effectively remains permitting greater attention to online interactions, developments, and information delivery by VIC staff.

Closure of the VIC was initially for 30 days, extended three weeks later to 'until further notice status' as virus outbreaks and lockdowns occurred in some states.

As visitors were no longer coming to Broken Hill, the Visitor Information Centre was vacated by staff on the 2nd April and moved to the Administration building. With the closure of a range of services, reduction, or lack of available work, and to prevent redundancies, via Award implementation, permanent staff were rostered by their managers to take excess leave accumulations.

Following monitoring of the now almost daily and weekly Public Health Orders, and Council preparedness with regard to development of Safety Plans, purchasing and installation of screens, sanitisers, gloves, decals, setting up of contact tracing systems, patterns of work increased to include management of number of people in buildings, sanitisation and cleansing processes, the VIC reopened on the 17 June, 9am-12midday Monday to Friday.

Despite a variety of inter State border closures and openings and closings again, an increasing number of visitations is occurring in Broken Hill. The VIC current response to this situation from the 21 September 2020 is hours open to the public Monday to Friday (incl. Public Holidays): 9am – 12midday and 2pm – 4pm. Weekend capacity is currently under investigation and informed by visitation data. With reduced budget to operate facilities across

the City and an increased cleaning burden at all of Councils facilities, every effort is being made to manage risk, health, safety and well-being effectively, while at the same time seeking to resume service provision.

The Covid-19 shutdown period has also seen an enormous amount of work undertaken to get much of the Broken Hill experiences onto online platforms, noting the significant changes that are occurring in how travellers seek to get their visitor information. The model that has staff sitting behind a desk waiting for visitors to come through the door is changing quickly and the way Council delivers this product is currently under review.

The latest Visitor Experiences document :

<https://www.brokenhill.nsw.gov.au/Facilities/Broken-Hill-Visitor-Information-Centre/Visitor-Experiences-Opening-Hours>

For after hour information the VIC is displaying a QR code on the entry door which links visitors to the VIC page

<https://www.brokenhill.nsw.gov.au/Facilities/Broken-Hill-Visitor-Information-Centre>

This page provides several helpful links to the visitor guide, maps, road condition information, National Parks information.

Attachments

1. [!\[\]\(3168ddc4389f6b417dd71f084513be9c_img.jpg\)](#) Councillor Kennedy's Notice of Motion

T. KENNEDY
COUNCILLOR

Notice of motion

Ordinary meeting of the Broken Hill City Council

To be held on September 2020

From Councillor Tom Kennedy

1. That BHCC immediately reinstate pre covid-19 opening hours of the Visitors Information Centre and all other council owned tourist attractions.
2. That BHCC immediately prepare a report for the potential for the Visitors information centre to be staffed by volunteers and in coordination with council paid employees.
3. That BHCC immediately prepare a report about savings in employee hours from using volunteers and that any hours saved be used by council to have council tourism employee resource to market and promote the city.
4. That BHCC consult and ask for input on the best ways to use council tourism expertises.
5. That BHCC consider the following argument; the use of the council employee expertise to market the city has a greater value than having them man the counters at the Visitors information centre. The Broken Hill tourism sector has been put under immense pressure from Covid-19 restrictions and is looking for council direction and help to invigorate a flat market. The Covid-19 restrictions have opened a significant avenue for increased tourism and tourism revenue. The restrictions will and have forced NSW tourist to take holidays in our own State. This is an opportunity the Broken Hill community cannot afford to miss. To take full advantage of the potential tourism boom for the city, all council tourism assets must be opened to normal operating hours, council must gather together an itinerary that has tourist staying in the city and the region for the maximum time spending the maximum amount of money. The best way to achieve a whole of city approach is to have tourism industry input.

Councillor Tom Kennedy



ORDINARY MEETING OF THE COUNCIL

September 18, 2020

ITEM 4MOTIONS OF WHICH NOTICE HAS BEEN GIVEN NO. 16/20

SUBJECT: GYPSUM STREET ROAD WORKS 17/128

Notice of Motion

1. That Motions of Which Notice has been Given No. 16/20 dated September 18, 2020, be received.
2. That Broken Hill City Council acknowledge the significant impact road works in Gypsum Street have had on a number of businesses, causing one of those businesses to relocate.
3. That Broken Hill City Council develop and introduce a policy that requires a plan approved by a resolution of Council for road works that cuts off access to a business or is likely to significantly affect that business.
4. That Broken Hill City Council consider the arguments provided within the Notice of Motion.

Summary

Council has received a Notice of Motion submitted by Councillor Kennedy on 18 September 2020 regarding the impact of roadworks in Gypsum Street to local businesses.

Councillor Kennedy's Notice of Motion reads:

- "1. That Broken Hill City Council acknowledge the significant impact road works in Gypsum Street have had on a number of businesses, causing one of those businesses to relocate.
2. That Broken Hill City Council develop and introduce a policy that requires a plan approved by a resolution of Council for road works that cuts off access to a business or is likely to significantly affect that business.

Reasons and Argument:

3. That Broken Hill City Council consider the following arguments; the Gypsum Street road works has caused significant harm to businesses in the area and have caused many in business to question Council's commitment to local businesses. The Council could have reduced the affect of road works to businesses by staging construction.

Council's Business Development Policy states a significant amount of actions Council may take to encourage business to the City, these actions include paying for relocation, rate holidays, building infrastructure etc. it is important to attract new business to the City but it is also very important that Council takes care of the businesses that are hear already operating. Council must lead the way.

General Manager's Comments

Council's Communication and Engagement Strategy 2019-20 (adopted November 2019) states that "depending on the nature and complexity of the project/initiative being delivered, the level of community engagement may vary. Similarly, this level may vary for different aspects or stages of the project."

The strategy utilises the International Association for Public Participation (IAP2) spectrum when considering the level of communication required for each project.

Road closures typically fall under the "inform" category of the spectrum, however Council staff arguably extended their engagement into the "consult" category in this instance.

Before and during the project staff dropped notices in letterboxes, held a site meeting for stakeholders, door knocked, advertised the closure in the newspaper, produced media releases, posted on social media, and met with a business owner to offer alternative construction options in an attempt to minimise disruption to trade.

Roadworks are a common part of Council business, and the communication and engagement approach throughout this project has been significantly greater than most road closures of a similar nature.

Like the community engagement process, road construction processes also vary for different roads projects according to frequency and type of use, type of surface being laid, drainage and location. In this particular instance, apart from alternate construction options being made in attempt to minimise the impact, the reasons Gypsum Street was completed in one stage was due to the following:

- It gives the works crew the ability to control the road geometric profile, camber, and slope when construction is occurring from gutter to gutter. This is essential for this road due to the high-water flow that occurs during rain events in this area of town. (This has been verified in the recent rains which caused localised flooding; the camber of the road was not damaged, nor did any pooling occur along the road surface. This has allowed for the reconstruction works to continue without delay.)
- When construction of a road is staged, it will introduce additional joints which can cause weak points and allow water seepage, resulting in pavement failure. By completing construction in one stage, it ensures the quality of work with adequate compaction at edges with no longitudinal joint, (centre of road) resulting in the life of the road being maximised.
- Safe work environment for Council's staff and contractors given that kerb and guttering is also being installed and there is no medium strip installed on this road to allow safe vehicular movement.
- This road is being finished with an asphalt surface. There is no local source for asphaltting equipment, which has to be sourced from Mildura. By completing the project in one section, it is more economical to pay for mobilisation, site establishment and demobilisation once, rather than multiple times. This particular point was heightened due to COVID-19 and being able to obtain contractors from Victoria and ensure COVID-19 safety plans are in place.
- Reduces the overall time the road is closed and therefore reduces the prolonged impacts to businesses and residents.

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 September 2020

From Councillor Tom Kennedy

1. That BHCC acknowledge the significant impact road works in Gypsum Street have had on a number of businesses, causing one of those businesses to relocate.
2. That BHCC develop and introduce a policy that requires a plan approved by a resolution of council for road works that cuts off access to a business or is likely to significantly affect that business.
3. That BHCC consider the following arguments; the Gypsum Street road works has caused significant harm to businesses in the area and have caused many in business to question council's commitment to local businesses. The council could have reduced the affect of road works to businesses by staging construction. Council "business develop policy" states a significant amount of actions council may take to encourage business to the city, these actions include paying for relocation, rate holidays, building infrastructure etc. It is important to attract new business to the city but it is also very important that council takes care of the businesses that are here already operating. Council must lead the way.

Councillor Tom Kennedy



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ORDINARY MEETING OF THE COUNCIL

August 11, 2020

BROKEN HILL CITY COUNCIL REPORT NO. 118/20SUBJECT: ELECTION OF DEPUTY MAYOR 11/18**Recommendation**

1. That Broken Hill City Council Report No. 118/20 dated August 11, 2020, be received.
2. That Council elect the Deputy Mayor at this meeting.
3. That the Deputy Mayor be elected for a twelve month term concluding at the September 2021 Local Government Election.
4. That voting for the Deputy Mayor Election be open voting, i.e. "show of hands".
5. That the result of the election of Deputy Mayor be sent to the Office of Local Government and to the Chief Executive Officer of LGNSW.

Executive Summary:

Councillors may elect one Councillor to be Deputy Mayor in accordance with the *Local Government Act 1993 Section 231*. This person may be elected for the Mayoral term or for a shorter term. Council has historically elected a Deputy Mayor for a twelve month period.

Councillors wishing to nominate a candidate for the Office of Deputy Mayor may complete the nomination form prior to the meeting and email it to the Returning Officer (General Manager).

Pre COVID-19, Councillors could still nominate a candidate at the meeting if they so wished and hand their nomination form to the Returning Officer providing the formalities concerning signatures and consent were observed.

Due to the COVID-19 pandemic amendments were made to the *Local Government Act 1993* to allow Council's to meet remotely during the pandemic to help manage the risk of transmission of the virus and to ensure compliance with the government's Public Health Order. Council Meetings have been held via videoconference since April 2020 and the continuation of videoconference meetings until the December 2020 Council Meeting where it will be reviewed, was ratified by Council at the July 2020 Council Meeting (Minute No. 46307). Therefore, the option of handing a nomination form to the Returning Officer during the meeting is not currently possible.

Should Councillors wish to submit a nomination without notice, the following process will suffice in order to comply with the *Local Government Regulations 2005 Schedule 7, Part 1*.

- Councillors can send an email to the Returning Officer prior to the election (at that point in the Council meeting). The email can either:
 - a) contain a scan of the signed Nomination Form, or ;
 - b) be in the form of an email trail from the Councillor who is making the nomination and the Councillor that is being nominated, to confirm that they consent to the nomination.

This process will suffice as complying with *Schedule 7 Part 1, 2* of the *Local Government Regulations 2005* which states:

“the nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.”

Emailing the nomination to the Returning Officer during the meeting will suffice as *“the nomination is to be delivered or sent to the Returning Officer”*.

The nomination form for Deputy Mayor is attached to this report (Attachment 1).

Report:

As per the *Local Government Act 1993 Section 231* the Deputy Mayor's role is to exercise any function of the Mayor:-

- At the request of the Mayor, or
- If the Mayor is prevented by illness, absence, or otherwise from exercising the function; or
- If there is a casual vacancy in the Office of Mayor.

If no Deputy Mayor is elected or if the Deputy Mayor is unable to act, the Councillors may elect one of their number to act as Deputy Mayor.

The election of Deputy Mayor is to be conducted in accordance with the *Local Government (General) Regulations Schedule 7*, which provides:-

- The General Manager (or person appointed by the General Manager) is the Returning Officer.
- Nominations are to be made in writing by two or more Councillors (one of whom may be the nominee) and given to the Returning Officer. The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- Nominations may be made without notice but must be in writing signed by two or more Councillors one of whom may be the nominee. Nominations are not valid unless the Councillors nominated give consent to the nomination in writing.
- Nominations are to be announced and elections conducted at the same Council meeting at which Council resolves on the method of voting.
- If only one Councillor is nominated, that Councillor is elected.
- If more than one Councillor is nominated Council must decide by resolution whether the election will proceed by preferential ballot, ordinary ballot or open voting. Preferential ballots and Ordinary Ballots are to be secret ballots. Open voting means a show of hands or similar means.

Community Engagement:

Nil.

Strategic Direction:

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

Relevant Legislation:

Local Government Act 1993, Section 231

Local Government (General) Regulations 2005, Schedule 7

Financial Implications:

The Deputy Mayor is entitled to an additional fee when acting in the role of Mayor.

This additional fee is a daily fee based on the annual additional Mayoral fee; with daily fee being calculated dependent on the number of days in the month, with the fee so payable deducted from the Mayor's fee.

Attachments

There are no attachments for this report

JAMES RONCON
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

August 12, 2020

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 119/20

SUBJECT: APPOINTMENT OF DELEGATES TO COMMITTEES -
 SEPTEMBER 2020 TO SEPTEMBER 2021 11/9

Recommendation

1. That Broken Hill City Council Report No. 119/20 dated August 12, 2020, be received.
2. That the current Councillor membership on Section 355 Committees and various other Committees be retained for the period September 2020 until the September 2021 Local Government Election with the exception of Councillor Gallagher's appointment to the Norm Fox Sportsground Community Committee.
3. That a Councillor representative be appointed to the vacant position on the Norm Fox Sportsground Community Committee.

Executive Summary:

Council needs to determine its representation on the Section 355 Committees of Council and also its delegates to various other organisations and committees. These machinery matters are usually considered by Council annually at the September Council Meeting.

Councillors have been requested to advise the General Manager's Office, in the days prior to the Council Meeting, should they wish for their current membership on the various Committees to remain. At the Council Meeting, time will be taken to go through the list one by one to ensure that full membership is achieved for the effective operation of each Committee/Working Group for the ensuing 12 month period until the September 2021 Local Government Election.

Report:

The *Local Government Act 1993, Section 355* provides that a function of the Council may be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils, or
- (e) by a delegate of the council.

Council currently has 10 Section 355 committees, as follows:

- Alma Oval Community Committee
- Broken Hill Community Strategic Plan Round Table Committee
- Broken Hill Heritage Committee
- Broken Hill Regional Art Gallery Advisory Committee
- BIU Band Hall Community Committee
- Friends of the Flora and Fauna of the Barrier Ranges Community Committee
- Memorial Oval Community Committee
- Norm Fox Sportsground Community Committee
- Picton Sportsground Community Committee
- Riddiford Arboretum Community Committee

The Constitutions of the above committees detail its membership. All of Council's Section 355 Committees include Councillor representation in their membership.

Attachment 1 to this report shows the current Council Delegate List (from September 2019 to September 2020) and the current committees and internal/external working groups, committees or organisations and also includes the number of delegates required for each.

Councillors were provided with the current Council Delegate List and requested to advise the General Manager's Office should they wish to retain their same membership for the ensuing 12 month period to September 2021.

Councillors indicated that they all wished to remain on their respective Committees and Working Groups with only one change being that Councillor Gallagher requested to relinquish his appointment to the Norm Fox Sportsground Community Committee.

It is therefore recommended that the current Councillor membership on Section 355 Committees and various other Committees be retained for the period September 2020 until the September 2021 Local Government Election; and that Council appoints a Councillor delegate to the vacant position on the Norm Fox Sportsground Community Committee.

Community Engagement:

Nil.

Strategic Direction:

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

Relevant Legislation:

Local Government Act 1993 (Section 355)

Financial Implications:

Council's current Operational Plan includes provision for travel and related expenses for Council delegates to represent Council outside of Broken Hill.

Attachments

1. [↓](#) Schedule of Delegates to Committees September 2019 to September 2020

JAMES RONCON
GENERAL MANAGER



COUNCIL DELEGATES TO SECTION 355 COMMITTEES AND OTHER COMMITTEES

SEPTEMBER 2019 TO SEPTEMBER 2020

D18/49202

COUNCIL S355 COMMITTEES	
Committee Name	Delegates
Community Strategic Plan Round Table Mayor 3x Key Direction Portfolio Councillors and Alternates <u>Our Leadership</u> 1x Councillor 1x Alternate <u>Our Community</u> 1x Councillor 1x Alternate <u>Our Economy</u> 1x Councillor 1x Alternate <u>Our Environment</u> 1x Councillor 1x Alternate	<u>Our Leadership</u> (James Roncon) Mayor Turley (Chairperson) Councillor Gallagher (Alternate) <u>Our Community</u> (Razija Nu'man) Councillor Kennedy (Chairperson) Councillor Page (Alternate) <u>Our Economy</u> (Jay Nankivell) Councillor Licul (Chairperson) Councillor Nolan (Alternate) <u>Our Environment</u> () Councillor Browne (Chairperson) Councillor Clark (Alternate)
Alma Oval Community Committee At least 1 x Councillor	Councillor Algate Councillor Gallagher
Broken Hill Heritage Committee 5 x Councillors	Mayor Turley Deputy Mayor Adams Councillor Browne Councillor Clark Councillor Page
Broken Hill Regional Art Gallery Advisory Committee 2 x Councillors	Councillor Licul Councillor Clark
BIU Band Hall Community Committee At least 1 x Councillor	Councillor Licul
Friends of the Flora and Fauna of the Barrier Ranges Community Committee At least 1 x Councillor	Councillor Browne
Memorial Oval Community Committee At least 1 x Councillor	Councillor Gallagher

Norm Fox Sportsground Community Committee At least 1 x Councillor	Councillor Algate Councillor Gallagher
Picton Sportsground Community Committee At least 1 x Councillor	Deputy Mayor Adams Councillor Licul
Riddiford Arboretum Community Committee At least 1 x Councillor	Councillor Browne
OTHER COMMITTEES	
Committee Name	Delegates Required
Association of Mining Related Councils 1 x Councillor	Councillor Nolan Councillor Page (Alternate)
Australia Day Advisory Group 4 x Councillors	Deputy Mayor Adams Councillor Browne Councillor Gallagher Councillor Kennedy
Australian Floodplains Association Mayor + alternate	Mayor Turley Councillor Browne (alternate)
Australian Mining Cities and Centres Alliance Mayor + Deputy Mayor(alternate)	Mayor Turley Deputy Mayor Adams (alternate)
Audit, Risk & Improvement Committee 3 x Councillors	Mayor Turley Councillor Nolan Councillor Gallagher
Asset Naming Committee 5 x Councillors	Deputy Mayor Adams Councillor Browne Councillor Licul Councillor Algate Councillor Clark
Broken Hill Lead Reference Group 1 x Councillor	Councillor Browne
Broken Hill Liquor Accord 1 x Councillor	Councillor Gallagher
Broken Hill Traffic Committee 1 x Councillor (observer only)	Councillor Browne
Broken Hill ClubGRANTS Committee 2 x Councillors	Councillor Nolan Councillor Kennedy
City Improvement Working Group Mayor + 2-3 Councillors	Mayor Turley Deputy Mayor Adams Councillor Licul Councillor Browne
Community Assistance Grants Panel Mayor, 1 x Councillor and Our Community Portfolio Councillor	Councillor Gallagher Councillor Clark Councillor Kennedy (Our Community Portfolio)

Disability Inclusion Action Plan Working Group 2 x Councillors	Mayor Turley Deputy Mayor Adams
Essential Water Customer Council 1 x Councillor	Councillor Browne
General Manager's Performance Review Committee Mayor, Deputy Mayor and 3x Councillors	Mayor Turley Deputy Mayor Adams Councillor Gallagher Councillor Browne Councillor Kennedy
Library and Cultural Precinct Project Steering Group Mayor and Deputy Mayor	Mayor Turley Deputy Mayor Adams
Murray Darling Association 2 x Councillors	Councillor Browne Councillor Page
Reconciliation Action Plan (RAP) Working Group 3 x Councillors	Mayor Turley Councillor Browne Councillor Clark
Silverton Wind Farm Community Consultative Committee 1 x Councillor	Councillor Browne Councillor Nolan (Alternate)
Sister City Working Group 3 x Councillors	Deputy Mayor Adams Councillor Gallagher Councillor Nolan
Tidy Towns Working Group 2 x Councillors	Deputy Mayor Adams Councillor Browne
Western Division Councils 2 x Councillors	Mayor Turley Councillor Gallagher
Western NSW Mining and Resource Development Taskforce Mayor	Mayor Turley
Volunteer Working Group 4 x Councillors	Deputy Mayor Adams Councillor Page Councillor Browne Councillor Licul

QUALITY CONTROL TABLE		
Minute No.	Date	Resolution
46077	25 September 2019	Appointment of Delegates to Committees
46178	26 February 2020	Appointment of Councillor Clark to the Reconciliation Action Plan Working Group
46219	25 March 2020	Disbandment of ET Lamb Memorial Oval Community Committee

ORDINARY MEETING OF THE COUNCIL

September 10, 2020

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 120/20

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

Recommendation

1. That Broken Hill City Council Report No. 120/20 dated September 10, 2020, be received.
2. That Council note the submission of the required returns by Councillors and Designated Persons of Council.
3. That access to Council's Register of Returns of Disclosures by Councillors and Designated Persons be in accordance with the provisions of the *Local Government Act 1993* and other relevant legislation.

Executive Summary:

In accordance with the requirements of Section 4 of Council's Code of Conduct, returns for Disclosure by Councillors and Designated Persons are required for completion and return by September 30, 2020.

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

Disclosure Returns have now been received by the General Manager from all Councillors and Designated Persons required to submit a return for the period to June 30, 2020.

Report:

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

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

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

- a person (other than a member of the senior staff of the Council) who is a member of a Committee of the Council identified by the Council as a Committee whose members are designated persons because the functions of the Committee involve the exercise of the Council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

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

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

Accordingly, Disclosure Returns have been received by the General Manager from all Councillors and Designated Persons required to submit a return for the period to June 30, 2020.

Strategic Direction:

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

Relevant Legislation:

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

Financial Implications:

Nil

Attachments

There are no attachments for this report

JAMES RONCON
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

September 15, 2020

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 121/20

SUBJECT: COUNCILLOR PROFESSIONAL DEVELOPMENT 11/468

Recommendation

1. That Broken Hill City Council Report No. 121/20 dated September 15, 2020, be received.
2. That Council endorse the 'Councillor Development Program' as part of the transformational change management program currently underway across the organisation, underpinning the importance of values based leadership, leading by example and establishing a strong culture within the organisation that everyone aligns with.
3. That Council engage Dattner Group to provide the program to ensure alignment across the elected and staffing groups.

Executive Summary:

Regular insight and updates through the budget consultation process and Councillor briefing sessions on the change management program being run across the staffing groups, saw Council receive written reports and updates explaining the process.

The General Manager has been leading a values-based leadership program to establish a strong set of values and behaviours across the work groups, designed to shift an ingrained Council culture. The Strategy Map (reproduced as an attachment to this report) which formed part of the draft budget process that went out on public exhibition, and the adopted budget of Council, seeks to display in one page, the strategic focus of the Council in pursuit of a values and behaviours based leadership model.

Report:

Through discussions at budget time, Councillor briefings and via a report to the March 2019 meeting of Council, Councillors have been kept abreast of the change management program being rolled out across the staffing group designed to deliver an agreed values-based culture that the entire workforce get to drive. The Strategy Map (reproduced as an attachment to this report) which formed part of the draft budget process that went out on public exhibition, and the adopted budget of Council, seeks to display in one page, the strategic focus of the Council in pursuit of a values and behaviours based leadership model.

Organisation cultures develop over long periods of time and a poor culture impedes an organisation and the sum of all its parts, from performing at its best and delivering for its stakeholders. The Broken Hill City Council staff, led by the Executive Leadership Team are working across the entire organisation and have established a fresh set of organisational values along with identifying supporting behaviours that will get the best out of the staff, and the unsupporting behaviours that will not.

Honesty in deliberations, calling bad behaviours and supporting one another to be our best is a work in progress and real change over the past 12 months has been seen across the staff group and a shift in the culture is occurring. It must be remembered that cultures develop over long periods of time and cannot be changed quickly; it takes time, patience, effort and resolve to see real change through.

To ensure alignment with the staffing group, I would like to again invite Councillors who wish to be part of the process, an opportunity to undertake a professional development initiative similar in focus to the staff. As attached Council will see the proposed program that will seek to align and galvanise the elected Councillors' focus and direction and set the tone for the next 12 months leading into the 2021 elections, and beyond.

Twelve months ago, the Councillors were invited to be part of a major transformation that the General Manager and Executive Leadership Team of Broken Hill City Council were leading for both staff and community. At the time, it was decided to postpone until after the next elections. Twelve months on the opportunity and impact of Councillors becoming part of this journey have never been more important.

The General Manager has led a values based leadership initiative that is fundamentally altering what is important to us, how we behave together, what we value in the work we do and how we treat our staff and the community. Right now, the feedback from staff has indicated a strong desire for Councillors to become part of this experience. We hope in time that the community joins in. We are stronger together, we can redefine how a council impacts the culture of community, and we can do it with one constructive voice.

In my discussions with Councillors the changes that have occurred across the organisation have been recognised and well received and a commitment from the elected leaders would send a strong message to the staff and community about the importance of values and behaviours based leadership, leading by example and establishing a strong culture within the organisation that everyone aligns with.

This is an opportunity for Broken Hill City Council to further take a lead in NSW local government, and beyond, in how councils interact both with the operating organisation and the community, for the collective good.

I commend the program to you.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.2	Our leaders make smart decisions
Strategy:	4.2.1	Provide learning and networking opportunities for elected members

Relevant Legislation:

Local Government Act 1993, Division 3

Financial Implications:

A budget for professional development for Councillors is included in Council's 2020/2021 budget.

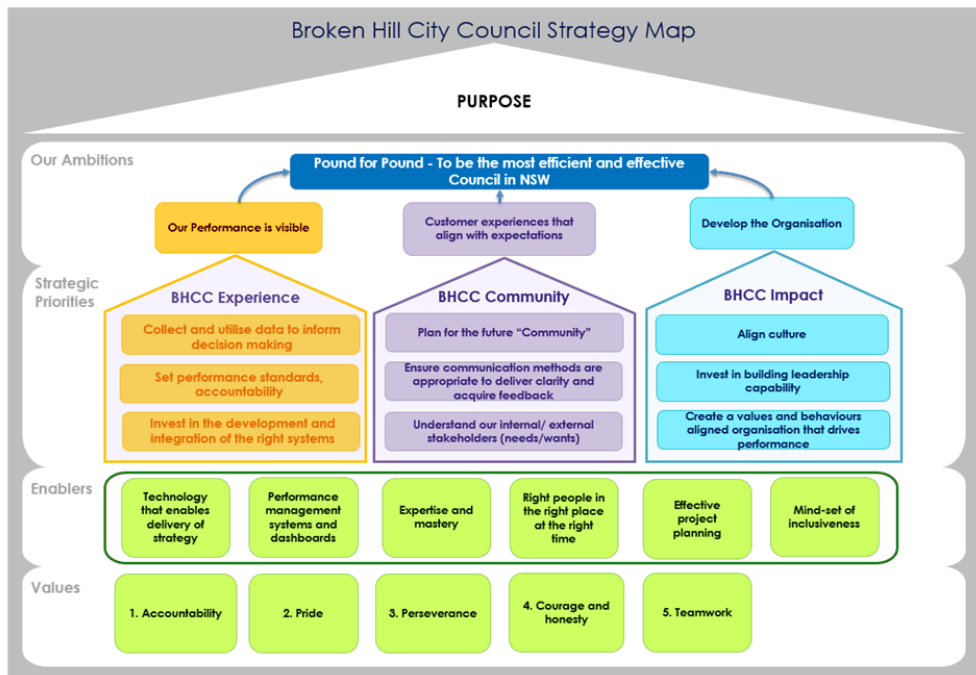
Attachments

1. [!\[\]\(0551a83d441798e532995956b603f604_img.jpg\)](#) Broken Hill City Council Strategy Map
2. [!\[\]\(54ee180c0037b66a36ce2219a481afde_img.jpg\)](#) Report - Organisational Values - March 2019
3. [!\[\]\(73ae654e8897db9b21f1bf9d9efc07ef_img.jpg\)](#) Outline for Councillor Professional Development - Dattner Grant

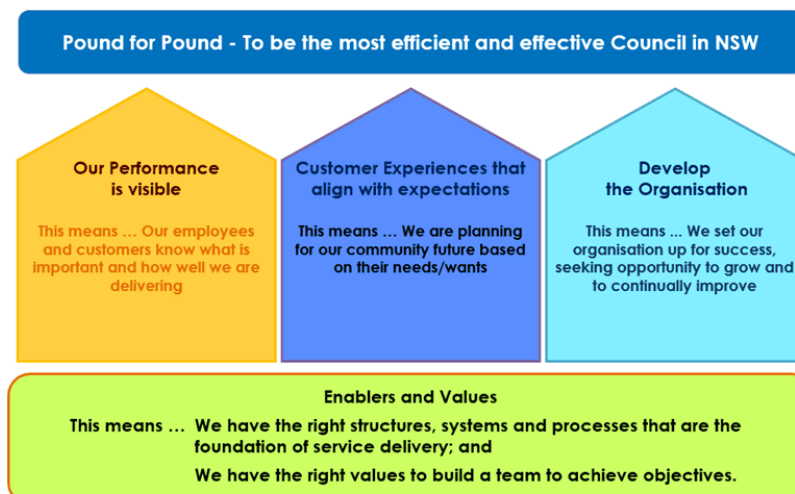
JAMES RONCON
GENERAL MANAGER

COMMUNICATING OUR STRATEGY MAP

The Map summarises outcomes the organisation seeks to achieve under the Delivery Program 2020-2022. The Map is easy to read and assists our workforce to understand their role in service delivery to the community and improvement of performance.



Theme Definitions



Ordinary Meeting of the Council

27 March 2019

ORDINARY MEETING OF THE COUNCIL

March 14, 2019

ITEM 7BROKEN HILL CITY COUNCIL REPORT NO. 29/19SUBJECT: ORGANISATION VALUES13/160**Recommendation**

1. That Broken Hill City Council Report No. 29/19 dated March 14, 2019, be received.

Executive Summary:

This report informs Council on an operational review of Council's internal Organisational Values. Following consultation with staff, a draft set of new Values were developed. A twelve month trial period will be undertaken with values adopted by the organisation through demonstrated leadership behaviours.

This review has not changed the Community Values within the Community Strategic Plan, or Council's Vision and Mission.

Report:

Council adopted a new set of Organisational Values in December 2015 as part of a broader revision of our Vision, Mission and Visual Identity (Minute No 45173). Since then, the organisation has undergone significant change including changes at the leadership, staff body and strategic direction levels.

Values are an important building block and the foundation for achieving organisational goals and developing a cohesive and constructive Organisational Culture. Values describe what individuals consider important; representing wants, preferences, desires, likes and dislikes. Values are hence, important motivators of behaviour and behaviour change.

In an organisational context, clearly defined and understood Values set agreed, commonly accepted and appropriate behaviours for success and build trust in the workforce.

Values define the 'right things' our employees should do and those behaviours that undermine achievement of goals.

Values are much more than words and require visible action from leaders to role model expected behaviours. Hence, reviewing and measuring Values alignment is an effective leadership development and cultural change tool.

Given the timeframe and changes that have occurred over the last four years and with a more stable leadership team now, the Executive Leadership Team felt it was prudent to undertake a review of our Values. This decision wasn't made quickly or taken lightly.

A large number of the workforce had provided feedback through General Manager lead staff focus groups (held between 2016 and 2017), through their Executive Leader or during

Broken Hill City Council

Page 1

Ordinary Meeting of the Council

27 March 2019

performance reviews that they did not understand or relate to the old values. In fact, they felt that these values were intrinsically linked to a challenging and difficult past (referring to the organizational restructure of 2014/2015). As such, they felt disconnected from the old set of Values and to the goals of the organisation more broadly.

A review our Values is part of our commitment to continually improving our workplace culture in line with our Workforce Management Plan:

WA 2.5 Leaders communicate the objectives, priorities and values of the organisation in a clear manner so employees understand expectations

This review has not changed the Community Values within the Community Strategic Plan, nor Council's Vision and Mission.

The Process

The process of reviewing and alignment of a new set of Values began during the Executive Leadership Development Program which ran during 2018.

Values based leadership was a key module of learning; used to enable our leaders to explore those things that are important for organisational success and how to gain personal alignment to organisational goals in the development of a constructive Executive Leadership Team (ELT). It was during this development program that it was considered how to become better as an organisation leading the aspirational goal of how to be "Pound for pound the best Council in NSW".

Council engaged Dattner Grant, a specialist leadership and strategy consultancy, to undertake workshops in December 2018 with our employees and gain their feedback on a new set of Values.

During these workshops, employees participated in exercises like those undertaken by the ELT during the Executive Leaderships Program to gain an understanding of their own values and critically evaluated those they thought and felt were important to pull us together and be our best.

Eighty two percent (82%) of the available workforce participated in the workshops; including full time, part time, and casual employees. The majority of values that were initially presented to staff as a 'starting point' for the sessions were significantly overhauled by participants, which is particularly pleasing and shows that staff had genuine interest in the sessions and a desire to influence the organisation's values.

The new draft set of Values for the organisation are:

Accountability, Pride, Perseverance, Courage & Honesty and Team Work.

The approach recommended to the ELT to ensure the values are aligned to organisation goals and well understood by the workforce, was to have leaders (Executive Leaders through to Coordinators) role model the behaviours in a consistent manner over a trial period of 12 months.

Leaders were supported to develop their leadership effectiveness and values alignment through a dedicated workshop held on 12 February 2019. Leaders were assessed through a 360degree feedback survey on how they are currently demonstrating the draft set of values.

They will continue to be supported through coaching and further development over the next 12 months. Employees will be provided an opportunity at the end of the twelve-month trial, to assess and comment on how well leaders have adopted the values, how successful they

Ordinary Meeting of the Council

27 March 2019

have been in bringing the organisation together, building trust and achieving results, after which the new Values will be formalized.

Strategic Direction:

Key Direction: Our Leadership
Objective: 4.1 Openness and Transparency in decision making.
Function: Corporate Support
DP Action: 4.1.1.18 Workforce Management Plan in accordance with IPR Framework.
WP Action: Leaders communicate the objectives, priorities and values of the organisation in a clear manner so employees understand expectations

Relevant Legislation:

Nil

Financial Implications:

\$37,700 – Workshops, training sessions, staff surveys

Attachments

There are no attachments for this report.

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAMES RONCON
GENERAL MANAGER

**REVISED TIMING
BROKEN HILL COUNCILLORS DEVELOPMENT
260819**

Dattner Grant

Step One: Interviewing the Councillors – 2 days based on 10 people -and write up of report

Face to face, (1 hour per person) October 2019

Dattner Grant

Step Two: conducting LSI 1 & 2 for all Councillors

LSI 1 & 2 with breakout

On line, October/November 2019

Dattner Grant facilitator

Step Three: Two-day retreat for Councillors

January (end) 2019

Dattner Grant coach

Step Four: One on one coaching of Councillors x 2 days based on 12 people

End of February, 2019

Dattner Grant facilitator

Step Five: One day session to share outcomes

Early March 2020

Dattner Grant facilitator

Step Six: One day session bridging the gap (Councillor and EMT)

End March,2020



PREPARED FOR:
James Roncon, Broken Hill City Council

DATE:
1st August 2019



SCOPE OF WORK

The following provides a scope of activity designed to engage the Councillors of Broken Hill City Council in the transformational journey now underway, under the captaincy of James Roncon.

This is a significant time in the Council and to this extent, it is opportune for the Councillors themselves to consider how they might redefine the relationship of elected members to the executive and staff of Broken Hill City Council.

This should be an exciting journey for Councillors; a reward for effort put in, a new way of thinking/working together, an irrefutably important bonding exercise between the Council and elected members.

Step One - Honour the leaders

Purpose: Hear the voices of each of the Councillors in crafting an appropriate leadership journey that brings the elected members into the process being run in the Council itself.

Interview each of the 10 Councillors to get a clear perspective on:

- Why they put themselves forward for community leadership in this way
- How long they have been doing this?
- How they describe the dynamic of the Councillors as a group or leadership 'team'; what's working/not working and what they ideally would like to see done differently
- How they describe their expectations of the executive management team of Council – 'should be' to 'as is'
- Their leadership capabilities; strengths and challenges as individuals

Outcome: the narrative of the Councillors is captured and the themes identified, rather than the individuals. This informs the design of the collaborative process outlined. Leaders have a say in their own developmental journey.

**Note: the interviews will be patterned and themes written into a report for Councillors. This report informs development and the briefing is embedded into step three.*

Step Two - Measure leadership style

Purpose: Generate hard data on leadership style to back Councillors' qualitative insights about working as and with Councillors. Help each leader see how they are shaping the dynamic of the Council as a result of how they think as leaders and in turn behave.

Mirror the leadership tools being used by the Exec in order that:

- Councillors have exposure to the same insights/lessons that the Exec have
- We create a common language around constructive leadership ('as is' to 'should be')
- Diagnostic to be used Life Styles Inventory 1 & 2 – please refer to description in Appendix 1.

Outcome: Leadership style measured for each Councillor.

Step Three - Process the data

Purpose: to understand the link between leadership and culture; private space to process the results of the interviews, the diagnostics and to map out how the Councillors would prefer to operate together (culturally) and what needs to be done to create this.

Two-day private retreat for Councillors to cover:

- Review of themes that emerged from interviews
- Agree on key insights
- Create an intention (purpose) for shifting the dial on the relationship of Councillors to each other
- Introduce the link between leadership and culture of a team/council/community
- Share diagnostic results
- Set up one on one coaching

Outcome: Councillors have a shared sense of their 'as is' as a team/group, informed by one on one interviews and personal diagnostics which describe how they see themselves and how others interpret their behaviour.

Step Four - Supporting good leaders to get personal insight

Purpose: to ensure each leader has a private space to process personal diagnostic results

- One on one coaching, 45 mins per Councillor
- Help each individual to interpret their personal results and create a clear plan for interactions with other Councillors and the Exec

Outcome: Individuals feel supported and insightful about their leadership style and how they can develop behavioural flexibility as individuals and as a team.

Step Five - Sharing the knowledge

Purpose: To now bring the Councillors together to craft their desired way of operating, what they will personally commit to doing to ensure they get this and to agree on their expectations of the EMT

One day program:

- Coming together to share insights
- Create an informal 'charter' which describes how they will behave together
- Agree on expectations of the Exec (How we best work with the executive)

Outcome: Leaders have the opportunity to celebrate what they have learnt, they map how they want to behave and they are aligned on expectations of the Exec.

Step Six - Bridging the gap

Purpose: to draw an appropriate connection between the Exec and the Councillors, commensurate with the shared responsibility all leaders have on behalf of stakeholders

One day program – executive and Councillors:

- Share the journey – what are we aiming for together as leaders
- What is the role of the Councillors and their expectations of leaders
- What is the role of the Exec and their expectations of Councillors
- Building trust, giving and receiving feedback in a constructive shared culture

Outcome: A material shift in engagement of the two teams, a clear mandate for future interactions and an exciting and constructive road map for leadership going forward

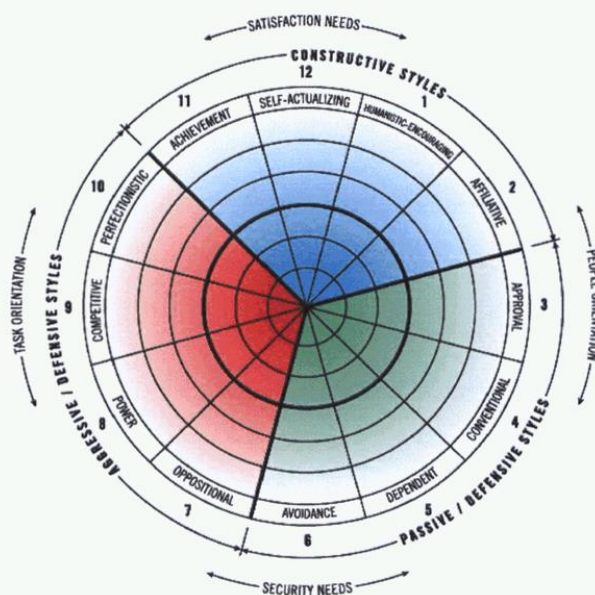
TIMING & PRICING *

Group	Item	Timing	Pricing* (ex GST)
Dattner Grant and one on one with Councillors	Step One: Interviewing the Councillors – 2 days based on 10 people -and write up of report	October 2019	\$15,000
Dattner Grant	Step Two: conducting LSI 1 & 2 for all Councillors	This will be conducted online during October 2019	LSI 1 & 2 with breakout report \$600 per person plus \$42 for 1 group report
Dattner Grant facilitator	Step Three: Two-day retreat for Councillors	November 2019	\$12,000
Dattner Grant coach	Step Four: One on one coaching of Councillors x 2 days based on 12 people	End of November, early December 2019	\$8,000
Dattner Grant facilitator	Step Five: One day session to share outcomes	End of January 2020	\$6,000
Dattner Grant facilitator	Step Six: One day session bridging the gap (Councillor and EMT)	Feb/March 2020	\$6,000

APPENDIX: LSI 1 & 2

The Life Styles Inventory (LSI) identifies the underlying thoughts and motivations that guide an individual's behaviour. Often referred to as personal styles, management styles and leadership styles, these represent the essence of an individual's effectiveness. The quality of an individual's thinking and behaviour contributes greatly to that person's work performance. Fortunately, you have the power to change ineffective thinking and behaviour - the kind that can paralyse an individual's effectiveness. But first you need to know if what you are doing now is supporting or detracting from quality performance.

The Life Styles Inventory (LSI) is based around the Human Synergistics Circumplex, describing constructive, passive/defensive and aggressive/defensive behaviours. In the LSI, the feedback is normed against how 9,000 individuals have described themselves (LSI 1) and how 5,000 individuals have been described by 25,000 others (LSI 2). The LSI provides for self-description (LSI 1) and feedback from others (LSI 2).



The Human Synergistics Circumplex

Whatever the results, there is no doubt that LSI 1 promotes lasting performance change and improvement by increasing personal understanding of your thinking and behaviour. The beauty of LSI 1 is that, unlike many other self-assessment tools, it provides a quantified measure for looking at strengths as well as self-defeating behaviours, so that you can further improve upon strengths and precisely target the areas in which you need to change. LSI 1 is part of the Life Styles System which

has been successfully used by over 1,000,000 managers and 240,000 organisations in the past 20 years.

LSI 2 provides you with the valuable opportunity to take a close look at yourself through the eyes of five others who know you well. This gives two balancing perceptions - your self-concept together with an accurate measure of the way your intentions and actions are interpreted by colleagues. A request for feedback opens the lines of communication between you and those with whom you work. This can result in the following benefits:

- Greater Self Understanding
- Improved ability to work as part of a team
- Knowledge of the impact your behaviour has on others
- Increased productivity
- Stronger interpersonal skills
- Fresh perspective on your potential strengths and areas of difficulty

How LSI works

Participants are asked to complete a self-assessment (LSI 1) as well as nominating up to 8 respondents to complete the survey on their behalf (LSI 2). Human Synergistics administer the tool, and we keep in close contact with them for the duration of the project.

DATTNER GRANT TERMS OF SERVICE PROVISION

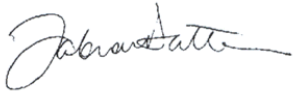
1. The agreed investment for this project excludes GST. This figure does not include the supply of materials or the printing of participant handouts. As the client, you may choose to undertake the printing yourself and Dattner Grant can supply the file as an Adobe PDF document. Travel, accommodation or any other expenses incurred by Dattner Grant in providing this service will be charged at cost plus a 10% administration fee
2. A payment of 20% of the total project fee will be invoiced and payable upon confirmation of this contract. Payment will be due within fourteen (14) working days of receipt of invoice
3. The balance of work will be invoiced at the end of each workshop/module
4. Payment will be due within fourteen (14) working days of receipt of invoice
5. Full confirmation of this project is acknowledged upon receipt of a signed copy of this document or by email confirmation from you, the client
6. Cancellation or rescheduling of this work (program/workshop/module or any other part thereof) with less than six (6) weeks' notice prior to commencement will incur a 100% cancellation fee.
7. Cancellation of the work (workshop/module or any other part thereof) with between 7-12 weeks' notice will incur a 50% cancellation fee

ADMINISTRATION & LOGISTICS

Unless explicitly advised, it is Dattner Grant's undertaking that your organisation will handle the vast majority of the program logistics. Administration and logistics can include, but not limited to:

- Travel arrangements for any program participants
- Venue sourcing and booking
- Catering arrangements
- Equipment and room set up arrangements (IT, table arrangements, name tags, flip charts, stationery)
- Purchasing of additional props or workshop aids as advised by Dattner Grant
- Printing of participant handouts (including folder set up, individual workshop materials and support documents)
- Following up participants (and their respondents) that have failed to complete pre-program diagnostics during the specified time frame as advised by Dattner Grant
- The arrangement of interview schedules within your organisation
- The arrangement of coaching session schedules within your organisation
- All communication with participants regarding a program, with the exception of the issuing of program pre-work or diagnostics

Signed:



Fabian Dattner

Dattner Grant Pty Ltd

01/08 /2019

James Roncon

Broken Hill City Council

/ /2019

ORDINARY MEETING OF THE COUNCIL

September 2, 2020

ITEM 5

BROKEN HILL CITY COUNCIL REPORT NO. 122/20

SUBJECT: MOTIONS TO THE LOCAL GOVERNMENT NSW ANNUAL VIRTUAL CONFERENCE, 23 NOVEMBER 2020 11/364

Recommendation

1. That Broken Hill City Council Report No. 122/20 dated September 2, 2020, be received.
2. That Council endorses the following motions, at this Council Meeting, to the NSW Local Government Annual Conference in line with the criteria.
 - a) *That Local Government NSW strongly oppose the introduction of universal postal voting for future NSW local government elections.*
 - b) *That Local Government NSW lobby the NSW State Government, in the strongest possible terms, to ensure that Recommendation 34 of the 2016 IPART Review of the NSW Local Government Rating System does not become legislation because of the severe and adverse financial impact this will have on all mining affected communities in NSW.*
3. That motions along with the accompanying Council Resolution be submitted prior to the closing date for late motions being 25 October 2020.
4. That Council's voting delegates to the Conference be the Mayor and Deputy Mayor.

Executive Summary:

Council considered attendance and motions to the Local Government NSW (LGNSW) at its Ordinary Meeting held 26 August 2020.

Council noted that the LGNSW Conference will now be held as a virtual conference on Monday, 23 November 2020, and given the low cost involved, resolved that all interested Councillors may attend.

This report is presented to Council to determine motions to be submitted to the Conference and to determine Council's two voting delegates. Motions must be accompanied by a Council Resolution endorsing that the motions be submitted to the Conference.

Motions must be in line with NSW Local Government's criteria for motions and be submitted by 25 October 2020.

Report:

The LGNSW Conference is the annual policy-making event for councils in 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.

Attendance to this conference will ensure that remote areas such as the Far West are not placed at a disadvantage by decisions made.

Council is entitled to two voting delegates at the conference, and it is recommended that the Mayor and Deputy Mayor be Council's voting delegates.

Motions

The Board encourages submission of motions along with the accompanying Council Resolution by 12 midnight (AEST) on Monday 28 September to allow distribution of the Business Paper before the Conference. In line with the LGNSW guidelines on motions (attached), the latest date motions can be accepted for inclusion in the Conference Business Paper 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 2019 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 September 2020 Council Meeting in order to meet the submission deadline of 25 October 2020.

Motions to be endorsed by Council

Motion submitted by Mayor Turley:

Motion:

That Local Government NSW strongly oppose the introduction of universal postal voting for future NSW local government elections.

Key Argument:

The Berejiklian government is considering universal postal voting for the next council polls, which have been postponed by 12 months and are now likely to be held on 4 September 2021. This is a cost cutting exercise by the government and introducing universal postal voting may risk disenfranchising communities from voting in NSW local government elections.

Council received an email from Bland and Shire Council on 16 September 2020 seeking Council's support of their motion to the NSW Local Government Annual Conference regarding the 2016 IPART Review of the NSW Local Government Rating system (see attached).

Their motion reads:

"Motion:

That Local Government NSW lobby the NSW State Government, in the strongest possible terms, to ensure that Recommendation 34 of the 2016 IPART Review of the NSW Local Government Rating System does not become legislation because of the severe and adverse financial impact this will have on all mining affected communities in NSW.

Key Argument:

The IPART Review into Local Government Rating in NSW was completed in 2016 and unfortunately, it has taken the NSW State Government four (4) years to respond. A much earlier and timelier response would have seen this issue resolved well before now.

The recommendation to reduce the income from the mining rate to something equivalent to a business rate would see the loss of income for Bland Shire Council of approximately \$700,000.00 p.a. based on the 2020/2021 rating structure. If this recommendation becomes legislation then Bland Shire Council would seriously need to consider increasing its rates across all other categories to compensate for such a loss.

Council finds it somewhat ironic that the Minister for Local Government, in a media release dated 18 June 2020, in response to the IPART Report, is quoted as saying: "....the Government will continue to work to ensure councils have a stable and reliable revenue base so they can plan and deliver services for their communities into the future."

The anticipated loss of \$700,000.00 per annum will certainly not achieve the Minister's objective within the Bland Shire.

If NSW councils are to be deprived of significant income from mining activities based on the cost to service mining properties then should not the NSW Government also be reviewing its formula for the calculation of Royalties collected from mining

activities based on a similar principle? Council expects not!

Bland Shire Council calls on the support of all NSW Councils in an effort to maintain the integrity of the mining rate and the community benefits that accrue as a direct result of this source of rate income."

Impact of the IPART Review into Local Government Rating in NSW to Broken Hill City Council

The effect on Broken Hill City Council if the IPart recommendation as written above was passed would be similar to that of Bland Shire Council and result in an estimated loss of \$350,000 from the rates mining category. Council would either have to absorb this loss and reduce service delivery across Council services or look to further burden the residential and business sectors by increasing rates to compensate the reduction.

It is strongly recommended that Council support the motion put by Bland Shire Council.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.2	Our leaders make smart decisions
Strategy:	4.2.1	Provide learning and networking opportunities for elected members

Relevant Legislation:

Local Government Act 1993

Local Government (General) Regulation 2005

Financial Implications:

Nil for submission of motions.

Attachments

1. [↓](#) LGNSW Conference Motion Submission Guidelines
2. [↓](#) Copy of Motion from Bland Shire Council

JAMES RONCON
GENERAL MANAGER



LGNSW 2020 Annual Conference Motions Submission Guide

LOCAL GOVERNMENT NSW
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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. Resolutions of Conference 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 consider issues that shape the way the sector functions and is governed.

LGNSW member councils are invited to submit motions to the 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 rules¹);
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 Reports² 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

¹ LGNSW registered rules: fwc.gov.au/registered-organisations/find-registered-organisations/local-government-nsw-lgnsw

² 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 previous Conference pages of the LGNSW Annual Conference webpage <https://www.lgnsw.org.au>.

that the motion is aiming to achieve. The motion should state whether it is seeking to change a LGNSW Fundamental Principle³. 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](#)⁴ 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 Principles³
8. Evidence of council support for the motion (*e.g. council meeting minutes*)

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

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

⁴ 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 Principles³, will be brought to the attention of the motions sub-committee and highlighted in the Business Paper for members' information.

Motions which are consistent with current LGNSW actions or existing LGNSW positions may still be published in the Business Paper but may not be considered further as they already form part of LGNSW's advocacy on behalf of the sector.

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](#).

We are currently working through the details of how members will be engaged on motions and how motions will be dealt with as part of the revised conference format and we will communicate further with members about this over the coming months.

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, 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 Report⁵.

11. Further information

For further information on the motion submission process, please contact Elle Brunsdon, Policy Officer at elle.brunsdon@lgnsw.org.au.

⁵ LGNSW's Action Reports are available via the previous Conference pages of the LGNSW Annual Conference webpage <https://www.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?**

LGNSW's Annual Conference motions process is an important policy setting process for the local government sector. The Annual Conference is moving online this year to allow members to come together as a sector to discuss priority issues, celebrate achievements, vote and hear from key speakers while still meeting COVID-19 health and safety requirements.

Please continue to submit motions, register as voting delegates and sign up to attend, as these elements will still be part of the Conference this year (albeit treated differently) and, importantly, they will continue to inform LGNSW's priorities for the coming year.

Attachment A – Excerpt of LGNSW 2019 Annual Conference Standing Orders

As the 2020 LGNSW Annual Conference will be held online in a revised format, the 2020 standing orders may be different than the 2019 standing orders set out below. We are currently working through the details of how members will be engaged on motions and how motions will be dealt with as part of the revised conference format and we will communicate further with members about this over the coming months.

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 Principles⁶ 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.

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

Attachment C – Template – Council Meeting Report

Item number	XX	Division	XX
Responsible officer	XX	Confidentiality	XX
Date	XX	Reference	XX
Subject	2020 Local Government NSW Annual Conference		

Purpose of report/summary

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

Overview

The 2020 LGNSW Annual Conference will be held online on Monday 23 November 2020.

The LGNSW Annual Conference is the pre-eminent policy making event for the local government sector, allowing councils to unite and use their collective voice to highlight the issues that matter most to communities, and direct action where it is needed

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

Registration to attend the Conference

Conference attendees are invited to register from 17 July 2020. Further information on registration and costs is available at lgnsw.org.au.

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

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 remotely attend the Conference and be registered as a voting delegate.

Confirmation has been received from LGNSW that Council will have XX⁷ voting entitlements at the Conference to vote on motions.

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

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 to 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.

⁷ Find your council's voting entitlements via the Annual Conference page of the LGNSW website: lgnsw.org.au.

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 registration of Councillors for 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.

LGNSW CONFERENCE 2020 MOTIONS FROM BLAND SHIRE COUNCIL

Category: Economic Policy

Title: IPART Review into Local Government Rating in NSW

Content:

That LGNSW lobby the NSW State Government, in the strongest possible terms, to ensure that Recommendation 34 of the 2016 IPART Review of the NSW Local Government Rating System does not become legislation because of the severe and adverse financial impact this will have on all mining affected communities in NSW.

Background:

The IPART Review into Local Government Rating in NSW was completed in 2016 and unfortunately, it has taken the NSW State Government four (4) years to respond. A much earlier and timelier response would have seen this issue resolved well before now.

The recommendation to reduce the income from the mining rate to something equivalent to a business rate would see the loss of income for Bland Shire Council of approximately \$700,000.00 p.a based on the 2020/2021 rating structure.

If this recommendation becomes legislation then Bland Shire Council would seriously need to consider increasing its rates across all other categories to compensate for such a loss.

Council finds it somewhat ironic that the Minister for Local Government, in a media release dated 18 June 2020, in response to the IPART Report, is quoted as saying: "....the Government will continue to work to ensure councils have a stable and reliable revenue base so they can plan and deliver services for their communities into the future."

The anticipated loss of \$700,000.00 per annum will certainly not achieve the Minister's objective within the Bland Shire.

If NSW councils are to be deprived of significant income from mining activities based on the cost to service mining properties then should not the NSW Government also be reviewing its formula for the calculation of Royalties collected from mining activities based on a similar principle? Council expects not!

Bland Shire Council calls on the support of all NSW Councils in an effort to maintain the integrity of the mining rate and the community benefits that accrue as a direct result of this source of rate income.

Contact:

Mr Ray Smith PSM
General Manager
Bland Shire Council
rsmith@blandshire.nsw.gov.au

ORDINARY MEETING OF THE COUNCIL

September 18, 2020

ITEM 6BROKEN HILL CITY COUNCIL REPORT NO. 123/20SUBJECT: 2019/2020 DRAFT ANNUAL FINANCIAL STATEMENTS 19/74**Recommendation**

1. That Broken Hill City Council Report No. 123/20 dated September 18, 2020, be received.
2. That the 2019/2020 Draft Primary Financial Statements as attached be received.
3. That the 2019/2020 Draft Primary Financial Statements as attached be referred to audit.
4. That Council adopt the attached Statements of Opinion on the 2019/20 General Purpose and Special Purpose Financial Statements and the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer sign the Statements in accordance with Section 413(2)(c) of the *Local Government Act 1993*.
5. That Council delegate to the General Manager the authority to finalise the date at which the auditor's report and financial statements are to be presented to the public.
6. That Council delegate the General Manager the authority to authorise the 2019/2 General Purpose and Special Purpose Financial Statements and associated Special Schedules for issue immediately upon receipt of the auditors reports subject to there being no material audit changes or audit issues, in accordance with AASB 110.

Executive Summary:

Two separate financial reports are produced by Council each year to comply with State Government legislative requirements under the *Local Government Act 1993* and the *Public Finance and Audit Act 1983*.

The reports are the:

- General Purpose Financial Report
- Special Purpose Financial Report

The draft reports have been completed and the primary financial statements are attached.

Please note that these Financial Statements are in draft form and prior to independent audit and therefore do not necessarily represent the final financial position of Council as at 30 June 2020.

Report:

The *Local Government Act 1993* and Audit Plan provides for the following process to be observed by Councils for the preparation and audit of the annual financial reports:

1. Council staff prepare draft annual financial reports – July 20 to September 20.

2. Draft report (this Agenda item) to Council for signing of Statement of Opinion by Council on the draft annual financial reports – 30 September 2020.
3. Internal Audit Committee Meeting held – TBC October 2020
4. Auditor's complete audit and any adjustments are incorporated in final report – 21 October 2019.
5. Auditor submits financial reports and audit reports to the Council and the Office of Local Government – by 21 October 2019.
6. A notice is published in the local newspaper advising that the annual financial reports together with the auditors' reports will be presented to the public at an Ordinary meeting of the Council – 28 October 2019.
7. The reports are presented to the public at the October Ordinary Council Meeting – 28 October 2019.
8. Council submits audited financial statements and the Independent Auditors Reports to Office of Local Government and the Australian Bureau of Statistics – by 30 November 2020.

Due to COVID-19, the Office of Local Government has extended the deadline for submission of the Annual Financial Statements from 31 October 2020 to 31 November 2020. Council intends to honour the original timeframe, however this is contingent upon the Far West South Joint Organisation finalising their statements in advance, so that any net share of interests can be recognised appropriately in Council's financial statements.

Statement by the Council

Section 413(2) of the *Local Government Act 1993* and Section 41C of the *Public Finance and Audit Act 1983* requires Council to include in the financial reports; a statement as to Council's opinion on each of the reports. The auditor requires these statements to be signed prior to the issue of the audit reports. The prescribed forms of the statements of opinion are attached and must be signed by the Mayor, at least one other Councillor, the General Manager and the Responsible Accounting Officer of the Council. (Refer to Attachments).

Following the audit of these reports, they will be presented to the public at the October 2020 Ordinary Council Meeting, subject to the above disclaimer.

Strategic Direction:

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

Relevant Legislation:

Local Government Act (1993)

Public Finance and Audit Act (1983)

Local Government Amendment (Governance and Planning) Bill 2016

Financial Implications:

The recommendation has no financial impact.

Attachments

1. [!\[\]\(756219e9389f679d57027482aa5cf5fc_img.jpg\)](#) Draft Primary Statements & Statement by Councillors & Management 19/20

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER

Broken Hill City Council

Financial Statements 2020

Income Statement

for the year ended 30 June 2020

Original unaudited budget 2020 \$ '000		Notes	Actual 2020 \$ '000	Actual 2019 \$ '000
Income from continuing operations				
18,480	Rates and annual charges	3a	18,473	18,041
3,707	User charges and fees	3b	2,937	11,125
327	Other revenues	3c	470	685
5,510	Grants and contributions provided for operating purposes	3d,3e	6,728	6,272
2,110	Grants and contributions provided for capital purposes	3d,3e	1,684	2,813
1,167	Interest and investment income	4	53	1,548
—	Rental income	13c	212	—
—	Net share of interests in joint ventures and associates using the equity method	18	—	1,461
31,301	Total income from continuing operations		30,557	41,945
Expenses from continuing operations				
14,311	Employee benefits and on-costs	5a	12,463	14,235
582	Borrowing costs	5b	737	788
5,111	Materials and contracts	5c	9,550	11,575
6,532	Depreciation and amortisation	5d	7,147	6,941
4,135	Other expenses	5e	4,833	4,708
—	Net losses from the disposal of assets	6	129	581
30,671	Total expenses from continuing operations		34,859	38,828
630	Operating result from continuing operations		(4,302)	3,117
630	Net operating result for the year		(4,302)	3,117
630	Net operating result attributable to council		(4,302)	3,117
(1,480)	Net operating result for the year before grants and contributions provided for capital purposes		(5,986)	304

The Council has not restated comparatives when initially applying AASB 1058 *Income of Not-for-Profit Entities*, AASB 15 *Revenue from Contracts with Customers* and AASB 16 *Leases*. The comparative information has been prepared under AASB 111 *Construction Contracts*, AASB 118 *Revenue*, AASB 1004 *Contributions*, AASB 117 *Leases* and related Accounting Interpretations.

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

Broken Hill City Council

Financial Statements 2020

Statement of Financial Position
as at 30 June 2020

	Notes	2020 \$ '000	2019 \$ '000
ASSETS			
Current assets			
Cash and cash equivalents	7(a)	13,527	15,473
Investments	7(b)	6,000	9,000
Receivables	8	3,659	5,311
Inventories	9a	112	122
Other	9b	673	551
Current assets classified as 'held for sale'	10	190	–
Total current assets		24,161	30,457
Non-current assets			
Receivables	8	47	47
Infrastructure, property, plant and equipment	11	248,757	218,410
Investments accounted for using the equity method	18	1,461	1,461
Total non-current assets		250,265	219,918
Total assets		274,426	250,375
LIABILITIES			
Current liabilities			
Payables	14	3,426	3,664
Income received in advance	14	–	129
Contract liabilities	12a	544	–
Borrowings	14	535	570
Provisions	15	3,835	4,060
Total current liabilities		8,340	8,423
Non-current liabilities			
Borrowings	14	11,957	12,522
Provisions	15	9,264	8,729
Total non-current liabilities		21,221	21,251
Total liabilities		29,561	29,674
Net assets		244,865	220,701
EQUITY			
Accumulated surplus	16	106,214	111,884
Revaluation reserves	16	138,651	108,817
Council equity interest		244,865	220,701
Total equity		244,865	220,701

The Council has not restated comparatives when initially applying AASB 1058 *Income of Not-for-Profit Entities*, AASB 15 *Revenue from Contracts with Customers* and AASB 16 *Leases*. The comparative information has been prepared under AASB 111 *Construction Contracts*, AASB 118 *Revenue*, AASB 1004 *Contributions*, AASB 117 *Leases* and related Accounting Interpretations.

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

Broken Hill City Council

Financial Statements 2020

General Purpose Financial Statements
for the year ended 30 June 2020

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

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

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

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

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

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

Signed in accordance with a resolution of Council made on 30 September 2020.

DARRIEA TURLEY AM
Mayor
30 September 2020

CHRISTINE ADAMS
Councillor
30 September 2020

JAMES RONCON
General Manager
30 September 2020

JAY NANKIVELL
Responsible Accounting Officer
30 September 2020

Broken Hill City Council

Special Purpose Financial Statements 2020

Special Purpose Financial Statements
for the year ended 30 June 2020Statement by Councillors and Management made pursuant to the Local Government Code of
Accounting Practice and Financial Reporting

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

- the NSW Government Policy Statement 'Application of National Competition Policy to Local Government',
- the Division of Local Government Guidelines 'Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality',
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

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

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

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

Signed in accordance with a resolution of Council made on 30 September 2020.

DARRIEA TURLEY AM
Mayor
30 September 2020

CHRISTINE ADAMS
Councillor
30 September 2020

JAMES RONCON
General Manager
30 September 2020

JAY NANKIVELL
Responsible Accounting Officer
30 September 2020

ORDINARY MEETING OF THE COUNCIL

August 25, 2020

ITEM 7

BROKEN HILL CITY COUNCIL REPORT NO. 124/20

SUBJECT: MINUTES OF THE AUDIT, RISK AND IMPROVEMENT
COMMITTEE MEETING HELD 20 AUGUST 2020 13/19

Recommendation

1. That Broken Hill City Council Report No. 124/20 dated August 25, 2020, be received.
2. That minutes of the Audit, Risk and Improvement Committee meeting held 20 August 2020 be received.
3. That Council endorses the recommendations of the Audit, Risk and Improvement Committee.

Executive Summary:

The Charter of the Broken Hill Audit Committee, as endorsed by Council at its meeting on 29 March 2017, requires the Audit, Risk and Improvement Committee to refer the minutes and recommendations of the Committee to the next scheduled Ordinary Council Meeting.

The Broken Hill City Council Audit, Risk and Improvement Committee met on Thursday, 20 August 2020 and the minutes of this meeting are provided as an attachment to this report.

Report:

The Audit, Risk and Improvement Committee met on 20 August 2020 to consider the following items of business:

1. General Manager's Briefing
2. Finalisation of Matters Pertaining to the NSW Ombudsman's Report
3. Internal Audit Update
4. Investment Policy Review
5. Enterprise Risk Management Policy and Framework Review Project Report
6. Action List – Audit, Risk and Improvement Committee
7. Civic Centre Litigation – Confidential Report
8. ICAC Investigation Final Report – Confidential Report

Minutes of the meeting held 20 August 2020 are attached to this report for Council's endorsement.

Meeting dates for Audit, Risk and Improvement Committee for the remainder of the year are:

- October via videoconference – TBA
- Thursday 19 November 2020

Community Engagement:

Nil.

Strategic Direction:

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

Relevant Legislation:

Local Government Act 1993, Chapter 13, Part 3, Division 2

Financial Implications:

Nil.

Attachments

1. [!\[\]\(eb2da236c8e866008a78d7aa69bcc6c9_img.jpg\)](#) Minutes of the Audit, Risk and Improvement Committee Meeting - 20/08/2020

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER

AUDIT, RISK AND IMPROVEMENT COMMITTEE

20 AUGUST 2020

**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD THURSDAY, AUGUST 20, 2020 (10:00AM ACST)**

PRESENT:

Mr Jim Mitchell (Chairperson), Mr Damian Pulgies, Mayor Darriea Turley, Councillor Dave Gallagher, Mr Andrew Marsden (O'Connor Marsden), Ms Judy Malpas (O'Connor Marsden) and Mr Brett Hangar (Nexia).

General Manager, Chief Financial Officer, Director Corporate, Manager Finance, Corporate Risk Co-Ordinator, and Governance Officer.

APOLOGIES:

Councillor Jim Nolan and Mr David Nolan (NSW Audit Office).

The Committee accepted the apology submitted on behalf of Councillor Jim Nolan and Mr David Nolan.

ACKNOWLEDGEMENT OF COUNTRY

The Chairperson gave the acknowledgement of Country.

DISCLOSURE OF INTEREST

Nil.

MINUTES FOR CONFIRMATION

Recommendation

Moved Councillor D. Turley, Seconded Mr J Mitchell

That the Minutes of the Audit, Risk and Improvement Committee meeting held Friday May 29, 2020 be confirmed.

CARRIED

GENERAL MANAGER'S BRIEFING

The General Manager advised:

- In relation to the COVID-19 pandemic, Council's response continues. All weekly Sitrep updates are being issued to all staff, Councillors and members of the Audit, Risk and Improvement Committee. The General Manager advised that he is happy with Council's response thus far to the pandemic.*
- The General Manager advised that Council had contacted O'Connor Marsden to fast-track a Planning and Development Internal Audit and that Council staff in conjunction with O'Connor Marsden are preparing the Terms of Reference for the audit.*
- An update on litigation matters is the subject of two confidential reports to the meeting.*

AUDIT, RISK AND IMPROVEMENT COMMITTEE

20 AUGUST 2020

**ITEM 1 - CORRESPONDENCE REPORT NO. 17/20 - DATED JULY 29, 2020 - FINALISATION OF
MATTERS PERTAINING TO NSW OMBUDSMAN'S REPORT** 12/82

The General Manager spoke to the report advising that the final recommendation from the NSW Ombudsman's report has been completed (Procurement Framework and Policy). Council wrote to the Office of Local Government and the NSW Ombudsman advising same and Council has received reply correspondence from the Office of Local Government acknowledging that the matter is now finalised.

Recommendation

Moved Mr J. Mitchell, Seconded Councillor D. Turley

1. That Correspondence Report No. 17/20 dated July 29, 2020, be received.
2. That correspondence dated 20 July 2020 from the Office of Local Government acknowledging the finalisation of matters pertaining to the NSW Ombudsman's Final Report, be received and noted.

CARRIED

**ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 18/20 - DATED AUGUST 10, 2020 -
INTERNAL AUDIT UPDATE** 18/142

The Chairperson advised that Council's request to the internal auditors is timely given that the Auditor General tabled a report on Monday regarding their review of Planning and Development processes at four metropolitan Councils. The Chairperson encouraged members of the Committee to read the report which is available on the Audit Office website.

The Chairperson also advised of the Australian Taxation Office amnesty for government agency compliance with the Superannuation Guarantee Levy in relation to payments for consultancy work.

The General Manager advised that the only action Council needs to take is in relation to the two independent members on the Audit, Risk and Improvement Committee.

Ms Malpas advised that there are no audits to table at this meeting, although they have been actively working on the Councillor Facilities and Expenses audit, of which a draft report will be issued early next week. Two new audits are just being touched on (Airport Security and Building and Development Applications) and the audit report for these will be available at the next Audit, Risk and Improvement Committee Meeting. Ms Malpas advised that part of the Airport Security Audit will need to be carried out on-site and that a visit will be arranged around the restrictive flight schedule.

In response to a question from Mr Pulgies regarding whether any future audits would be on the subject of IT security, Ms Malpas advised that all audits undertaken have an IT component and they look at the IT systems used and IT controls; and that a future audit next year will be the IT Security audit.

The Chairperson referred to the Airport Security audit and a previous discussion with the Chief Financial Officer regarding Airport parking arrangements and Council seeking new tenants for the Airport Kiosk. The Chairperson enquired whether Council have managed to secure new tenants?

The Chief Financial Officer advised that new tenants signed up with Council just prior to the COVID-19 Pandemic, and the resultant reduction to flights in and out of Broken Hill; and that this has been a good time to upgrade the kiosk prior to the new tenants taking possession. Construction works to upgrade the kiosk are underway and should be complete by the end of September.

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AUDIT, RISK AND IMPROVEMENT COMMITTEE

20 AUGUST 2020

Recommendation

Moved Mr J. Mitchell, Seconded Councillor D. Turley

1. That Broken Hill City Council Report No. 18/20 dated August 10, 2020, be received.
2. That the Audit, Risk & Improvement Committee endorse the updated Internal Audit Plan for 2020/2021
3. That the Audit, Risk & Improvement Committee note the Internal Audit Status Report for August 2020.

CARRIED

External Audit Update

Mr Hangar thanked Council staff for their assistance with regards to Council's external audit and advised that the draft management letter has been issued with no significant issues listed. The year-end audit is scheduled for 7 September 2020 and will be carried out remotely. Mr Hangar will report on the status of the year-end audit at the next Audit, Risk and Improvement Committee meeting which will be held in October.

ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 19/20 - DATED AUGUST 11, 2020 -
INVESTMENT POLICY REVIEW

12/114

The Manager Finance spoke to the report advising that the need to update Council's Investment Policy was in order to meet the criteria specified by NSW Treasury for Council to be eligible to access a low-interest infrastructure loan through TCorp as part of the Government's \$395M COVID-19 stimulus packages for Local Government.

The General Manager advised that it has been historically impossible for western Councils to access a loan through TCorp, but that the opportunity has been given to western Councils due to the introduction of the stimulus package; and that TCorp's eligibility criteria is much greater than any commercial bank. Council's loan approval from TCorp is a sign that Council's finances are in good order.

The Chief Financial Officer gave an overview of Council's journey since 2013 to improve its financial position after it was deemed to be in an unfinancially sustainable position and classified as "very weak" by the Office of Local Government's Promoting Better Practice Review Program. In 2016 Council was given the classification of "weak/neutral" and another four years on, after extensive work around finance management and asset management and rationalisation, Council meets eligibility to access a TCorp loan which verifies that Council is in a more sustainable financial position.

Recommendation

Moved Mr J. Mitchell, Seconded Councillor D. Turley

1. That Broken Hill City Council Report No. 19/20 dated August 11, 2020, be received.
2. That the Audit Committee note the update to the Investment Policy.

CARRIED

AUDIT, RISK AND IMPROVEMENT COMMITTEE

20 AUGUST 2020

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 21/20 - DATED AUGUST 12, 2020 -
ENTERPRISE RISK MANAGEMENT POLICY AND FRAMEWORK REVIEW PROJECT REPORT**

13/19

The Corporate Risk Co-Ordinator spoke to the report advising that the COVID-19 pandemic has taken staff away from strategic risk management work to a large degree, but that they are still trying to carry out some risk management work. In relation to Council's response to the pandemic the Corporate Risk Co-Ordinator advised that the only risk is taking away key controls too early.

The Chairperson stated that there are advantages to living in a remote location during the pandemic, and that Council staff are not travelling great distances; whereas controls around staff travel is much harder for metropolitan Councils.

The Chairperson asked whether Councillors were required to declare if they had travelled outside of Broken Hill in the same manner that staff are required to? The General Manager advised that this would be ideal, and that the majority of Councillors are abiding by Council's controls in place.

The Mayor advised that the large majority of meetings involving Councillors are being held via videoconference and that Councillors are mindful of the controls in place for staff and are abiding by them. One Councillor is required to travel within NSW for work requirements, and one Councillor is not in NSW and has been attending meetings via videoconference

Ms Malpas advised that O'Connor Marsden has put together a "Rapid Response to COVID-19" Audit Program which is available to Council if they wish. The program looks at the impact of the pandemic on an organisation and measures the organisation's response to such things as:

- staff welfare*
- staff health and hygiene*
- working remotely*
- controls during pandemic environment (e.g. procurement practices)*
- Business Continuity Plan / Pandemic Plan*

Recommendation

Moved Mr J. Mitchell, Seconded Councillor D. Turley

That the Enterprise Risk Management Policy and Framework Review Report dated August 12, 2020, be received.

CARRIED

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 20/20 - DATED AUGUST 12, 2020 - ACTION
LIST - AUDIT, RISK AND IMPROVEMENT COMMITTEE**

13/19

Recommendation

Moved Mr J. Mitchell, Seconded Councillor D. Turley

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

CARRIED

The open section of the meeting concluded.

Mr Hangar, Ms Malpas, Mr Marsden along with the Manager Finance and Corporate Risk Co-Ordinator left the meeting at 10:50am.

AUDIT, RISK AND IMPROVEMENT COMMITTEE

20 AUGUST 2020

CONFIDENTIAL MATTERS

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 22/20 - DATED AUGUST 09, 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).

The Chief Financial Officer gave an overview of the status of Council's legal action and answered questions regarding its implications to Council's financial statements.

Recommendation

Moved Mr J. Mitchell, Seconded Councillor D. Turley

1. That Broken Hill City Council Report No. 22/20 dated August 9, 2020, be received.
2. That the Audit, Risk & Improvement Committee note the report.

CARRIED

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 23/20 - DATED AUGUST 09, 2020 - ICAC
INVESTIGATION FINAL REPORT - CONFIDENTIAL** 20/14

(General Manager's Note: This report considers ICAC Investigation and is deemed confidential under Section 10A(2) (a) (f) (i) of the Local Government Act, 1993 which contains matters that will involve the discussion of personnel matters concerning a particular individual; AND which contains matters affecting the security of the Council, Councillors, Council staff or Council property; AND which contains information regarding alleged contraventions of any Code of Conduct requirements applicable under section 440).

The Chief Financial Officer spoke to the report.

Recommendation

Moved Mr J. Mitchell, Seconded Councillor D. Turley

1. That Broken Hill City Council Report No. 23/20 dated August 9, 2020, be received.
2. That the Audit, Risk & Improvement Committee note the report.

CARRIED

Meeting closed at 11:10am.

The foregoing minutes were read and confirmed at the Audit, Risk and Improvement Committee meeting held on

Chairperson

ORDINARY MEETING OF THE COUNCIL

July 31, 2020

ITEM 8

BROKEN HILL CITY COUNCIL REPORT NO. 125/20

SUBJECT: ADOPTION OF DRAFT SMOKE FREE PLAYGROUNDS AND SPORTING RESERVES POLICY 12/14

Recommendation

1. That Broken Hill City Council Report No. 125/20 dated July 31, 2020, be received.
2. That Council adopts the draft Smoke Free Playgrounds and Sporting Reserves Policy as a Policy of Council.
3. That adoption of the draft Smoke Free Playgrounds and Sporting Reserves Policy will render the previous Policy adopted in 2008 obsolete.

Executive Summary:

Council, at its Ordinary Meeting held 29 July 2020 endorsed the draft Smoke Free Playgrounds and Sporting Reserves Policy for the purpose of public exhibition for 28 days.

The public exhibition period concluded on 28 August 2020 at which time Council received nil submissions from the public.

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

Report:

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

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

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

The Policy aims to:

- a) Improve the health of community members.
- b) Improve public amenity and maintenance of Council property.
- c) Raise community awareness of the issues associated with smoking.

- d) Provide community leadership in taking measures to protect the health and wellbeing of the community.
- e) Minimise cigarette butt pollution in parks, recreational areas and other open space areas.

The Policy applies to:

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

The draft Smoke Free Playgrounds and Sporting Reserves Policy was placed on public exhibition for 28 days concluding 28 August 2020 at which time Council received nil submissions from the public.

The draft policy is now re-presented to Council for consideration of adoption.

Community Engagement:

Wrap up of July Council Meeting – Council's website.

Public exhibition for a 28 day period concluding 28 August 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 its legal framework

Relevant Legislation:

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

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

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

Financial Implications:

Nil

Attachments

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

JAMES RONCON
GENERAL MANAGER

DRAFT SMOKE FREE PLAYGROUND AND SPORTING RESERVES POLICY

QUALITY CONTROL			
EDRMS REFERENCES		12/14 – D20/5437	
RESPONSIBLE POSITION		Manager Planning, Development and Compliance	
APPROVED BY		Council	
REVIEW DATE	September 2024	REVISION NUMBER	2
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
25/06/2008	Adoption	42693	
29/07/2020	Public Exhibition	46310	

1. INTRODUCTION

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

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

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

2. POLICY OBJECTIVE

The Policy aims to:

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

3. POLICY SCOPE

The Policy applies to:

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

4. POLICY STATEMENT

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

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

What are other relevant documents?

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

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

5. IMPLEMENTATION

5.1 Roles and Responsibilities

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

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

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

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

5.2 Communication

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

6. REVIEW

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

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

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

7. LEGISLATIVE AND LEGAL FRAMEWORK

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

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

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

8. DEFINITIONS

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

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

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

ORDINARY MEETING OF THE COUNCIL

July 31, 2020

ITEM 9BROKEN HILL CITY COUNCIL REPORT NO. 126/20SUBJECT: ADOPTION OF PUBLIC ART POLICY12/14**Recommendation**

1. That Broken Hill City Council Report No. 126/20 dated July 31, 2020, be received.
2. That Council adopts the draft Public Art Policy, as a policy of Council.
3. That adoption of the draft Public Art Policy will render the previous policy adopted in 2010, obsolete.

Executive Summary:

Council, at its Ordinary Meeting held 29 July 2020 endorsed the draft Public Art Policy for the purpose of public exhibition for 28 days.

The public exhibition period concluded on 28 August 2020 at which time Council received nil submissions from the public.

The draft policy if adopted, will replace the previous Public Art Policy adopted in 2010.

Report:

This report presents draft Public Art Policy, for Council's consideration for adoption.

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

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

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

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

The draft Public Art Policy was placed on public exhibition for 28 days concluding 28 August 2020 at which time Council received nil submissions.

The draft policy is now re-presented to Council for consideration of adoption.

Community Engagement:

Wrap up of July Council Meeting – Council's website.

Public exhibition for a 28-day period concluding 28 August 2020.

The draft Public Art Policy 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:

Local Government Act 1993,

Local Government (General) Regulation 2005

Financial Implications:

Nil

Attachments

1. [↓](#) Draft Public Art Policy

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAMES RONCON
GENERAL MANAGER

DRAFT PUBLIC ART POLICY

QUALITY CONTROL			
EDRMS REFERENCES	D20/27566 – 12/14		
RESPONSIBLE POSITION	Director Corporate		
APPROVED BY	Council		
REVIEW DATE	09/07/2022	REVISION NUMBER	2
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
03/11/2010	Adoption	42572	
29/07/2020	Public Exhibition	46311	

1. INTRODUCTION

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

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

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

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

2. POLICY OBJECTIVE

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

3. POLICY SCOPE

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

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

This policy applies to public art within the Broken Hill City Council Local Government Area.

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

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

The policy does not apply to public art that does not otherwise require Council involvement. This includes projects that are wholly exempt development, privately funded, privately owned, on private property and carried out without Council involvement.

Proponents of public art projects outside the scope of this policy are encouraged to engage Council for guidance and advice voluntarily. In such cases, this policy will form the basis of that guidance and advice as though the project were within the policy scope.

4. POLICY PRINCIPLES

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

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

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

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

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

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

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

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

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

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

5. POLICY STATEMENT

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

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

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

6. IMPLEMENTATION

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

6.1 Roles and Responsibilities

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

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

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

Two independent panel members will be co-opted from Council's Broken Hill Regional Art Gallery Advisory Committee. One of these two members will be the Chair of the Broken Hill Regional Art Gallery Advisory Committee.

6.2 Project Application Approval Process

All public art projects to which this policy applies will require a written application to Council, describing the project and demonstrating how the project meets the policy (see attached guidelines). If a development application (DA) is required, this should be submitted alongside the application. Both the application under this policy and the DA will be assessed concurrently.

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

6.3 Assessment Criteria

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

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

6.4 Maintenance of Public Art Works

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

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

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

6.5 Communication

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

6.6 Associated Documents

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

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

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

7. REVIEW

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

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

8. LEGISLATIVE AND LEGAL FRAMEWORK

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

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

9. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

Exempt Development – Low-impact projects that meet specific criteria and do not require any assessment or approval under the *Environmental Planning and Assessment Act 1979*, such as a Development Application or 'DA'. For more information on Exempt Development, visit <https://www.planningportal.nsw.gov.au/>

APPENDIX 1:**GUIDELINES FOR MURAL ARTWORK**

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

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

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

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

What is a Mural?

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

DEVELOPMENT APPROVAL

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

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

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

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

Consideration will also be given to:

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

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

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

INFORMATION TO BE SUBMITTED

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

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

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

ADDITIONAL LIABILITY AND SAFETY REQUIREMENTS

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

MAINTENANCE OR DAMAGE

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

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

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

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

PRINCIPLES

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

Appropriate location

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

Engaging and high quality

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

Safety and accessibility

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

Public amenity

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

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

Management and operations

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

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

INFORMATION TO BE SUBMITTED

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

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

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

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

PRINCIPLES

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

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

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

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

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

INFORMATION TO BE SUBMITTED

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

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

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

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

APPENDIX 4:**GUIDELINES FOR MEMORIALS**

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

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

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

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

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

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

What is a Memorial?

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

PROPOSING A NEW MEMORIAL

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

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

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

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

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

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

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

PRINCIPLES

Memorials will be assessed as to:

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

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

INFORMATION TO BE SUBMITTED

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

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

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

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

ORDINARY MEETING OF THE COUNCIL

September 15, 2020

ITEM 10BROKEN HILL CITY COUNCIL REPORT NO. 127/20SUBJECT: INVESTMENT POLICY REVIEW12/114**Recommendation**

1. That Broken Hill City Council Report No. 127/20 dated September 15, 2020, be received.
2. That Council endorse the Draft Investment Policy for public exhibition.
3. That the Draft Investment Policy be placed on public display for 28 days in accordance with legislation.

Executive Summary:

Council's current Investment Policy was adopted on the 22 February 2017 and is now due for review.

The purpose of the Investment Policy is to establish the foundations that are to apply to the investment of Broken Hill City Council's funds that are surplus to Council's immediate requirements and to ensure that Council's representatives exercise the care, diligence and skill that a prudent person would exercise in investing those funds.

A number of changes have been made to the Investment Policy to make it easier to read and understand for users as well as incorporating the requirements of NSW Treasury Corporation.

In addition, Council's Audit, Risk & Improvement Committee as well as Council's Investment Advisors (Prudential) have been engaged throughout the review process and are supportive of the Draft Investment Policy and recommended changes.

Report:

The purpose of the Investment Policy is to establish the foundations that are to apply to the investment of Broken Hill City Council's funds that are surplus to Council's immediate requirements and to ensure that Council's representatives exercise the care, diligence and skill that a prudent person would exercise in investing those funds.

Many of the proposed changes to Broken Hill City Council's Investment Policy are the removal of sections that are redundant or have extraneous wording.

The more significant recommended amendments concern the expansion and clarity of Council's comprehensive three-part Risk Management Framework which focuses on:

- **Overall Portfolio Credit Framework:** to limit overall credit exposure of the portfolio
- **Institutional Credit Framework:** to limit exposure to individual institutions based on their credit rating, and

- **Term to Maturity Framework:** to limit exposures based upon maturity of securities and credit ratings of investments.

The Proposed Changes are as below:

Overall Portfolio Credit Framework

Current framework:

4.7.1 Overall Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Credit Ratings*	S&P Short Term Credit Ratings*	Maximum
AAA Category	A.1+	100%
AA Category	A-1	100%
A Category	A-2	60%
BBB Category	A-3	30%
Unrated Authorised deposit taking institution.	Unrated	20%
Unrated NSW Treasury Corp Hour Glass Facility	Unrated	30%

*or Moody's / Fitch equivalents

Proposed framework:

4.7.1 Overall Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

Credit Rating Categories	Portfolio Max %
AAA, AA+, AA, AA-	100%
A+, A	60%
A-	40%
BBB+ and BBB total	35%
<i>Sub limit: BBB+</i>	<i>up to 35%</i>
<i>Sub limit: BBB</i>	<i>up to 10%</i>
Specific Ministerial Approved Forms of Investment	Portfolio Max %
NSW TCorpIM Core Funds	30%

Credit ratings are based upon the Standard & Poor's Long Term Credit Ratings or Moody's / Fitch equivalents.

Key Changes:

- Elimination of references to the short-term rating categories, the purpose of this is for ease of portfolio management and monitoring.
- The separation of the BBB Category into subcategories of BBB+ and BBB and the elimination of allowance for exposure to BBB- and Unrated ADIs. Council has not invested in any BBB- or unrated banks since at least 2014.
- Overall exposure to the BBB rating category is proposed to be increased from 30% to 35%, in line with NSW TCorp's proposal, with a sublimit of 10% in overall BBB exposure.
- Overall limit for NSW TCorpIM managed funds is recommended to be capped at 30% as opposed to the 100% proposed by TCorp.

Institutional Credit Framework

Current:

4.7.2 Institutional Credit Framework

Exposure to an individual institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Credit Ratings*	S&P Short Term Credit Ratings*	Maximum
AAA Category	A.1+	45%
AA Category	A-1	40%
A Category	A-2	25%
BBB Category	A-3	10%
Unrated Authorised deposit taking institution.	Unrated	10%
Unrated NSW Treasury Corp Hour Glass Facility	Unrated	30%

*or Moody's / Fitch equivalents

Proposed framework:

4.7.2 Institutional Credit Framework

Exposure to an individual institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:



Credit Rating Categories	Institution Max %
AAA, AA+, AA, AA-	45%
A+, A	30%
A-	20%
BBB+	10%
BBB	5%
NSW TCorpIM Funds (not rated)	Max %
TCorpIM Cash Fund	30%
TCorpIM Short Term Income Fund	30%
TCorp IM Medium Term Growth Fund	30%
TCorpIM Long Term Growth Fund	30%

Credit ratings are based upon the Standard & Poor's [Long Term](#) Credit Ratings or Moody's / Fitch equivalents.

Key Changes:

- Like the Overall Portfolio Credit Framework, the main change to the Overall Portfolio Credit Framework is the elimination of references to the short-term rating categories.
- The separation of the BBB Category into subcategories of BBB+ and BBB, and the elimination of allowance for exposure to Unrated ADIs.
- NSW TCorpIM products have been specifically named. While each is allowed a maximum of 30%, the total overall exposure to NSW TCorpIM products is 30%.

Term to Maturity Framework

Current:

4.7.3 Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits		
Portfolio % ≤ 1 Year	40% Min	100% Max
Portfolio % > 1 Year ≤ 3 Years	0% Min	60% Max
Portfolio % > 3 Years	0% Min	30% Max

Proposed framework:**4.7.3 Term to Maturity Framework**

The portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits		
Portfolio % ≤1 year	Min 40%	Max 100%
Portfolio % >1 year ≤10 years	Min 0%	Max 60%
Sub limit by Maturity		
Portfolio % > 5 years ≤ 10 years	Min 0%	Max 30%
Sub limits by Credit Rating		
AA+, AA, AA- rating:		5yrs maximum
A+, A, A-, BBB+ rating:		3yrs maximum
BBB rating		1yr maximum

Key Changes:

- The proposed Term to Maturity Framework is largely consistent with Council's current limits and includes NSW TCorp's proposed sub limits by credit ratings. Rather than an open-ended maturity limit, a 10-year maximum, which would only apply to AAA rated investments, is proposed.

Community Engagement:

N/A

Strategic Direction:

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

Relevant Legislation:

- Local Government Act 1993* – Section/s 412 & 625;
- Local Government Act 1993* - Order (of the Minister) in accordance with the most recently published Order;
- The Trustee Amendment (Discretionary Investments) Act 1997* – Section/s 14A(2), 14C(1) & (2);
- Local Government General Regulation 2005* – Reg 212;
- Office of Local Government Circulars;
- Local Government Code of Accounting Practice and Financial Reporting; and
- Australian Accounting Standards.

Financial Implications:

Review of this policy demonstrates a strong commitment to improved financial performance and sustainability.

Attachments

1. [↓](#) Draft Investment Policy

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER

DRAFT INVESTMENT POLICY

QUALITY CONTROL		
TRIM REFERENCES	12/114 – D16/44050	
RESPONSIBLE POSITION	Chief Financial Officer	
APPROVED BY	Council resolution	
REVIEW DATE		REVISION NUMBER 2
EFFECTIVE DATE	ACTION	MINUTE NUMBER
30 September 2020	Public Display	

1. INTRODUCTION

The purpose of this document is to establish the foundations that are to apply to the investment of Broken Hill City Council's funds that are surplus to Council's immediate requirements and to ensure that Council's representatives exercise the care, diligence and skill that a prudent person would exercise in investing those funds.

2. POLICY OBJECTIVE

The objective of this policy is to establish the framework within which the investment function of Broken Hill City Council will operate, be monitored, and be reported upon.

While exercising the power to invest, due consideration is to be given to:

- Preservation of capital. Preservation of capital is the principal objective of the investment process. Investments are to be placed in a manner that seeks to ensure security and of safeguarding the funds invested. This includes managing credit and interest rate risk within identified thresholds and parameters.
- Managing Council's liquidity. Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of costs due to the unanticipated sale of an investment.
- Maximising returns within Council's risk appetite as outlined in this policy. Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

3. POLICY SCOPE

This policy applies to all Council Officers who have authority delegated to them to invest surplus funds on Council's behalf and is in accordance with legislation and guidelines.

4. POLICY STATEMENT

4.1. DELEGATION OF AUTHORITY

The General Manager is given delegated authority under Section 377 *Local Government Act 1993*, to invest temporary surplus funds in accordance with Council policy.

The General Manager may in turn delegate the day-to-day management of Councils Investment to the Responsible Accounting Officer, subject to regular reviews.

The General Manager must approve delegations in writing and record them in the Register of Delegations. Delegated officers are required to acknowledge that they have received a copy of this policy and understand their obligations in this role.

4.2. PRUDENT PERSON STANDARD

The delegated officers will ensure that Council investments are managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

4.3. ETHICS AND CONFLICTS OF INTEREST

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

4.4. APPROVED INSTRUMENTS

Broken Hill City Council approves the following investments included in the Ministerial Investment Order:

- any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993 (NSW)*)
- interest bearing deposits with an authorised deposit taking institution (ADI)
- a deposit with the New South Wales Treasury Corporation or investments in the New South Wales Treasury Corporation Investment Management Core Funds. .

4.5. PROHIBITED INVESTMENTS

In accordance with the Ministerial Investment Order, this Investment Policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow;

- Standalone securities issued that have underlying futures, options, forward contracts or swaps of any kind.
- The use of leveraging (borrowing to invest) for an investment.

4.6. RISK MANAGEMENT GUIDELINES

Investments obtained are to be considered in light of the following key criteria:

- **Credit Risk** – The risk that a party to a transaction will fail to fulfil its obligations. In the context of this document it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment.
- **Diversification** – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market.
- **Liquidity Risk** – The risk that Council incurs additional costs (or in the worst case is unable to execute its spending plans) due to having too little cash available due to being invested in illiquid assets.
- **Market Risk** – the risk that fair value or future cash flows of an investment will fluctuate due to changes in market prices, or benchmark returns will unexpectedly overtake the investment's return.
- **Maturity Risk** – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities.
- **Preservation of Capital** – the requirement for preventing losses in an investment portfolio's total value.
- **Reinvestment Risk** – the risk that an investor will be unable to reinvest cash flows (e.g., coupon payments) and maturity proceeds at a rate comparable to their current rate of return because interest rates are lower in the future, thereby resulting in a reduction of income over time.

4.7. CREDIT & MATURITY GUIDELINES

Investments are to comply with three key criteria relating to:

- 4.7.1. Overall Portfolio Credit Framework: limit overall credit exposure of the portfolio;
- 4.7.2. Institutional Credit Framework: limit exposure to individual institutions based on their credit ratings; and
- 4.7.3. Term to Maturity Framework: limits based upon maturity of securities.

4.7.1 Overall Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

Credit Rating Categories	Portfolio Max %
AAA, AA+, AA, AA-	100%
A+, A	60%
A-	40%
BBB+ and BBB total	35%
Sub limit: BBB+	up to 35%
Sub limit: BBB	up to 10%
Specific Ministerial Approved Forms of Investment	Portfolio Max %
NSW TCorpIM Core Funds	30%

Credit ratings are based upon the Standard & Poor's Long Term Credit Ratings or Moody's / Fitch equivalents.

4.7.2 Institutional Credit Framework

Exposure to an individual institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

Credit Rating Categories	Institution Max %
AAA, AA+, AA, AA-	45%
A+, A	30%
A-	20%
BBB+	10%
BBB	5%
NSW TCorpIM Funds (not rated)	Max %
TCorpIM Cash Fund	30%
TCorpIM Short Term Income Fund	30%
TCorp IM Medium Term Growth Fund	30%
TCorpIM Long Term Growth Fund	30%

Credit ratings are based upon the Standard & Poor's Long Term Credit Ratings or Moody's / Fitch equivalents.

4.7.3 Term to Maturity Framework

The portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits		
Portfolio % ≤1 year	Min 40%	Max 100%
Portfolio % >1 year ≤10 years	Min 0%	Max 60%
Sub limit by Maturity		
Portfolio % > 5 years ≤ 10 years	Min 0%	Max 30%
Sub limits by Credit Rating		
AA+, AA, AA- rating:		5yrs maximum
A+, A, A-, BBB+ rating:		3yrs maximum
BBB rating		1yr maximum

4.8. BENCHMARKING

As Council traditionally invests in short term deposits, the performance benchmark to be used is the Bloomberg AusBond Bank Bill Index.

4.9. INVESTMENT ADVISOR

Should the Council deem it necessary to consult an investment advisor, the investment advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to the investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy. Any commissions paid to the advisor by banks/product providers will be rebated, or otherwise onforwarded, to Council as per ASIC requirements for an independent investment advisor.

4.10. REPORTING AND REVIEWING OF INVESTMENTS

Documentary evidence must be held for each investment and details thereof maintained in the Investment register.

Details to be included in the Investment Register:

- The amount of money invested;
- Particulars of the security or form of investment in which the money is invested;
- The term of the investment; and
- The rate of interest to be paid, and the amount of money that Council has earned, in respect of the investment.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least monthly.

Council will be provided with a written report each month setting out details of the entire investment portfolio. The report will confirm compliance of Council's investments with legislative and policy requirements.

5. IMPLEMENTATION

5.1. Roles and Responsibilities

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

- General Manager
- Chief Financial Officer
- Manager Finance
- Management/ Financial Accountant
- Assistant Management Accountant

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.

- Code of Conduct Policy
- Records Management Policy
- Conflicts of Interest 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 (2) years from the effective date, however may occur sooner if there is a change in legislation, Accounting Standards or other relevant guidelines. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Chief Financial Officer is responsible for the review of this policy.

7. LEGISLATIVE AND LEGAL FRAMEWORK

All investments are to comply with the following:

- Local Government Act 1993 - Section 412 & 625;
- Local Government Act 1993 - Order (of the Minister) in accordance with the most recently published Order;
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2);
- Local Government General Regulation 2005 – Reg 212;
- Office of Local Government Circulars;
- Local Government Code of Accounting Practice and Financial Reporting; and
- Australian Accounting Standards.

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

8. SCHEDULES

- **Schedule 1 – Standard & Poor's Ratings Description;**
- **Schedule 2 – Copies of Relevant Legislation.**

SCHEDULE 1**Standard & Poor's Ratings Description**

Credit Ratings

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation - based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment;
- Nature and provisions of the obligation;
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights.

The issue rating definitions are expressed in terms of default risk.

Long-Term Obligations Ratings are:

- AAA: An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
- AA: An obligation/obligor rated AA differs from the highest rated obligations only in a small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.
- A: An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligor in higher rated categories. However, the obligors' capacity to meet its financial commitment on the obligation is still strong.
- BBB: An obligation/obligor rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.
- Unrated: Financial institutions do not necessarily require a credit rating from the various ratings agencies such as Standard and Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building Societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all Authorised Deposit Taking Institutions (Banks, Building Societies and Credit Unions).

Plus (+) or minus (-): The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories.

SCHEDULE 2:*Extracts of Legislative Requirements***LOCAL GOVERNMENT ACT 1993 - SECT 412 & 625****Section 412 Accounting Records**

- (1) A council must keep such accounting records as are necessary to correctly record and explain its financial transactions and its financial position.
- (2) In particular, a council must keep its accounting records in a manner and form that facilitate:
 - (a) the preparation of financial reports that present fairly its financial position and the results of its operations, and
 - (b) the convenient and proper auditing of those reports.

Section 625 How May Councils Invest?

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section.

THE TRUSTEE AMENDMENT (DISCRETIONARY INVESTMENTS) ACT 1997 – SECTIONS 14A (2), 14C (1) & (2)

14A (2) Duties of trustee in respect of power of investment

A trustee must, in exercising a power of investment:

- (a) If the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or
- (b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

14C Matters to which trustee is to have regard when exercising power of investment

(1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:

- (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
- (b) the desirability of diversifying trust investments,
- (c) the nature of, and the risk associated with, existing trust investments and other trust property,
- (d) the need to maintain the real value of the capital or income of the trust,
- (e) the risk of capital or income loss or depreciation,
- (f) the potential for capital appreciation,
- (g) the likely income return and the timing of income return,
- (h) the length of the term of the proposed investment,
- (i) the probable duration of the trust,
- (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,
- (k) the aggregate value of the trust estate,
- (l) the effect of the proposed investment in relation to the tax liability of the trust,
- (m) the likelihood of inflation affecting the value of the proposed investment or other trust property,
- (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,
- (o) the results of a review of existing trust investments in accordance with section 14A (4).

(2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:

(a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,

(b) pay out of trust funds the reasonable costs of obtaining the advice.

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - CLAUSE 212

212 Reports on council investments

(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

i) if only one ordinary meeting of the council is held in a month, at that meeting, or

(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the Council's investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting.

Note. Section 625 of the Act says how a council may invest its surplus funds.



Circular No. 11-01
Date 17 February 2011
Doc ID. A232163

Contact Finance Policy Section
02 4428 4100
dlg@dlg.nsw.gov.au

REVISED MINISTERIAL INVESTMENT ORDER

A revised Investment Order pursuant to section 625 of the *Local Government Act 1993* has been issued. The Minister for Local Government signed the revised Order on 12 January 2011 and it was published in the NSW Government Gazette on 11 February 2011. It replaces the Order dated 31 July 2008. The revised Order is attached to this circular.

Changes to the Investment Order include:

- the removal of the ability to invest in the mortgage of land (part (c) of the Investment Order dated 31 July 2008)
- the removal of the ability to make a deposit with the Local Government Financial Services Pty Ltd (part (f) of the order dated 31 July 2008)
- the addition of "Key Considerations" in the revised Investment Order, which includes a comment that a council's General Manager, or any other staff, with delegated authority by a council to invest in funds on behalf of the council must do so in accordance with the council's adopted investment policy.

Councils are reminded that on 25 May 2010 the Division of Local Government issued Investment Policy Guidelines (Circular to Councils 10-11 refers). It is expected that all councils will by now have adopted an Investment Policy in accordance with the Guidelines.

A handwritten signature in blue ink, appearing to read 'Ross Woodward', is positioned above the printed name and title.

Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

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LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER
(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011


Hon BARBARA PERRY MP
Minister for Local Government

ORDINARY MEETING OF THE COUNCIL

September 9, 2020

ITEM 11**BROKEN HILL CITY COUNCIL REPORT NO. 128/20****SUBJECT:** **INVESTMENT REPORT FOR AUGUST 2020****17/82****Recommendation**

1. That Broken Hill City Council Report No. 128/20 dated September 9, 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 August 2020, Council's Investment Portfolio had a current market valuation of \$22,193,938 or principal value (face value) of \$22,177,277 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 31 August 2020 are detailed in Attachment 1.

Portfolio Summary		
Portfolio Performance vs. RBA Cash Rate	✓	Council's investment performance did exceed benchmark.
Investment Policy Compliance		
Legislative Requirements	✓	Compliant with policy
Portfolio Credit Rating Limit	✓	Compliant with policy
Institutional Exposure Limits	X	Non-Compliant with policy
Term to Maturity Limits	✓	Compliant with policy

Market Review**Global issues**

In the US, despite the ongoing surge of new Covid-19 cases, the financial markets have taken comfort in the fall in death rates and the prospect of at least one of the many vaccines being worked on becoming viable within the next year. In Europe, like Australia, stimulus packages have supported household consumption, but weak job markets are contributing to a drop in consumer confidence. Governments across the continent have instituted "furlough schemes," which subsidise companies that retain workers on their payrolls, like our own Jobkeeper. These programs are set to expire soon, creating a risk that the unemployment rate will soar, and personal income will plummet.

In Asia, China's industrial profits were up 20% over the year, reflecting the economic recovery taking place there. Meanwhile, Japan's GDP contraction of 7.5% was better than other developed nations and the sudden resignation of Prime Minister Abe is expected to have little impact on the nation's economic direction.

Domestic issues

In Australia, official GDP data confirmed what was largely already known, the nation is officially in a technical recession with two quarters of negative growth. The 7% contraction over the June quarter was driven primarily by households reducing their spending by 12%.

Wage growth shrank by 2.5% due to the sharp drop in jobs, yet overall household income has risen due to the Government's Jobseeker & Jobkeeper stimulus packages. Consumers remain understandably cautious as the fiscal and monetary actions being taken cannot be maintained indefinitely. Latest construction activity, business investment and consumer confidence results have all fallen. Despite the economic gloom, the Australian share market recorded its fifth consecutive month of gains and the AUD/USD closed out the month just short of 74c, up 30% from its late-March low of 55c.

Interest rates

The RBA kept the official cash rate at 0.25%pa at its August meeting. The RBA stated that it will not increase the cash rate target until progress is being made towards full employment and it is confident that inflation will be sustainably within the 2–3% target band. Currently, the unemployment rate is 7.5%, and expected to increase, and inflation is negative 0.30%. Monetary stimulus measures are keeping cash rate futures below the official 0.25%pa level and term deposit rates are reflecting banks' ample liquidity and access to cheap RBA sourced funding.

Investment Portfolio Commentary

Council's investment portfolio posted a return of 3.13% pa for the month of August versus the bank bill index benchmark return of 0.11%pa. For the past 12 months, the investment portfolio returned -0.59%pa, underperforming the bank bill index benchmark's 0.66%pa by 1.25%pa.

During August, Council's investment portfolio had a total of \$1.5m split between six and 12-month term deposits mature with an average rate of 1.88%pa. A \$2m one-month term deposit paying 0.45%pa was obtained to cater for upcoming cash requirements.

The TCorpIM MT Growth fund rose 0.6% in August. The Australian share market posted its fifth month of gains, up 3.7%. Information Technology (+15.2%) was the best performing sector while the Consumer Discretionary (+9.7%) sector also gained strongly as companies unveiled better than expected profits despite Covid-19 related shutdowns. Utilities (-4.8%), Telecoms (-3.8%), and Consumer Staples (-0.3%) were the only sectors to go backwards for the month. Overseas markets continued to rise with the US S&P 500 (+7.2%), European S&P350 (+3.0%), Japanese S&P 500 (8.4%), and Chinese S&P 300 (+2.7%) all posting solid gains.

Investments Outside of Policy

Council's investment Portfolio ended August with a Westpac balance outside of Council's investment policy. Council's Westpac balance ended \$1,008,975 above policy or 10% above the amount able to be held in a AA- institution. Council's Westpac balance ending above policy limits related to the current interest rates on offer being of little value and Council choosing to hold conservative position regarding investment liquidity given the current uncertain economic climate.

The Draft Investment Policy also tabled at this meeting, seeks to address this issue moving forward by increasing the institutional limit from 30% to 45% for AAA, AA+, AA & AA - credit ratings. This adjustment makes sense during times of low interest rate, as the transactional cost involved in moving money just for the purpose of remaining within a very conservative policy outweighs any interest gain and potential risk mitigation.

Council's Portfolio by Source of Funds – August 2020

As at 31 August 2020, Council's Investment Portfolio had a current market valuation of \$22,193,934 or principal value (face value) of \$22,177,277 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$19,469,277
	Royalties Reserve	\$701,000
	Domestic Waste Management Reserve	\$973,000
	Grants	\$1,034,000
	TOTAL PORTFOLIO	\$22,177,277

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. [August 2020 Investment Report](#)

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER



Investment Summary Report
August 2020



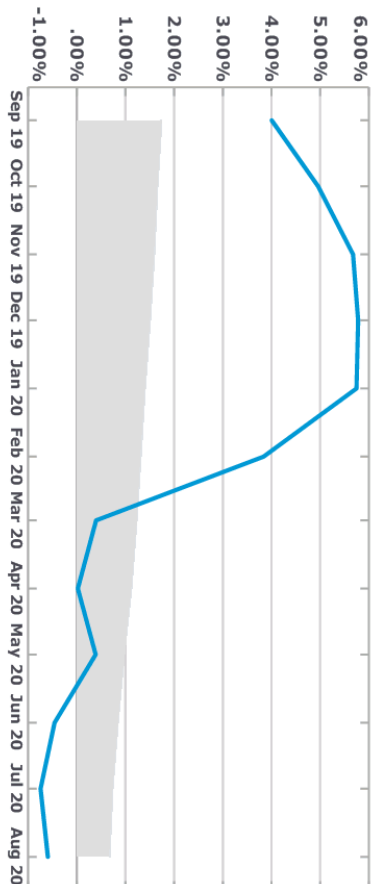
Broken Hill City Council
Executive Summary



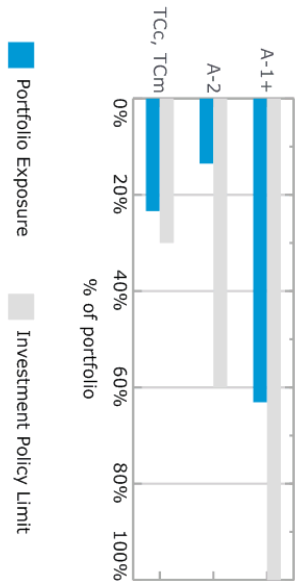
Investment Holdings

	Face Value (\$)	Current Value (\$)
Cash	10,988,749.61	10,988,749.61
Managed Funds	5,188,527.15	5,188,527.15
Term Deposit	6,000,000.00	6,016,660.97
	22,177,276.76	22,193,937.73

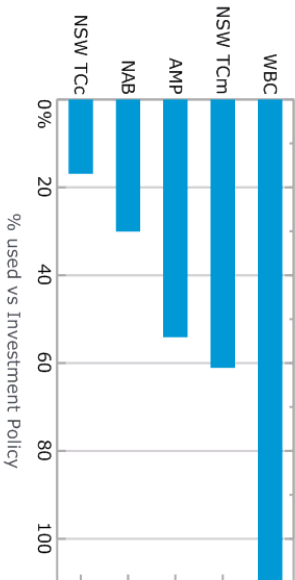
Investment Performance



Total Credit Exposure



Investment Policy Compliance
Highest Individual Exposures



Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	22,177,277	100%
	22,177,277	



Broken Hill City Council
Investment Holdings Report

Cash Accounts						
Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
5,593,411.06	0.0000%	Westpac Group	A-1+	5,593,411.06	473409	Cheque
5,395,338.55	1.0748%	Westpac Group	A-1+	5,395,338.55	535442	90d Notice
10,988,749.61	0.5277%			10,988,749.61		

Managed Funds						
Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.
1,124,442.68	0.0471%	NSW T-Corp (Cash)	Tcc	Cash Fund	1,124,442.68	535329
4,064,084.47	0.7160%	NSW T-Corp (MT)	Tcm	Medium Term Growth Fund	4,064,084.47	536441
5,188,527.15					5,188,527.15	

Term Deposits									
Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)
2-Sep-20	500,000.00	1.8500%	AMP Bank	A-2	500,000.00	4-Mar-20	504,586.99	539525	4,586.99
16-Sep-20	500,000.00	0.7500%	National Australia Bank	A-1+	500,000.00	30-Jun-20	500,647.26	539975	647.26
30-Sep-20	500,000.00	1.4000%	AMP Bank	A-2	500,000.00	27-May-20	501,860.27	539848	1,860.27
30-Sep-20	2,000,000.00	0.4500%	National Australia Bank	A-1+	2,000,000.00	31-Aug-20	2,000,024.66	540167	24.66
28-Oct-20	500,000.00	0.8500%	National Australia Bank	A-1+	500,000.00	29-Jun-20	500,745.21	539970	745.21
11-Nov-20	500,000.00	1.4000%	AMP Bank	A-2	500,000.00	10-Jun-20	501,591.78	539917	1,591.78
2-Dec-20	500,000.00	1.7000%	AMP Bank	A-2	500,000.00	4-Mar-20	504,215.07	539526	4,215.07
9-Dec-20	500,000.00	1.5500%	AMP Bank	A-2	500,000.00	10-Jun-20	501,762.33	539914	1,762.33
3-Feb-21	500,000.00	1.4000%	AMP Bank	A-2	500,000.00	29-Jun-20	501,227.40	539971	1,227.40
	6,000,000.00	1.0583%			6,000,000.00		6,016,660.97		16,660.97

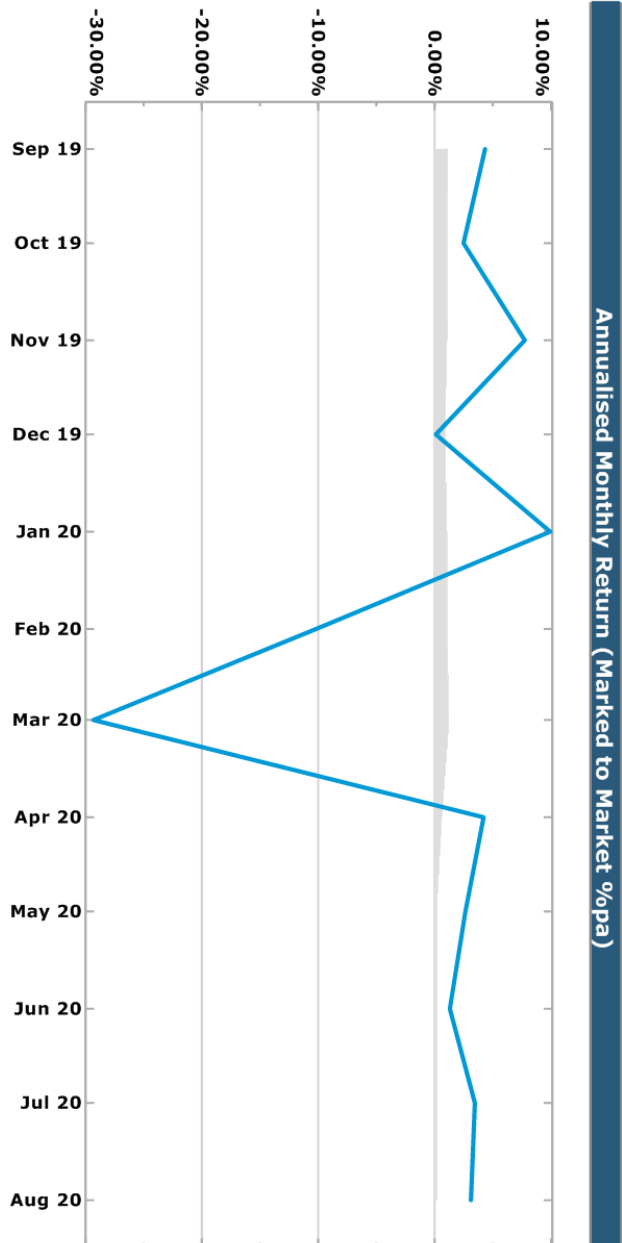
Broken Hill City Council

Accrued Interest Report - August 2020



Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Cash									
Westpac Group	473409	Cheque	5,593,411.06			0.00	31	0.00	
Westpac Group	535442	90d Notice	5,395,338.55			4,920.50	31	4,920.50	1.07%
Cash Total						4,920.51		4,920.51	1.07%
Managed Funds									
Cash Fund	535329		1,124,442.68	29-May-17			31	529.74	.56%
Medium Term Growth Fund	536441		4,064,084.47	12-Feb-18			31	28,893.72	8.76%
Managed Funds Total								29,423.46	6.92%
Term Deposits									
AMP Bank	538375		500,000.00	07-Aug-19	05-Aug-20	9,972.60	4	109.59	2.00%
AMP Bank	539452		500,000.00	12-Feb-20	12-Aug-20	4,487.67	11	271.23	1.80%
AMP Bank	539467		500,000.00	19-Feb-20	19-Aug-20	4,736.99	18	468.50	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	318.49	.75%
AMP Bank	539848		500,000.00	27-May-20	30-Sep-20		31	594.52	1.40%
National Australia Bank	540167		2,000,000.00	31-Aug-20	30-Sep-20		1	24.66	.45%
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%
Term Deposits Total						19,197.26		5,502.75	1.41%
						24,117.77		39,846.72	3.13%

Broken Hill City Council Investment Performance Report



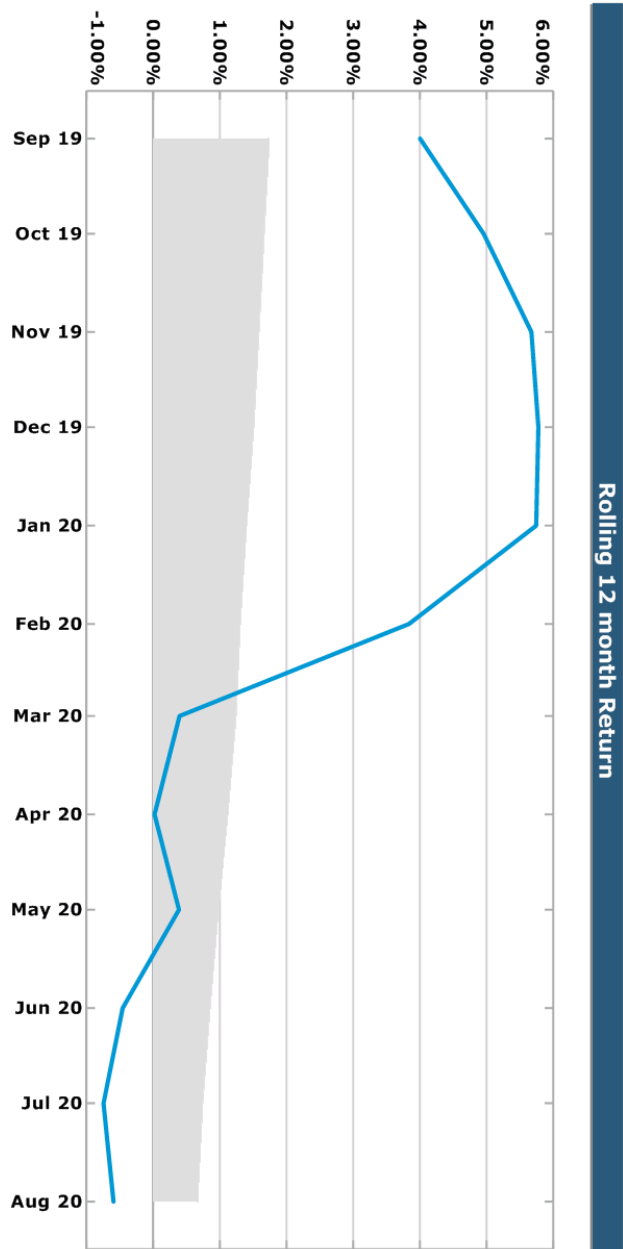
Portfolio Annualised Return

AusBond BB Index Annualised Return

Historical Performance Summary

	Portfolio	AusBond BB Index	Outperformance
Aug 2020	3.13%	0.11%	3.02%
Last 3 Months	2.65%	0.10%	2.55%
Last 6 Months	-3.37%	0.36%	-3.73%
Financial Year to Date	3.30%	0.11%	3.19%
Last 12 months	-0.59%	0.66%	-1.25%

Broken Hill City Council Investment Performance Report



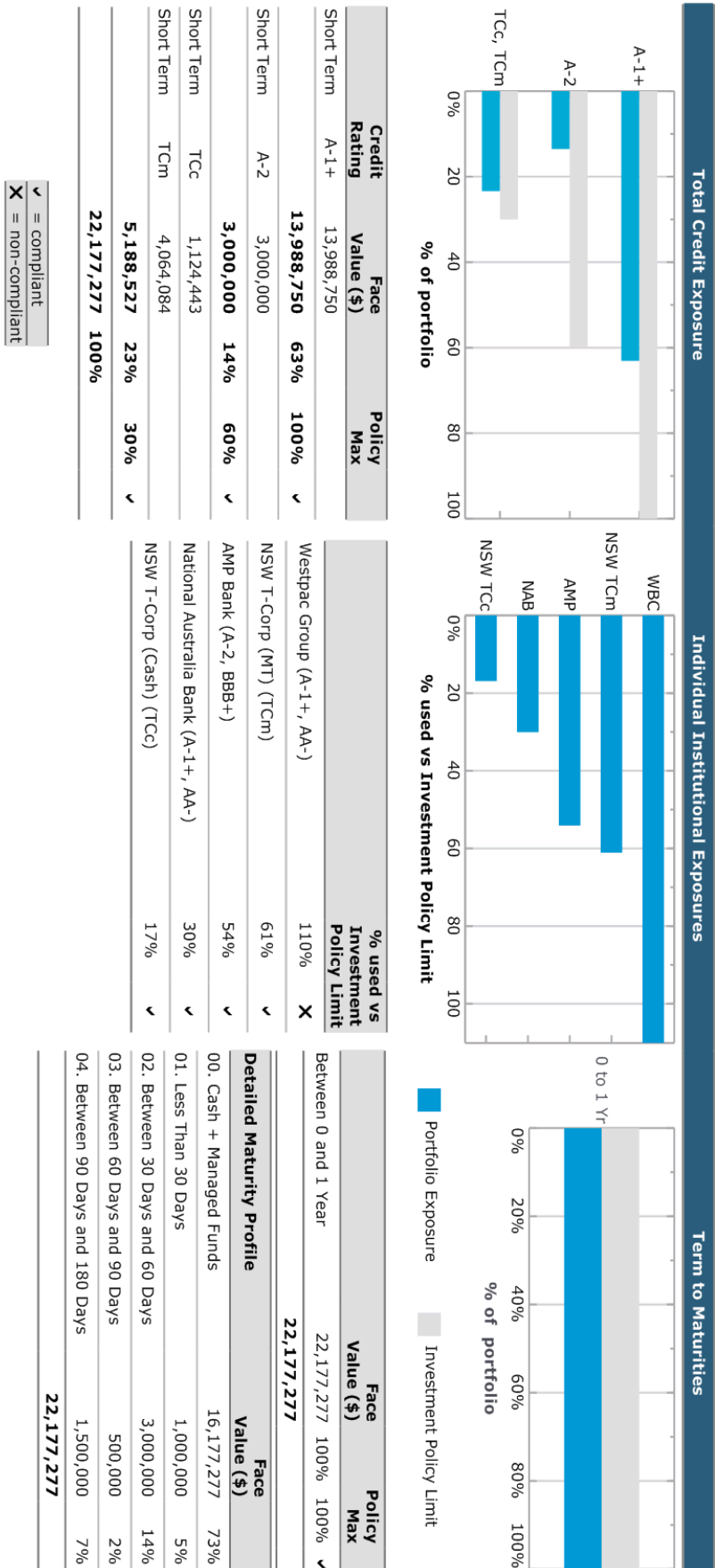
AusBond BB Index Rolling 12 month Return Portfolio Rolling 12 month Return

Historical Performance Summary (actual)

	Portfolio	AusBond BB Index	Outperformance
Aug 2020	0.26%	0.01%	0.25%
Last 3 Months	0.66%	0.03%	0.63%
Last 6 Months	-1.71%	0.18%	-1.89%
Financial Year to Date	0.55%	0.02%	0.53%
Last 12 months	-0.59%	0.66%	-1.25%

Broken Hill City Council

Investment Policy Compliance Report



Broken Hill City Council

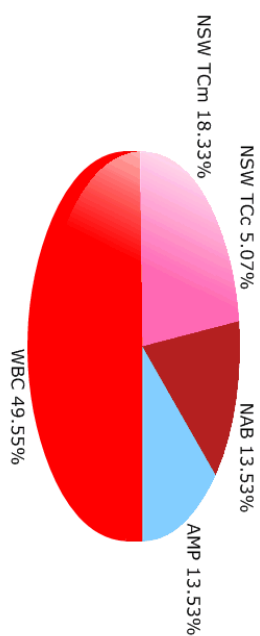
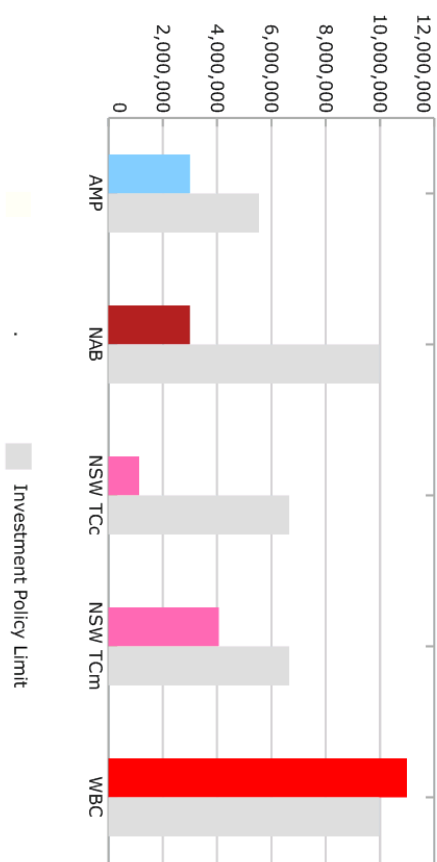
Individual Institutional Exposures Report



Individual Institutional Exposures

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
AMP Bank	A-2, BBB+	3,000,000	5,544,319
National Australia Bank	A-1+, AA-	3,000,000	9,979,775
NSW T-Corp (Cash)	TCC	1,124,443	6,653,183
NSW T-Corp (MT)	TCm	4,064,084	6,653,183
Westpac Group	A-1+, AA-	10,988,750	9,979,775
		22,177,277	

Individual Institutional Exposure Charts



Broken Hill City Council
Cash Flows Report

Current Month Cashflows							
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>		
5-Aug-20	538375	AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00		
		AMP Bank	Term Deposits	Interest - Received	9,972.60		
		<u>Deal Total</u>				<u>509,972.60</u>	
		<u>Day Total</u>				<u>509,972.60</u>	
12-Aug-20	539452	AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00		
		AMP Bank	Term Deposits	Interest - Received	4,487.67		
		<u>Deal Total</u>				<u>504,487.67</u>	
		<u>Day Total</u>				<u>504,487.67</u>	
19-Aug-20	539467	AMP Bank	Term Deposits	Maturity Face Value - Received	500,000.00		
		AMP Bank	Term Deposits	Interest - Received	4,736.99		
		<u>Deal Total</u>				<u>504,736.99</u>	
		<u>Day Total</u>				<u>504,736.99</u>	
31-Aug-20	540167	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-2,000,000.00		
		<u>Deal Total</u>				<u>-2,000,000.00</u>	
		<u>Day Total</u>				<u>-2,000,000.00</u>	
		<u>Net Cash Movement for Period</u>				<u>-480,802.74</u>	
Next Month Cashflows							
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>		
2-Sep-20	539525	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00		
		AMP Bank	Term Deposit	Interest - Received	4,612.33		
		<u>Deal Total</u>				<u>504,612.33</u>	
		<u>Day Total</u>				<u>504,612.33</u>	
16-Sep-20	539975	National Australia Bank	Term Deposit	Maturity Face Value - Received	500,000.00		
		National Australia Bank	Term Deposit	Interest - Received	801.37		
		<u>Deal Total</u>				<u>500,801.37</u>	
		<u>Day Total</u>				<u>500,801.37</u>	
30-Sep-20	539848	AMP Bank	Term Deposit	Maturity Face Value - Received	500,000.00		
		AMP Bank	Term Deposit	Interest - Received	2,416.44		
		<u>Deal Total</u>				<u>502,416.44</u>	
		<u>Day Total</u>				<u>502,416.44</u>	

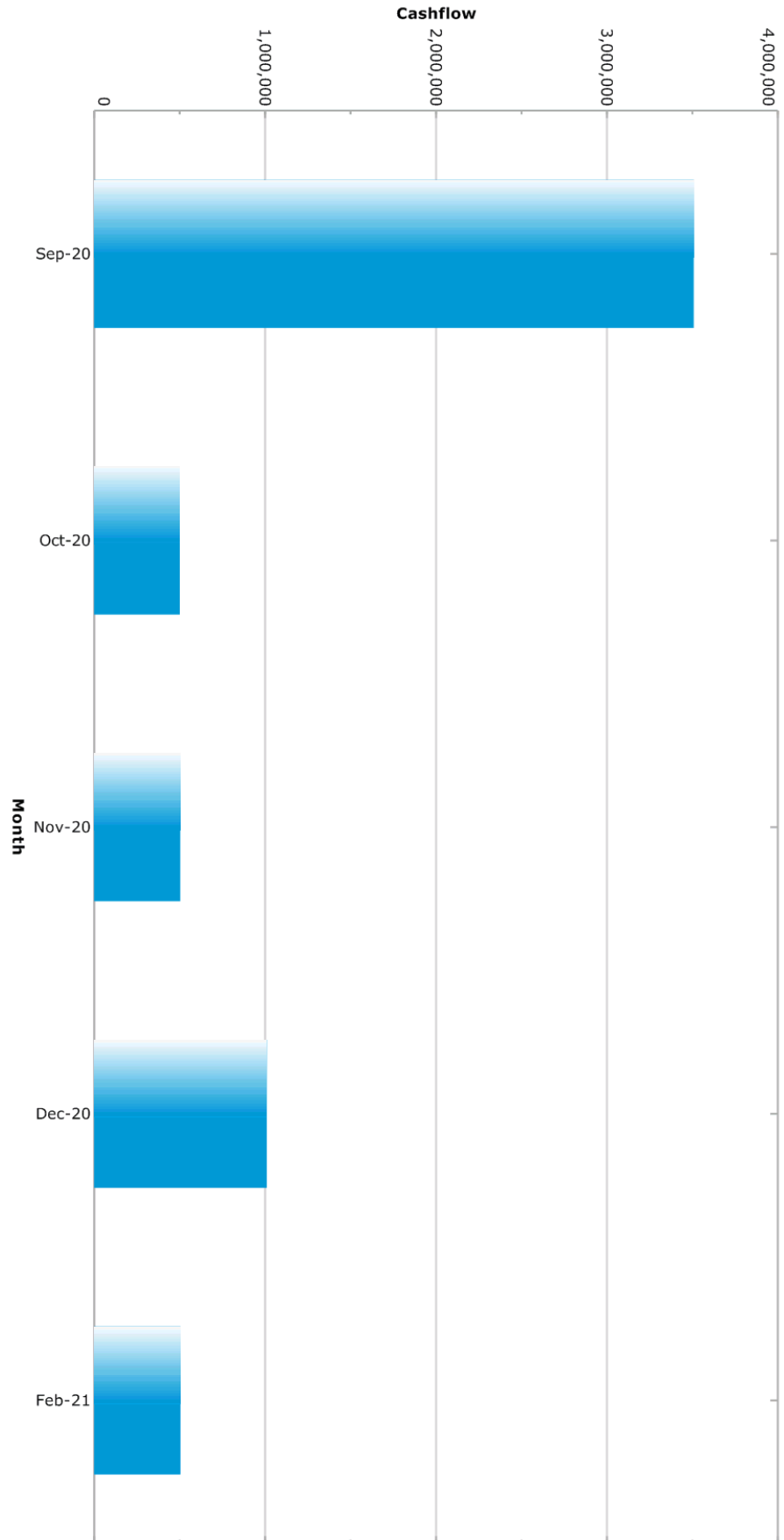
Broken Hill City Council

Cash Flows Report



Next Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
	540167	National Australia Bank	Term Deposit	Deal Total	502,416.44
		National Australia Bank	Term Deposit	Maturity Face Value - Received	2,000,000.00
				Interest - Received	739.73
				Deal Total	2,000,739.73
				Day Total	2,503,156.16
				Net Cash Movement for Period	3,508,569.86

Broken Hill City Council
Cash Flows Report



ORDINARY MEETING OF THE COUNCIL

September 17, 2020

ITEM 12BROKEN HILL CITY COUNCIL REPORT NO. 129/20SUBJECT: CHRISTMAS AND NEW YEAR'S EVE EVENTS 11/87**Recommendation**

1. That Broken Hill City Council Report No. 129/20 dated September 17, 2020, be received.
2. That Council note the below report.
3. That Council promote a dollar for dollar grant capped at \$250.00 (Council contribution) to CBD Businesses to decorate their shop windows and/or awnings for Christmas.

Executive Summary:

The purpose of this report is to provide information to the Council regarding an assessment which has been undertaken for Council's Christmas and New Year's Eve Events in light of the current COVID-19 restrictions and the consequent impact on the events for Council's information.

It is recommended that due to the reduced numbers and additional requirements to operate within a COVID-19 safe environment, that these events are cancelled this year in their traditional form and staff continue to develop alternate events using online platforms in conjunction with community groups as well as holding multiple firework displays across the City for New Year's Eve.

It is proposed that in addition to the capital budget Council adopted for new Christmas decorations in the Town Square, that Council utilise the \$9,000 allocated for the Christmas Pageant & After Party to provide a grant to CBD Traders on a dollar for dollar basis capped at a \$250.00 contribution by Council for CBD Traders to decorate their front windows and/or awnings for Christmas.

Report:

In March 2020, the Federal and State Government introduced a number of restrictions to assist in controlling the spread of COVID-19 in Australia.

At that time, most of the Council's events and programs were cancelled and facilities closed as a result of the restrictions. This included Council's library, art gallery, museum, community events and programs, playgrounds and parks.

Since that time, whilst a number of the restrictions have been eased and various facilities (ie libraries, playgrounds, Civic Centre etc,) have re-opened and a number of services and programs have resumed, a number of restrictions remain in place to ensure New South Wales does not experience a second wave of the pandemic.

Whilst most of the current restrictions can be managed and therefore complied with when events, programs and services are conducted in a Council owned facility, (ie indoors with clearly defined entry and exit points, physical distancing, signage, the ability to identify and control the number of people in attendance, handwashing facilities, etc), the restrictions associated with events which are held outdoors are not as easily managed.

To assist in the management of services, programs and facilities during the pandemic, a COVID-19 Safety Plan, is required to be prepared for each event. The Plan must include how the organisation, in this case the Council, will ensure the following requirements in the lead up to, the duration and post the event:

- Contact tracing;
- Physical distancing (including restroom/toilets);
- Cleanliness;
- Capacity of the venue (number of people in attendance);
- How the organisation will keep staff safe;
- Signage.

COVID-19 Safety Plans are required to be submitted to NSW Health for approval.

For an event to be held in an outdoor space, a COVID-19 plan must be created, COVID-19 Marshals must be put in place to ensure infection control, ensure attendees maintain physical distancing, and ensure the event is limited to 500 people or the density limits of 1 person per 4m².

A review therefore of Council's annual Christmas Pageant and New Year's Eve Celebrations scheduled to be held in December 2020, has been undertaken to determine if the event can proceed in accordance with the current COVID-19 restrictions.

Christmas Pageant & After Party and New Year's Eve Celebrations

The Christmas Pageant and After Party as well as the New Year's Eve Celebrations usually attracts 2,500 and 500 attendees, respectively.

Based on the nature of these events and the expected number of spectators and attendees, a COVID-19 Safety plan would be required to be planned for these events.

The difficulties associated generally with large scale events which are held outdoors is the requirement for contact tracing. This means that spectators are required to record their name, address, and contact details upon entry into the event space.

As the events are held primarily along Argent, Oxide Street and Sturt Park, the only way to manage this would be to erect fencing at every entry point along the parade route and the perimeter of Sturt Park and employ security personnel to manage this requirement.

The costs associated with the hire of the fencing and employing personnel to manage the entry/exit points are significant and from a logistical perspective, the requirement to log details for all spectators is impractical.

The most challenging aspect of managing the Christmas and New Year's Eve events, however, to ensure compliance with COVID-19 restrictions, is the physical distancing requirements, for both spectators and participants. The overall restrictions of the event and limited attendees would tend to limit the community spirit and joy that these events would normally bring.

In addition, the Council would be required to install several hand sanitiser stations along the route as well as the park for spectators and participants.

Whilst costs and logistics are two considerations in terms of hosting events during this difficult period, the Council has a leadership role to ensure the health and safety of its community and lead the way in ensuring compliance with all State Government Requirements.

It is recommended that these events are cancelled this year in their traditional form and staff continue to develop alternate events using online platforms in conjunction with community groups as well as holding multiple firework displays across the City for New Year's Eve.

Christmas Decorations

Council adopted the 2020/21 Capital Budget at an Extra-Ordinary Meeting held 30 June 2020. This budget included \$75,000 for new Christmas Decorations and Christmas Tree for the Town Square.

It is proposed that in addition to this, that Council utilise the \$9,000 allocated for the Christmas Pageant & After Party to provide a grant to CBD Traders on a dollar for dollar basis capped at a \$250.00 contribution by Council for CBD Traders to decorate their front windows and/or awnings for Christmas.

In addition to this, Council's CBD's Heritage Perfectly Highlighted lighting project will be completed and turned on for Christmas.

2020 has been a difficult year worldwide. Whilst it is disappointing that a number of events have and continue to be impacted by the COVID-10 pandemic, it is important to remember that the most important focus for the Council must be on community wellbeing and as such, the Council has and must continue to demonstrate leadership during these unprecedented times.

Community Engagement:

N/A

Strategic Direction:

Key Direction 1: Our Community
Objective 1.3 Our history, culture and diversity is embraced and celebrated

Relevant Legislation:

NIL

Financial Implications:

NIL

Attachments

1. [Public-Health-Order-15-June-2020](#)

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER

Office of Local Government

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020
– local government FAQs



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These Frequently Asked Questions (FAQs) provide responses to a range of local government enquiries as councils progressively ease COVID-19 restrictions in line with public health orders and is for guidance only. Decisions on whether to open a facility or service remains a matter for individual councils..

Even if a service or facility is able to remain open, councils should do as much as possible to maintain [social distancing](#) requirements and good [hygiene](#) practices consistent with NSW Government advice.

For more information please visit the [NSW Government](#) and [NSW Health](#) websites.

Councils should also consider the use of signage exhibiting 'risk warnings' under the *Civil Liability Act 2002*.

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Council administration buildings, depots and offices

<p>Can council staff return to work in administration buildings and offices?</p>	<p>The Public Health Order directs employers to allow an employee to work at the person's place of residence where it is reasonably practicable to do so. It is a matter for individual councils to determine how to comply with this direction, based on the relevant circumstances.</p> <p>In part, Schedule 2 of the Public Health Order states that the following are essential gatherings:</p> <ul style="list-style-type: none"> • a gathering for the purposes of emergency services, including the provision of training by an emergency service, and • a gathering at an office building, farm, factory, warehouse, commercial fishing operation or site of the commercial vessel that is necessary for the normal operation of the tenants within the building, farm, factory, warehouse, commercial fishing operation or site or of the commercial vessel. <p>This means that a gathering at an office building that is necessary for the normal operation of the tenants within the building does not need to have no more than 100 people indoors at the premises, or, to ensure that there is 4m² per person for each person on the premises.</p> <p>Where staff do return to the office to work, it is recommended that councils ensure that adequate physical distancing continues to be maintained. Staff must continue to stay home if they are sick.</p> <p>SafeWork provides advice on simple ways to stay healthy and prevent the spread of COVID-19 in the workplace.</p>
<p>What should councils do to manage risks to staff and visitors in office buildings?</p>	<p>Safe Work NSW SafeWork provides advice on simple ways to stay healthy and prevent the spread of COVID-19 in the workplace and how to manage the risk of COVID-19 in different types of workplaces. This states, in part that, all workplaces must assess the risk (in consultation with workers) and look for ways to minimise the spread of the virus. These may include:</p> <ul style="list-style-type: none"> • ceasing non-essential work activities that involve close personal contact (less than 1.5m) • implementing controls to reduce direct contact with workers and customers, including: <ul style="list-style-type: none"> ◦ social distancing of at least 1.5metres (1 person per 4sqm indoors) ◦ barriers to create space at counters, between workstations, seated areas etc.

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	<ul style="list-style-type: none"> o modifying shifts and rosters to reduce peak periods, and o actively supporting flexible work arrangements, including working from home <ul style="list-style-type: none"> • Implementing controls to reduce environmental exposure, including: <ul style="list-style-type: none"> o inspecting and reviewing air conditioning and ventilation systems o increasing cleaning and disinfection of high traffic areas or shared surfaces o provide cleaning products and instruction for cleaning workspaces, and o provide instruction and amenities for personal hygiene and infection control. <p>Further information for specific industries and types of workplaces, including a template COVID Safety Plan is available here.</p>
<p>Do the exclusions of the Public Health Order apply to indoor spaces at council works depots?</p>	<p>Yes. The Public Health Order exempts a range of 'essential' gatherings in certain types of premises from the "100 person rule" and the "4m² rule", including offices, farms and warehouses (as set out above). It is a matter for individual councils to determine which of their buildings fall into this category.</p> <p>It also exempts "a gathering for the purposes of or related to transportation, including in vehicles or at truck stops, stations, platforms or stops or other public transportation facilities."</p> <p>However, where staff do return to the office to work, it is recommended that councils ensure that adequate physical distancing continues to be maintained. Staff must continue to stay home if they are sick.</p> <p>SafeWork provides advice on simple ways to stay healthy and prevent the spread of COVID-19 in the workplace.</p>
<p>What should a council do if they have staff over the age of 70 and/or who may be vulnerable to contracting COVID-19 or related health complications?</p>	<p>Councils are responsible for managing work health and safety risks for staff and visitors. It is important that, as part of this duty, councils manage risk in relation to COVID-19, including for vulnerable people.</p> <p>Safe Work Australia has issued advice stating that the following people are at greater risk of more serious illness with COVID-19:</p> <ul style="list-style-type: none"> ▪ Aboriginal and Torres Strait Islander people 50 years and older with one or more chronic medical conditions ▪ People 65 years and older with one or more chronic medical conditions

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	<ul style="list-style-type: none"> ▪ People 70 years and older, and ▪ People with compromised immune systems. <p>These categories may increase or vary depending on the latest evidence. Monitor the NSW Health website for any changes.</p> <p>If council is managing risks associated with a vulnerable person they should consult detailed guidance released by Safe Work Australia.</p>
<p>Council meetings and public forums</p>	
<p>Can council meetings, committee meetings now be held?</p>	<p>Councillors and council staff may attend council and committee meetings in person. However, councils must allow councillors and staff to attend and participate in meetings by audio visual links where it is reasonably practicable to do so.</p> <p>Members of the public are not permitted to attend meetings (other than for the purposes of work) if this means that the total number of people attending meetings (including councillors and staff) exceed 20. More than 20 councillors and staff may attend meetings subject to appropriate social distancing.</p> <p>Where councils exclude members of the public from meetings, they must livestream their meetings using audio-visual links to satisfy the requirement under section 10 of the <i>Local Government Act 1993</i> for members of the public to be permitted to "attend" meetings.</p> <p>Councils must not allow persons to attend meetings if the size of the meeting venue is insufficient to ensure there is 4 square metres of space for each person attending the meeting.</p> <p>Where councillors and staff do participate in face to face meetings, councils must ensure that adequate physical distancing continues to be maintained. Staff and councillors must continue to stay home if they are sick.</p> <p>Further information about compliance with social distancing requirements at council and committee meetings can be found in a council circular that will be issued shortly.</p>

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Can councils undertake face to face public consultation (including at public forums)?	Separate advice is provided in relation to planning panels below.
Public forums should only be held in a manner that is consistent with the Public Health Order. Where this is not possible, public forums should not be held, or alternative arrangements should be made for the making of public submissions to councillors. For example, submissions could be made to councillors via an audio-visual link or in writing instead of in person. Further information about the ability of councils to hold public forums during the COVID-19 pandemic can be found in Council Circular 20-09 .	
Do the newly eased restrictions apply to planning panels?	Advice from DPLE on holding planning panels has not changed. Restrictions on meetings during COVID-19 are changing rapidly. They are now being eased in stages across government. Councils should continue to check the DPLE Planning Panel website for the latest information on meeting requirements for Local Planning Panels.
What provisions exist to allow council staff to travel more than one per vehicle? As public spaces open up more staff will be required to monitor and clean equipment. Can more than one person travel in a council vehicle if one is on the back seat?	SafeWork NSW advises that if more than one person is required in a vehicle, occupants must ensure people are seated in the most distant seats, have the air circulating with outside air and open windows when possible. Further information about safe work practices during the COVID-19 pandemic, including a number of case studies can be found on the SafeWork NSW website .
What is council's role in enforcing and/or educating business and wider community in	Councils play an important role in disseminating information to businesses and the community, through local networks. For the most up to date information, councils should visit OLG's COVID-19 webpage .

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relation to restrictions – and under what instrument? For example, religious groups and businesses conducting funerals and weddings – is this the role of local government to enforce the number of persons attending?	
Can there be a form of reconciliation back to the Commonwealth Roadmap given the high publicity and visibility of this within the community and councils.	<p>Every state has its own circumstances and must be able to move at its own pace. NSW will consider other changes when it is safe to do so, based on the data and best available health advice. This advice will be based on testing, tracing and tracking cases and using technology such as the COVIDSafe app.</p> <p>For the most up to date information on the status of restrictions in NSW visit the NSW Government's COVID-19 webpage.</p>
Food business regulation	
Are food courts able to open again? What conditions apply?	<p>The Public Health Order provides that, since 13 June 2020, food courts have been able to reopen in NSW so long as restrictions are met, as set out below.</p> <p>The number of customers that may consume food or drink on the premises is the lesser of:</p> <ul style="list-style-type: none"> (a) 50 customers per <i>existing separate seated food or drink area</i>, or (b) the total number of persons calculated by allowing 4 square metres of space for each person (excluding staff members) on the premises.

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	<p>The Order states that <i>existing separate seated food or drink area</i> means a separate seated area for the consumption of food or drink that existed immediately before the making of this Order.</p> <p>The Public Health Order also requires that, before reopening, a COVID-19 Safety Plan must be in place to outline how each facility will keep its customers and workers safe. This facility must then comply with what is set out in their Plan, to keep information recorded for at least four weeks and provide those records on request to the Chief Health Officer.</p> <p>The template to create a COVID-19 Safety Plan is available on the NSW Health website.</p> <p>Each Safety Plan template provides information about how to comply with requirements under the four key areas of: wellbeing of staff and visitors; physical distancing; hygiene and cleaning, and record keeping. The occupier or operator of the premises must keep a copy of their COVID-19 safety plan on the premises and make it available for inspection by an authorised officer as requested.</p> <p>A range of further advice and information is available from the NSW Food Authority.</p>
<p>Can food businesses be open? What are the restrictions on customer numbers?</p>	<p>Food businesses are allowed to be open in NSW if they meet the requirements of the Public Health Order. The Order allows <i>food and drink premises</i> to be open so long as certain conditions and restrictions are met.</p> <p><i>Food and drink premises</i> mean premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes a restaurant or cafe, take away food and drink premises, a pub or a small bar. In part, this includes premises within other premises except:</p> <ul style="list-style-type: none"> • casinos • micro-breweries, small distilleries holding a drink on-premises authorisation under the <i>Liquor Act 2007</i> or cellar door premise, and, • pubs and registered clubs (including a racing club within the meaning of the <i>Liquor Act 2007</i>).

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	<p>Separate parts of the Order apply to the three types of premises set out above.</p> <p>The Order now allows, in relation to <i>food and drink premises</i> for the number of customers that may consume food or drink on the premises to be the lesser of:</p> <ul style="list-style-type: none"> • 50 customers per existing separate seated food or drink area, or, • the total number of customers calculated by allowing 4 square metres of space for each customer (excluding staff members) on the premises. <p>Existing separate seated food or drink area means a separate seated area for the consumption of food or drink that existed immediately before the making of this Order.</p> <p>The template to create a COVID-19 Safety Plan is available on the NSW Health website here. Each Safety Plan template provides information about how to comply with requirements under the four key areas of: wellbeing of staff and visitors; physical distancing; hygiene and cleaning, and record keeping.</p> <p>The occupier or operator of the premises must keep a copy of their COVID-19 safety plan on the premises and make it available for inspection by an authorised officer as requested.</p> <p>See above for separate, updated advice in relation to food courts.</p>
<p>Are there any specific obligations on food and drink premises under the Public Health Order?</p>	<p>The occupier or operator of premises must ensure that, while the business is open:</p> <ul style="list-style-type: none"> • no person may be on the premises as part of an individual group of more than 20 persons unless those persons are engaging in work on the premises • a person consuming food or drink on the premises must provide the person's name and contact details, including a telephone number or email address, to the occupier or operator of the premises

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	<ul style="list-style-type: none"> the occupier or operator of the premises must record the names and contact details, including telephone numbers or email addresses, of all persons consuming food or drink on the premises, and the premises must have a COVID-19 safety plan. <p>The Public Health Order requires that, before reopening, a COVID-19 Safety Plan must be in place to outline how each facility will keep its customers and workers safe.</p> <p>The template to create a COVID-19 Safety Plan is available on the NSW Health website here. Each Safety Plan template provides information about how to comply with requirements under the four key areas of: wellbeing of staff and visitors; physical distancing; hygiene and cleaning, and record keeping.</p> <p>The operator of all <i>food and drink premises</i> that are open must keep a copy of the COVID-19 safety plan on the premises and make it available for inspection by an authorised officer as requested.</p>
<p>Can pubs, small bars and registered clubs be open? What are the restrictions on customer numbers?</p>	<p>On 29 May a new Public Health (COVID-19) Restrictions on Gathering and Movement) Order (No 3) 2020 was made, which comes into effect on Monday, 1 June 2020.</p> <p>The Public Health Order requires that, before reopening, a COVID-19 Safety Plan must be in place to outline how each facility will keep its customers and workers safe.</p> <p>The template to create a COVID-19 Safety Plan is available on the NSW Health website here. Each Safety Plan template provides information about how to comply with requirements under the four key areas of: wellbeing of staff and visitors; physical distancing; hygiene and cleaning, and record keeping.</p> <p>The Order allows <i>pubs and registered clubs</i> to be open so long as certain conditions and restrictions are met.</p>

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	<ul style="list-style-type: none"> • <i>Pub</i> means licensed premises under the <i>Liquor Act 2007</i> the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation, and whether or not food is sold, or entertainment is provided on the premises. • <i>Registered club</i> means a club that holds a club licence under the <i>Liquor Act 2007</i>. This includes a racing club within the meaning of the <i>Liquor Act</i>. <p>Separate parts of the Order apply to micro-breweries, small distilleries holding a drink on-premises authorisation under the <i>Liquor Act</i> or cellar door premises.</p> <p>The Order allows, in relation to <i>pubs</i>, <i>small bars</i> and <i>registered clubs</i> for the purposes of accessing goods and services other than accommodation, the number of customers that may consume food or drink on the premises to be the lesser of:</p> <ul style="list-style-type: none"> • 50 customers per existing separate seated food or drink area, or, • the total number of customers calculated by allowing 4 square metres of space for each customer (excluding staff members) on the premises. <p>Any persons on a bowling green on the premises are not to be counted in the total number of persons on the premises, provided no more than 20 persons are on the green at any one time.</p> <p>Existing separate seated food or drink area means a separate seated area for the consumption of food or drink that existed immediately before the making of this Order.</p> <p>The Public Health Order also requires that, before reopening, a COVID-19 Safety Plan must be in place to outline how each facility will keep its customers and workers safe.</p> <p>The template to create a COVID-19 Safety Plan is available on the NSW Health website here. Each Safety Plan template provides information about how to comply with requirements under the four key areas of: wellbeing of staff and visitors; physical distancing; hygiene and cleaning, and record keeping. The operator of all <i>food and</i></p>
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	<i>drink premises</i> that are open must keep a copy of the COVID-19 safety plan on the premises and make it available for inspection by an authorised officer as requested.
Are there any new obligations on pubs and registered clubs under the Public Health Order?	<p>The occupier or operator of premises must ensure that:</p> <ul style="list-style-type: none"> no person may be on the premises as part of an individual group of more than 20 persons unless those persons are engaging in work on the premises a person entering the premises, other than to collect takeaway goods, must provide the person's name and contact details, including a telephone number or email address, to the occupier or operator of the premises the occupier or operator of the premises must record the names and contact details, including telephone numbers or email addresses, of all persons entering the premises, other than persons entering to collect takeaway goods must have a COVID-19 safety plan <p>The template to create a COVID-19 Safety Plan is available on the NSW Health website here. Each Safety Plan template provides information about how to comply with requirements under the four key areas of: wellbeing of staff and visitors; physical distancing; hygiene and cleaning, and record keeping.</p> <p>The occupier or operator of the premises must keep a copy of the COVID-19 safety plan on the premises and make it available for inspection by an authorised officer as requested.</p>

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<p>What is council's role in enforcing the PHO for cafes and restaurants, given that council officers play an overlapping food safety inspection role?</p>	<p>Councils have not been asked to enforce the Public Health Order, which is a role for NSW Police. It is anticipated, however, that authorised officers of councils could identify public health and hygiene issues when undertaking food safety inspections that may indicate a food business is in breach of the Public Health Order.</p> <p>In the first instance, authorised officers should seek to notify the business that action may be required and to work with them to rectify issues by offering support and assistance where possible. The following template COVID-19 Safety Plans provided as industry guidance may assist in this regard for:</p> <ul style="list-style-type: none"> • pubs, clubs, bars and breweries, and, • restaurants and cafes <p>The NSW Food Authority is also providing advice and support to councils, including through its Food Regulation Partnership portal for authorised officers. Ultimately, if a business poses a continuing risk and compliance and enforcement action may be required, councils should refer these matters to NSW Police.</p>
<p>With the restricted reopening of cafes and restaurants, are routine food safety inspections expected?</p>	<p>The NSW Food Authority maintains a Food businesses and COVID-19 webpage which includes the latest advice surrounding the virus. Councils are advised to keep up to date with the latest developments on COVID-19 and food safety. The Food Authority's Local Government Unit is also regularly engaging with local councils. Please refer to the Food Regulation Partnership Portal for further specific advice surrounding food surveillance activities, or alternatively contact the NSW Food Authority for further information. The Food Standards Australia/New Zealand website also contains useful information.</p>
<p>Does the new COVID-19 Safety Plan template replace the voluntary</p>	<p>To assist in the reopening of many retail food businesses, food regulators previously developed a voluntary checklist for food businesses which was made available on the Food Regulation Partnership Portal.</p>

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checklist for food businesses?	<p>Since that time, new COVID-19 Safety Plans templates were released, including specific templates for pubs, clubs, bars and breweries, and restaurants and cafes. These templates provide industry guidance to support businesses seeking to operate under the Public Health Order that has applied since 1 June 2020. Councils and the food businesses they regulate should refer first to the Public Health Order and then to the relevant COVID-19 Safety Plan for each industry.</p> <p>Each COVID-19 Safety Plan template sets out the matters in the COVID-19 safety checklist that must be addressed by each business owner in that industry.</p>
Libraries	
When can libraries reopen and how many people can be in the library at once?	<p>Since 1 June 2020, the Public Health Order allows premises that are an information or education facility to be open so long as certain conditions and restrictions are met. Information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre, and the like. Any indoor cinemas, theatres or theatres within these facilities must be closed.</p> <p>The Order states that no more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) is permitted on the premises.</p> <p>The Public Health Order requires that, before reopening, a COVID-19 Safety Plan must be in place to outline how each facility will keep its customers and workers safe.</p> <p>The template to create a COVID-19 Safety Plan is available on the NSW Health website here. Each Safety Plan template provides information about how to comply with requirements under the four key areas of: wellbeing of staff and visitors, physical distancing, hygiene and cleaning, and record keeping.</p>

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	<p>The State Library of NSW is working with all NSW public libraries and providing assistance on reopening plans. Please see the State Library's Public Library Services website for details and contacts.</p>
<p>What are the new requirements libraries are required to follow?</p>	<p>The Public Health Order requires that, before reopening, a COVID-19 Safety Plan must be in place to outline how each facility will keep its customers and workers safe.</p> <p>The template to create a COVID-19 Safety Plan is available on the NSW Health website here. Each Safety Plan template provides information about how to comply with requirements under the four key areas of: wellbeing of staff and visitors; physical distancing; hygiene and cleaning, and record keeping.</p> <p>Councils and the managers of their libraries should refer first to the Public Health Order and then to the COVID-19 Safety Plan template for libraries. Importantly for libraries that are open any indoor cinemas, theatres or theatrettes must be closed and the library must have a COVID-19 safety plan, and a copy of the COVID-19 safety plan kept on the premises and make it available for inspection by an authorised officer as requested.</p>
<p>Can visitor information centres be open? Do any conditions apply?</p>	<p>Yes, since 1 June 2020 all information and education facilities have been able to open so long as certain conditions and restrictions are met, including visitor information centres.</p> <p>For visitor information centres that are open any indoor cinemas, theatres or theatrettes must be closed.</p> <p>The Order states that no more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) is permitted on the premises.</p> <p>The Public Health Order requires that, before reopening, a COVID-19 Safety Plan must be in place to outline how each facility will keep its customers and workers safe.</p>

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	<p>The template to create a COVID-19 Safety Plan is available on the NSW Health website here. Each Safety Plan template provides information about how to comply with requirements under the four key areas of: wellbeing of staff and visitors; physical distancing; hygiene and cleaning, and record keeping. A generic template is available where no industry specific template is available.</p> <p>The visitor information centre must also keep a copy of the COVID-19 safety plan on the premises and make it available for inspection by an authorised officer as requested.</p>
<p>Do libraries have to keep records of all people entering the library?</p>	<p>Yes. The COVID-19 Safety Plan template for libraries states that each library's Plan, which must be compiled with under the Public Health Order, must</p> <ul style="list-style-type: none"> • keep a record of name and a mobile number or email address for all staff, volunteers and visitors for a period of at least 28 days, and, • ensure records are used only for the purposes of tracing COVID-19 infections and are stored confidentially and securely. <p>You must also make your staff aware of the COVIDSafe app and its benefits to support contact tracing if required.</p>
<p>What cleaning and hygiene measures should be taken at libraries?</p>	<p>The COVID-19 Safety Plan template for libraries states that the following steps must be taken in relation to hygiene and cleaning:</p> <ul style="list-style-type: none"> • quarantine returned items for 24 hours and wipe down plastic cases or coverings before returning these to shelves • remove any toys and virtual reality headsets from public access • adopt good hand hygiene practices • encourage staff and visitors to wash their hands before and after touching books, DVDs, computers or any other materials • ensure bathrooms are well stocked with hand soap and paper towels

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	<ul style="list-style-type: none"> • clean frequently used areas at least daily with detergent or disinfectant • clean frequently touched areas and surfaces several times per day • disinfectant solutions need to be maintained at an appropriate strength and used in accordance with the manufacturers' instructions, and, • staff are to wear gloves when cleaning and wash hands thoroughly before and after with soap and water.
What steps are required to implement physical distancing?	<p>The COVID-19 Safety Plan template for libraries states that the following steps must be taken in relation to physical distancing:</p> <ul style="list-style-type: none"> • capacity must not exceed one person per 4 square metres • use signage at entrances to communicate the maximum safe capacity • move or remove seating and tables as required to comply with physical distancing • ensure no more than 10 visitors are at any storytime, workshop or other group activity at any one time • reduce crowding wherever possible and promote physical distancing with markers on the floor • where reasonably practical, ensure staff maintain 1.5 metres physical distancing at all times (including at meal breaks) • use telephone or video for essential meetings where practical • where reasonably practical, stagger start times and breaks for staff members to minimise the risk of close contact • consider physical barriers such as plexiglass around counters with high volume interactions with customers • review regular deliveries and request contactless delivery and invoicing where practical. Have strategies in place to manage gatherings that may occur immediately outside the premises, and,

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	<ul style="list-style-type: none"> coordinate with public transport, where reasonably practical, around strategies to minimise COVID-19 risks associated with transportation to and from the venue.
<p>What should council do if notified that a person with COVID 19 visited a library when sick?</p>	<p>Council should immediately contact their local Public Health Unit for advice. Contact details are available here.</p> <p>Libraries are required to:</p> <ul style="list-style-type: none"> keep a record of name and a mobile number or email address for all staff, volunteers and visitors for a period of at least 28 days, and, ensure records are used only for the purposes of tracing COVID-19 infections and are stored confidentially and securely. <ul style="list-style-type: none"> This information may be requested by or on behalf of the Chief Health Officer, including when a staff member or visitor may be infected with COVID-19.
<p>What steps must be taken to protect the wellbeing of staff and visitors?</p>	<p>The COVID-19 Safety Plan template for libraries states that the following steps must be taken in relation to the wellbeing of staff and visitors:</p> <ul style="list-style-type: none"> exclude staff, volunteers and visitors who are unwell provide staff and volunteers with information and training on COVID-19, including when to get tested, physical distancing and cleaning make staff aware of their leave entitlements if they are sick or required to self-isolate, and display conditions of entry (website, social media, venue entry). <p>The template COVID-19 Safety Plan also states, in relation to physical distancing, that libraries should:</p> <ul style="list-style-type: none"> where reasonably practical, ensure staff maintain 1.5 metres physical distancing at all times (including at meal breaks) use telephone or video for essential meetings where practical

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	<ul style="list-style-type: none"> • where reasonably practical, stagger start times and breaks for staff members to minimise the risk of close contact • consider physical barriers such as plexiglass around counters with high volume interactions with customers • review regular deliveries and request contactless delivery and invoicing where practical • Have strategies in place to manage gatherings that may occur immediately outside the premises, and, coordinate with public transport, where reasonably practical, around strategies to minimise COVID-19 risks associated with transportation to and from the venue. <p>You must also make your staff aware of the COVIDSafe app and its benefits to support contact tracing if required.</p>
Will there be restrictions on visitor numbers each day?	The Order only states that no more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) is permitted on the premises. No daily limit is specified.
Are customers able to browse the collections or should library staff access books for them?	The COVID-19 Safety Plan template for libraries states that libraries should encourage staff and visitors to wash their hands before and after touching books, DVDs, computers or any other materials.
What should be done about newspapers and magazines? What about toys and puzzles?	<p>The COVID-19 Safety Plan template for libraries states that toys and virtual reality headsets should be removed from public access. It also states that the following steps must be taken in relation to hygiene and cleaning:</p> <ul style="list-style-type: none"> • quarantine returned items for 24 hours and wipe down plastic cases or coverings before returning these to shelves • adopt good hand hygiene practices

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	<ul style="list-style-type: none"> encourage staff and visitors to wash their hands before and after touching books, DVDs, computers or any other materials, and, clean frequently used areas at least daily with detergent or disinfectant.
Are all books touched by a person in the library, as well as returns, to be quarantined for 24 hours?	<p>The COVID-19 Safety Plan template for libraries states that libraries</p> <ul style="list-style-type: none"> must quarantine returned items for 24 hours and wipe down plastic cases or coverings before returning these to shelves, and, should encourage staff and visitors to wash their hands before and after touching books, DVDs, computers or any other materials.
Should libraries make public computer access available or only the internet?	<p>The COVID-19 Safety Plan template for libraries does not refer to public computer access but states that libraries should remove any toys and virtual reality headsets from public access. It also states that libraries should:</p> <ul style="list-style-type: none"> encourage staff and visitors to wash their hands before and after touching books, DVDs, computers or any other materials clean frequently used areas at least daily with detergent or disinfectant clean frequently touched areas and surfaces several times per day move or remove seating and tables as required to comply with physical distancing, and, ensure no more than 10 visitors are at any storytime, workshop or other group activity at any one time.
What happens if a library or other building	<p>The café may open if it is able to comply with the relevant parts of the Public Health Order. See further information above in the section about Food Regulation.</p>

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Can you ask minors to sign in without parental permission – if not how do you ensure that you have permission when kids often go to libraries after school etc?	Visitors are not required to sign their name but are required to state their name and either a mobile number or email address. If a minor attends with a parent or guardian, the parent/guardian details will suffice. If attending the library unaccompanied, the minor must provide contact details in order to be admitted. Libraries have policies for use by minors based on Guidelines issued by the Library Council of NSW.
permitted to be open contains a café?	
Can galleries and museums now reopen?	Yes. The <i>Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020</i> NSW enables galleries, museums, information centres and the like to be open to visitors. Schedule 1 of the Order (No. 13. 'Information and education facilities') outlines the following limitations, restrictions and conditions that apply to these premises:
What are the rules for managing wellbeing of people on site, social distancing, hygiene and record keeping in these facilities?	<ul style="list-style-type: none"> • Limitation - there must be no more than the total number of people allowing 4m² for each person in the facility at any one time, including staff members • Conditions: <ul style="list-style-type: none"> (a) indoor cinemas, theatres or theatrettes must be closed (b) facilities must have a COVID-19 safety plan. <p>The <i>COVID-19 Safety Plan for Museums and Galleries</i> is available on the NSW Government COVID-19 website to help councils and other operators of museums and galleries to create and maintain a safe environment for staff and visitors.</p> <p>The 3-page Safety Plan is designed to be simple and quick to fill out online, and to easily share for consultation input and approval.</p>

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	<p>Key issues councils are asked to consider include:</p> <ul style="list-style-type: none">• Wellbeing of staff and visitors – e.g. excluding those who are unwell, staff training, conditions of entry• Physical distancing – e.g. ways to facilitate the 4m² rule – consider time-based bookings, space eating in the facility out to ensure the 1.5m social distancing rule is met, no more than 10 visitors per tour group, markers on floors, managing entry and exit etc• Hygiene and cleaning – promote good hand hygiene, enhance cleaning in bathrooms and frequently used areas, encourage contactless payment, consider replacing printed guides with downloadable ones,• Record keeping – keep a record of name and mobile number or email address of every person (staff, volunteers, clients and visitors). For at least 28 days. This may be required by NSW Health if a COVID-19 outbreak is linked to your facility. <p>Councils must keep a copy of the COVID-19 safety plan on the premises and make it available for inspection by an authorised officer, if and as requested.</p> <p>Create NSW continues to work with all partner galleries and museums to provide assistance on reopening and operational plans during this period. Please see the Create NSW website for details and contacts.</p> <p>Create NSW conducted a webinar on Friday 29 May, details of which will be available on their website shortly.</p> <p>Councils should continue to update their COVID-19 Plans, as required. Further information will also continue be provided to councils as it becomes available.</p>
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Community centres and halls	
<p>Can my council open our community centre or hall?</p> <p>What limitations now apply to using our community centre or hall?</p>	<p>Yes. The <i>Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020</i> NSW enables community centres to be open from 13 June for all normal activities.</p> <p>Councils should determine whether or not premises are a 'community centre'. However, feedback from councils suggests that this may be any building in which members of the community meet for social or other purposes whether or not it is called a 'community centre'. Common examples include town and community halls and neighbourhood centres. Some examples of use can include religious services, weddings and the operation of men's sheds.</p> <p>Schedule 1 of the Order (No. 7 - 'Community centres') outlines the following limitations and conditions now apply to these premises:</p> <ul style="list-style-type: none"> • Limitation - there must be no more than the total number of people allowing 4m² for each person in the facility at any one time, including staff members, on the premises • Conditions - <ul style="list-style-type: none"> (a) any class or organised event provided at the centre must have no more than 20 people participating (not including the instructor, assistants or parents, guardians and carers of participants); (b) the centre must have a COVID-19 safety plan. <p>On 2 June 2020 the Government announced that, from 13 June, fitness, gymnasiums, Pilates, yoga and dance studios can reopen with up to 20 people per class and 100 people in an indoor venue. The four-square metre rule must be applied at all times in relation to use of each of these types of premises. Further information will be provided as it becomes available.</p>

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<p>Can funerals and wakes be held in community centres?</p>	<p>On 13 June the Minister for Health and Medical Research signed an exemption in relation to funeral services. The exemption commenced on 14 June 2020. Under the exemption:</p> <ul style="list-style-type: none"> • There is no overall limit to the numbers of people at funerals, memorial services or a gathering immediately after a funeral or memorial service. <p>The maximum number of people permitted on non-residential premises will be determined by the 4 square metre rule provided that the occupier develops and complies with a COVID-19 safety plan that addresses the matters in the checklist for funerals approved by the Chief Health Officer.</p> <ul style="list-style-type: none"> • If a place of public worship, a funeral premises or crematorium would be prevented from having more than 50 people as a result of the 4 square metre rule, they can have up to 50 people for a funeral, memorial service or a gathering immediately after a funeral or memorial service provided that the occupier takes reasonable steps to ensure persons, who are not members of the same household, maintain a distance of 1.5 metres.
<p>Organised sporting activities and recreation facilities</p>	
<p>Can recreational facilities now be re-opened?</p>	<p>The <i>Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020</i> provides that major recreation facilities, such as parks, sports stadiums and showgrounds used for recreational activities may be open for the public to use regularly or periodically.</p> <p>Councils should determine whether or not a premises is a 'recreational facility' (indoors or major) using the definitions in clause 3 of the Order.</p> <p>From Saturday 13 June 2020 community centres, including their recreational facilities, can also reopen. NSW Health has clarified that indoor recreation facility operators will be required to ensure the following capacities are adhered to within their venues:</p> <ul style="list-style-type: none"> • Ensure the number of people in a facility does not exceed one person per 4 square metres, including staff (i.e. the 100 person indoor premises rule will not apply to indoor recreation facilities); and

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	<ul style="list-style-type: none"> • Ensure sport and recreation activities have no more than 10 participants, plus the instructor and any assistants, per space and comply with one person per 4 square metres. <p>Additionally, from Saturday 13 June 2020, the number of people allowed to gather outdoors has increased from 10 to 20, which will impact on outdoor sporting activities.</p> <p><u>Important information for all indoor and outdoor sports facilities</u></p> <p>Public Health Orders will require that all sporting and recreational facilities have a COVID-19 Safety Plan outlining how each facility will keep users, visitors and workers safe.</p> <p>Templates to create a COVID-19 Safety Plan are available on the NSW Health website here. Each Safety Plan template provides information about how to comply with requirements under the four key areas of: Wellbeing of staff and visitors; Physical distancing; Hygiene and cleaning, and; Record keeping.</p> <p>It is also important that councils have signs and posters around the facility to remind workers, customers, visitors and others of the risks of COVID-19 and the measures necessary to stop its spread.</p> <p>Signage and posters are available for download here.</p>
<p>What does the latest Public Health Order mean for the conduct of sporting activities?</p>	<p>Sporting activities can continue in accordance with the Public Health Orders.</p> <p>The latest Public Health Order does not prevent any sporting organisation from resuming training.</p> <p>NSW State Sporting Organisations can train as long as they comply with the current Public Health Orders, including training in maximum groups of 20 people and following the 4 square metre rule.</p> <p>It is up to the sporting organisation to adapt or modify their sport, to be in line with the Public Health Orders.</p> <p>The Government has announced that, from 1 July, indoor and outdoor community sport competitions can restart from players of all ages. COVID-19 safety plans for each activity or sport are critical to enable this re-start.</p>

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	<p>This announcement is designed to give groups and local government which manages many of these facilities, time to work through all the new changes. Further information will be provided as it becomes available. However, templates to create a COVID-19 Safety Plan is available on the NSW Health website here. Each Safety Plan template provides information about how to comply with requirements under the four key areas of: Wellbeing of staff and visitors; Physical distancing; Hygiene and cleaning, and; Record keeping.</p> <p>Councils should also note that kiosks and canteens in recreational and sports facilities are considered food and drink premises, and therefore require a separate COVID-19 safety plan under the Public Health Orders.</p>
<p>What information should councils consider when deciding whether to open an outdoor recreational facility, or allow organised sport to take place on land under their care and control?</p>	<p>Councils should note that for indoor and outdoor community sport competitions to restart from 1 July 2020, a COVID-19 safety plan must be in place for the facility where they are held.</p> <p>When making decisions about the running of sporting activities on land and in recreational facilities under their care or control, councils must consider the requirements in the Public Health Orders.</p> <p>Council should base their decisions in relation to the conduct of sporting activities on land and in recreational facilities under their care and control on their own policies and procedures in place during the COVID-19 pandemic.</p> <p>Councils may wish to consider guidance and materials such as Sport Australia's Return to Sport Toolkit or guidelines issued by bodies such as Sport NSW to assist in their discussions with community sport. It should be noted that these frameworks need to be considered within the context of local conditions, the requirements of the NSW Public Health Order and any sport specific guidelines and guidance.</p>
<p>Can more than one group of 20 people gather at a recreational facility?</p>	<p>Many outdoor sporting grounds and facilities include multiple separate areas and facilities which can be used by different groups at the same time, such as soccer pitches, tennis courts or bowling greens within a complex.</p>

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	In each case, council and the relevant sporting groups should consider whether up to 20 people using each area at the same time can be managed in light of the distance between these areas and whether participants will be sharing use of common facilities.
Do councils have to reopen any sporting grounds and facilities that are currently closed?	It is a matter for each council to determine whether or not to open any sporting facilities for which they are responsible based on information available to them. When making this decision, councils may wish to consider whether it is possible to meet social distancing and public hygiene requirements (e.g. whether there will be 4m ² of space per person), guidance from the NSW Office of Sport and the relevant sporting code, as well as their own policies and procedures in place during the COVID-19 pandemic. However, the NSW Government urges all councils to keep public facilities open and operational, where possible.
Can councils reopen grounds or a facility but restrict use to fewer than 20 people?	It is a matter for each council to determine whether or not to open any sporting grounds and facilities for which they are responsible and any conditions that apply to their use. Councils are responsible for complying with the Public Health Orders when managing these. This means councils must enforce any closure orders or conditions placed on the use of public facilities to protect public health. They should work with their Police Local Area Command in implementation of any restrictions.
Do councils have to keep facilities at sporting grounds open where they are the only public toilets?	No. However, councils should carefully consider whether it is in the public interest to keep these facilities open where they are the only public toilets available to residents.

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<p>What should councils do where they have waived fees or made similar subsidies on the assumption that sporting activities cannot proceed?</p>	<p>It is a matter for each council to determine whether to review the term of any subsidies or waivers previously granted and may wish to take into account whether activities have recommenced and the extent to which fields and related facilities are open and in use.</p> <p>With the ongoing uncertainty associated with the COVID-19 pandemic, councils are being asked to waive fees, and charges for those facing hardship, balanced against compliance with legislative requirements, including local sporting clubs and organisations.</p> <p>To provide flexibility in waiving fees and charges, the Government announced measures that allow councils to waive or reduce fees under a new COVID-19 category. This means that councils can immediately apply a fee waiver or reduction for this purpose, without following the usual requirements to establish a category, while also bypassing the need to provide 28 days' public notice.</p> <p>These measures are discretionary on a council-by-council basis and should take into consideration both the financial circumstances of the local community and the flow-on impacts on council revenue and the wider community.</p>
<p>What should councils do if the grounds or facilities needed for sport are not currently ready for use?</p>	<p>Each council has separate arrangements in place for the use of sporting fields and facilities as well as the cleaning and maintenance of grounds and on-site facilities. Where these grounds or facilities are currently closed and council is considering opening them, they may wish to consider whether they remain appropriate for use. It is suggested that councils discuss these issues with local organisations that commonly use the grounds or facility to identify how best to manage these issues and when it may reopen.</p>
<p>What has changed in terms of professional sporting activities?</p>	<p>Professional sports organisations are workplaces and therefore are permitted to continue their operations at this time in NSW.</p>

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	Professional sports training and competition can proceed with restrictions on spectators and attendance provided they meet their occupational health and safety obligations and comply with relevant Ministerial directions and other legal requirements. Further information is available on the NSW Office of Sport website .
How should changing facilities and toilets at sporting grounds and facilities be managed?	Where possible, councils should consider options to limit the use of communal spaces such as change rooms to assist with the implementation of social distancing consistent with the advice of the Australian Institute of Sport. Councils should carefully consider whether it is in the public interest to keep these facilities open where they are the only public toilets available to residents.
Beaches, parks and other outdoor spaces	
What limitations apply to gatherings on beaches, in parks and at other outdoor spaces?	In general, people are now able to participate in an outdoor gathering for any normal purpose, including for social activities, of up to 20 people in public places, unless gathering at a public place with restrictions specified under Schedule 1 (as summarised elsewhere in these FAQs). This includes outdoor public swimming pools (see separate FAQ), outdoor play equipment in public places, outdoor gymnasium equipment in public places and skateparks.
Does the total number of people include children?	Yes. Both children and adults must be counted in considering whether a gathering is of more than 20 people in a public place.
What is the overall limit to the number of people that	Owners and operators must not allow more than 500 people to be in a predominantly outdoor space at any one time, unless for essential purposes provided in Schedule 2.

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Can each group of people in an outdoor public area need to remain a certain distance apart?	<p>From 13 June 2020, in general, no more than 20 people to gather in public spaces. This means that:</p> <ul style="list-style-type: none"> no more than 20 people in a group can occupy a space together so that individual people are not closer than 1.5 metres apart within that group, more than one group of 20 people can use a public outdoor area at the same time if: <ul style="list-style-type: none"> the overall limit of 500 people in an outdoor area is not exceeded where there is more than one group of people in a space, the people in that group should be at least 1.5 metres from the people in any other group, and, there is sufficient space in that outdoor area for each person to have 4m² each.
Are councils required to reopen beaches, parks and other outdoor spaces?	<p>It is a matter for each council to determine whether or not to open any outdoor spaces for which they are responsible and any conditions that apply to their use. Where a council determines it is necessary to close a space or to restrict its use, clear public signage should be placed at key access points.</p>
Can BBQ areas and picnic shelters be reopened? If so, what conditions must or should apply?	<p>It is a matter for each council to determine whether or not to open any outdoor spaces for which they are responsible and any conditions that apply to their use. Where a council decides to open BBQ areas and picnic shelters it should consider additional measures to keep facilities clean for the purposes of public hygiene, so far as possible.</p> <p>Ultimately, however, it is a matter for the public to use these facilities at their own risk in terms of their cleanliness.</p>

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Can beaches be opened?	<p>It is a matter for each council to determine whether or not to open any outdoor spaces for which they are responsible and any conditions that apply to their use, noting the overall limit on people in a predominantly outdoor public place is 500.</p> <p>As the Public Health Order does not specify the purposes for which people can gather outdoors or why they may leave their homes, use of any beaches that are open is not conditional unless a specific condition is applied by a council.</p> <p>Where a council determines it is necessary to close a space or to restrict its use, clear public signage should be placed at key access points.</p>
Can councils apply additional conditions that are more restrictive than the Public Health Order?	<p>It is a matter for each council to determine whether or not to open any outdoor spaces for which they are responsible and any conditions that apply to their use. Councils should exercise caution in applying any additional conditions that are not strictly required to ensure that the Public Health Order is complied with. If a council applies any further conditions, those conditions must be within council's powers and enforced by council's authorised compliance and enforcement officers.</p>
What is councils' role in terms of managing public use of beaches and other outdoor spaces?	<p>Councils are not responsible for enforcing the Public Health Order but are responsible for managing public areas and facilities for which they are responsible. This means that councils are responsible for enforcing closure orders or any conditions placed on use of a public area or facility, even if that is for the purposes of protecting public health. They should work with their Police Local Area Command in implementation of any restrictions.</p>
Can councils allow outdoor food markets and outdoor markets that do	<p>Yes. Both food and non-food markets may open, where each market has a COVID-19 safety plan that addresses the COVID-19 Safety checklist, and the organiser can ensure there is four square metres of space for each person on the premises.</p>

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not predominantly sell food to be held?	
Outdoor public play equipment, gym equipment and skateparks	
Can outdoor play equipment and outdoor gym equipment open?	Yes. Public outdoor play equipment, outdoor gyms and skateparks can open at the discretion of council and if compliant with the Government's outdoor spacing rules, social distancing and good public health and hygiene practices. Councils should consider how they can support good social distancing and hygiene practices by users.
Is council required to open its outdoor play equipment, outdoor gym equipment and skateparks?	No. This is matter for individual councils. However, where possible councils are encouraged to keep public facilities and equipment open.
What obligation lies on the council as the facility operator? Do councils have an obligation to ensure the 500 people/4sqm distancing rules?	The Public Health Order requires that owners and operators of predominantly outdoor spaces must not allow more than 500 people at the premises same time, and that the 4 square metre distancing rule must continue to be observed. The public gathering rule of no more than 20 people also applies. Councils could consider erecting signage to remind users of community equipment to continue to observe the social distancing and gathering advice and to remind them of good health and hygiene practices. Users should maintain social distancing, not go out if they are sick and get tested. Councils are not responsible for enforcing the Public Health Order but are responsible for managing public areas and facilities for which they are responsible. This means that councils are responsible for enforcing closure orders or any conditions placed on use of a public area or facility, even if that is for the purposes of protecting public health. They should work with their Police Local Area Command in implementation of any restrictions.

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What does <i>with caution</i> mean?	The Government is urging people making use of outdoor public facilities to continue to observe health and hygiene standards by washing their hands before and after using equipment and to assume the person who has used the equipment before them has the virus.
What is the expectation of cleaning of outdoor playground equipment - which is rarely cleaned and there would be a significant cost to put in place a cleaning regime that deals with COVID-19?	The NSW Government advice is that users may use outdoor exercise and playground equipment, but should do so with caution, and to wash their hands before and after they use the equipment and to assume the person who has used the equipment before them has the virus. NSW Health suggests, where possible, that councils consider increased maintenance of handwashing facilities or the provision of hand sanitiser near playgrounds. Cleaning of outdoor equipment could improve the health and hygiene of the community however councils are not obliged to clean public outdoor equipment.
Are there time limits on the use of outdoor equipment?	Time limits have not been specified in the Public Health Order. Councils could consider erecting signage to remind users of community equipment to continue to observe the social distancing and gathering advice, and to remind them of good health and hygiene practices. Community members should observe good social etiquette when using public facilities.
Can councils open playgrounds? What restrictions are in place	Since 14 May 2020 outdoor playgrounds and play equipment in public places have been reopened and may be used with caution. Where possible, councils are encouraged to open these facilities and to keep them open. Ultimately, however, this is a matter for councils to decide.

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<p>under the Public Health Order?</p>	<p>The following key rules are currently in place under the Public Health Orders</p> <ul style="list-style-type: none"> • no more than 20 people can gather together in public places • the size of the space must be sufficient to ensure there is 4m² of space for each person using the space, and, • owners and operators must not allow more than 500 people to be at a predominantly outdoor space at the same time. <p>Councils are not responsible for enforcing these requirements in the Public Health Order, which is a matter for NSW Police. However, as the manager of public areas that contain playgrounds, councils need to take these rules into account in deciding whether to allow specific facilities to be open and whether any specific conditions should apply.</p> <p>Councils should also consider how they can support good social distancing and health and hygiene practices by users, such as by installing signage and notices to communicate the rules that apply.</p> <p>Further detailed advice for councils about managing public playgrounds has also been issued by the Office of Local Government.</p>
<p>Does the “20 person gathering rule” apply for the use of outdoor play equipment?</p>	<p>Yes. Unless a council has chosen to apply further restrictions, the rule that requires no more than 20 people to gather in public spaces means that:</p> <ul style="list-style-type: none"> • no more than 20 people in a group can occupy a space together so that individual people are closer than 1.5 metres apart within that group, • more than one group of 20 people can use a public outdoor area at the same time if: <ul style="list-style-type: none"> ◦ the overall limit of 500 people in an outdoor area is not exceeded; ◦ where there is more than one group of people in a space, the people in that group should be at least 1.5 metres from the people in any other group; and, ◦ there is sufficient space in that outdoor area for each person to have 4m² each.
<p>Is the “10 person gathering rule” just for the children using the equipment, or is it inclusive of the adults supervising? What if the</p>	

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adults are appropriately distanced?	Each adult and child within the playground area should be counted towards the total of 20 people within an individual gathering. Further detailed advice for councils about managing public playgrounds has also been issued by the Office of Local Government.
Swimming pools	
Can I open my council's public swimming pool?	<p>Indoor and outdoor public swimming pools can now reopen. However, Public Health Orders require that all swimming pools must have a COVID-19 Safety Plan outlining how each facility will keep its customers, visitors and workers safe.</p> <p>The template to create a COVID-19 Safety Plan is available on the NSW Health website here. Each Safety Plan template provides information about how to comply with requirements under the four key areas of: Wellbeing of staff and visitors; Physical distancing; Hygiene and cleaning, and; Record keeping.</p> <p>It is also important that councils have signs and posters around the facility to remind workers, customers, visitors and others of the risks of COVID-19 and the measures necessary to stop its spread.</p> <p>Signage and posters are available for download here.</p> <p>The Public Health Orders also require that facility managers ensure the number of people in a facility does not exceed one person per 4 square metres, including staff. Further information about managing the 4 square metre rule for swimming pools (including in relation to number of swimmers allowed per lane and number of people allowed in learn to swim classes) can be found in the template to create a Swimming Pool COVID-19 Safety Plan, which is available on the NSW Health website here</p> <p>Councils should also note that, from Saturday 13 June 2020, groups of up to 20 people may gather in outdoor areas of outdoor swimming pools.</p>

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Must I open my council's public swimming pool?	No. This is a matter for local councils to determine based on their own operating conditions, including seasonal considerations.
What are the restrictions on the number of people allowed in a pool?	The Public Health Orders require that facility managers ensure the number of people in a facility does not exceed one person per 4 square metres, including staff. Further information about managing the 4 square metre rule for swimming pools (including in relation to number of swimmers allowed per lane and number of people allowed in learn to swim classes) can be found in the template to create a Swimming Pool COVID-19 Safety Plan, which is available on the NSW Health website here .
Does this requirement apply to artesian baths, ocean pools and baths?	This includes any outdoor pool classified as such by the council. However, in relation to ocean pools, as a rule of thumb, pools which have natural ocean flows entering the pool may be classified by the council as part of the ocean rather than a swimming pool for the purposes of the Public Health Order. This is a matter for consideration of the individual circumstances of each water body.
Are there any specific restrictions in place for spectators or parents/carers accompanying children?	For both indoor and outdoor pools, venue managers must ensure any spectators comply with the four square metre rule, such as through staggered seating. People who live in the same household are not required to distance. For children's swim classes, take reasonable steps to ensure parents/carers supervising or supporting children are physically distancing.

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Must we close change rooms?	Where possible, councils should consider options to limit the use of communal spaces such as change rooms to assist with the implementation of social distancing consistent with the advice of the Australian Institute of Sport.
Must we keep public toilets open?	This is a matter for local councils to determine. However, councils should, where possible and practical, keep public facilities open.
What about swimming pools for which councils contract out their pool management?	Councils are still responsible for ensuring pools for which they contract out the management of meet the requirements of the Public Health Order. Councils will need to assess the viability of opening any pools under their care and control in consultation with contractors.
Are there any specific restrictions in place for spas, saunas and steam rooms?	Saunas and spa pools should have no more than 10 people inside at any one time or one person per 4 square metres, whichever is the lesser. If capacity cannot be closely monitored then these facilities should remain closed. Steam rooms are higher risk and should have no more than 10 people inside at any one time or one person per 4 square metres, whichever is the lesser. Steam rooms should be cleaned with a detergent and disinfectant several times per day, should the facility choose to open them for use.

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Caravan parks and camping grounds

Can caravan parks and camping grounds reopen?	<p>From 1 June 2020 caravan parks and camping grounds can re-open.</p> <p>The 1 June 2020 Public Health Order requires that, before reopening, all caravan parks and campgrounds have a COVID-19 Safety Plan outlining how the business will keep its customers and workers safe.</p> <p>The template to create a COVID-19 Safety Plan is available on the NSW Health website here.</p> <p>The Public Health Order does not set out a maximum number of people who may stay in a caravan park or campground. However:</p> <ul style="list-style-type: none"> • outdoor spaces must not comprise 500 or more persons at the same time • the 4 square metre distancing rule must continue to be observed, and, • the public gathering rule of no more than 20 people also still applies. <p>It is also important that councils have signs and posters around the facility to remind workers, customers, visitors and others of the risks of COVID-19 and the measures necessary to stop its spread.</p> <p>Signage and posters are available for download here.</p> <p>Some specific conditions also apply to National Parks and Wildlife Service (NPWS) campgrounds, see below.</p>
Are there any specific restrictions applying to council managed caravan parks and campgrounds?	<p>The general conditions of the Public Health Order apply to council-managed caravan parks and campgrounds (see above). However, councils should also consider how they can support good social distancing and health and hygiene practices by users of these facilities, such as by installing signage and notices to communicate the rules that apply.</p> <p>Councils are not responsible for enforcing the Public Health Order but are responsible for managing public areas and facilities for which they are responsible. This means that councils are responsible for enforcing closure orders or any conditions placed on use of a public area or facility, even if that is for the purposes of protecting public health. They should work with their Police Local Area Command in implementation of any restrictions.</p>

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<p>Do I need to provide a COVID-19 Safety Plan for free camping grounds with no shared facilities/amenities?</p>	<p>No. The Public Health Order allows certain camping grounds and caravan parks to open if certain terms are met, as set out met. For this purpose:</p> <ul style="list-style-type: none"> • <i>camping ground</i> means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, and • <i>caravan park</i> means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed. <p>A free camping area with no facilities that is used by the public to camp in tents are not covered by Schedule 1 of the Public Health Order. This means that the occupier or operator of premises that are an outdoor space (such as a council) must not allow more than 500 people to be on the premises at the same time, and, must not allow persons to be on the premises if its size is insufficient to ensure that there is 4 square metres of space for each person on the premises.</p> <p>Members of the public who participate in a public gathering of more than 20 people by free camping may also be in breach of the Public Health Order, for example, if they are not all members of the same household.</p> <p>Councils should, however, consider posting signs or other information at commonly used free camping areas to encourage those using the grounds to take steps to protect their own health and hygiene and those of others.</p>
<p>What are the restrictions on the use of NPWS campgrounds?</p>	<p>Most NPWS campgrounds, cabins and cottages will reopen from Monday 1 June, in line with the easing of holiday travel restrictions announced by the NSW Government.</p> <p>From 1 June 2020, all NPWS campgrounds, cabins and cottages require a booking until further notice (including locations where a booking was not previously required). This does not include backcountry/wild camping, which is permitted without a formal booking, but campers must complete a trip intention form before arriving.</p>

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	Physical distancing is still required for all activities in NSW national parks. Current rules on public gatherings also continue to apply. Due to the recent bushfires and floods, some national parks and some NPWS sites remain closed. The most up to date information about NPWS campgrounds, cabins and cottages including in relation to bookings can be accessed here or by calling the NPWS contact centre on 1300 072 757.
Boating and other recreational vessels	
Is there an exemption to allow use of boats and other recreational vessels on waterways? What rules for managing social distancing and hygiene apply for using recreational vessels?	Yes. As of 19 May 2020, operators of a recreational vessel can take a vessel out, as long as the following conditions are met: <ul style="list-style-type: none"> All people on the boat, or other recreational vessel, are members of the same household, and/or Any people on the boat or other recreational vessel who are not members of the same household shall, so far as is reasonably practicable, maintain a physical distance of 1.5 metres.
Does the exemption for recreational vessels apply to boats used for commercial purposes?	No. This exemption only relates to boats and other vessels used for a non-commercial purpose.
Future easing of COVID-19 restrictions	
Are further easing of gathering restrictions planned?	The Government has announced that from 1 July 2020: <ul style="list-style-type: none"> The number of people allowed inside indoor venues will be determined by the 'one person per 4 square metre' rule, with no upper limit. This includes function centres. All activity must be seated only.

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	<ul style="list-style-type: none">• Cultural and sporting events at outdoor venues with a maximum capacity of 40,000 will be allowed up to 25 percent of their normal capacity. Events must be ticketed and seated and follow strict guidelines. Further information will be available as the forthcoming Public Health Orders are amended to enact these changes. In the meantime, please visit the NSW Government's COVID-19 website for the most up to date information.
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ORDINARY MEETING OF THE COUNCIL

September 2, 2020

ITEM 13BROKEN HILL CITY COUNCIL REPORT NO. 130/20

SUBJECT: REQUEST FOR GRANT FUNDING - GOLF BROKEN HILL INC
11/117

Recommendation

1. That Broken Hill City Council Report No. 130/20 dated September 2, 2020, be received.
2. That Council votes to increase the annual Community Assistance Grants fund by \$6,000.00 (from \$98,000.00 to \$104,000.00) per year commencing in the current financial year for Round 2 of the grants program.
3. That the \$6,000.00 be set aside as a community grant for Golf Broken Hill Inc each year should they apply and meet all eligibility and assessment criteria, otherwise the funds will be included in the available Community Assistance Grants budget for all applications for Round 2 each year.
4. That Golf Broken Hill Inc be encouraged to apply to the Community Assistance Grants Program annually to assist with the operation of the Broken Hill Golf Course.

Executive Summary:

Council has received a request from Golf Broken Hill Inc for financial assistance towards improvements at the Broken Hill Golf Club to ensure its viability and to assist the development of the Golf Club into a first-class facility.

This report is presented to Council to consider whether to approve an annual increase to the Community Assistance Grants (CAG) fund of \$6,000.00 to be set aside for Golf Broken Hill Inc should they apply and meet all eligibility and assessment criteria. Should Golf Broken Hill Inc not apply to one of the two rounds of funding each year, then the additional funds will be available to all applicants to Round 2 of the CAG program.

Report:

The purpose of the Community Assistance Grants Program is to provide a framework to ensure that the allocation of Council's limited resources is undertaken in a fair, transparent, accountable and ethical manner. Council recognises that there can be difficulties in meeting community expectations with the increasingly limited financial resources available. Council also recognises that it is accountable to the community for the management and disbursement of its funds and that it must be done in a manner that maximises the benefits to the community and is seen as fair and equitable.

The eligibility and assessment criteria of the Community Assistance Grants is as follows:

4.5.1 - Eligibility Criteria

Council will not support applications that do not meet all of the following eligibility criteria:

- a) Applicant must be an incorporated community association/organisation, or a registered not-for-profit association/charitable organisation with an ABN or ACN. Applications will not be accepted from individuals, businesses, government agencies, political parties or lobby groups.
- b) Applicants must lodge a completed application using Council's standard Community Assistance Grant Program Application Form in accordance with any published guidelines.
- c) Applications must be received on or before the advertised due date.
- d) Applicants must provide evidence that they have appropriate insurances in place.
- e) The event/project/service/activity must be scheduled to occur within the same financial year the application is made and support is received.
- f) The funds received through Community Assistance Grants must not be used to raise funds on behalf of another group.
- g) Applicants may not have received any other sponsorship support from Council within the same financial year, regardless of whether it was for a different event/project/service/activity.
- h) Applicants must have complied with, to Council's satisfaction, the conditions of any previous grant, support or Community Assistance Grant received from Council.
- i) The event/project/service/activity must be consistent with the community values defined in the Community Strategic Plan.
- j) The event/project/service/activity must apply uniformly to all persons in the Broken Hill Local Government Art or to a significant group of persons within the area.
- k) The applicant must be capable of obtaining all regulatory approvals for the event/project/service/activity.
- l) If a public information session is scheduled in connection with a round of Community Assistance Grant funding, a representative of the applicant must attend, or otherwise meet with the relevant Council Officer in advance of the application deadline.

4.5.2 – Assessment Criteria

Applications that satisfy the eligibility criteria set out in clause 4.5.1 will then be assessed by the CAG Panel against the following assessment criteria, which will be weighted according to Council's strategies:

- a) Social benefit to the community. Considerations include: number and age of participants; skills and knowledge developed by applicants.
- b) How the project will support an identified need within or develop community strengths. Considerations include: alignment to the Community Strategic Plan and

Delivery Program outcomes; the relevant impact on the Broken Hill community through the implementation of the initiative.

Along with the above criteria, as part of the application process, applicants are also required to provide proof of current insurances, and a copy of their latest financial statements to ascertain an organisation's financial capability should a grant be awarded and for whatever reason, the organisation is required to repay Council if the grant agreement is not adhered to.

These standard requirements will apply to Golf Broken Hill Inc as part of the application process, in the same way as they apply to all applicants.

Request from Golf Broken Hill Inc

Council has received a request from the new administration of Golf Broken Hill Inc for a form of annual financial assistance to help the executive committee to redevelop the golf course and clubrooms and to promote the facility as the best inland golf course in remote and regional Australia.

Golf Broken Hill Inc are seeking other funding opportunities to offset utility costs such as a grant for a large solar system to offset electricity charges and the installation of rainwater tanks to offset water charges. They are seeking funding opportunities to carry-out an initial upgrade to the facility with the installation of new practice nets and computer systems to enhance the experience for members and guests.

The provision of an annual rates subsidy of \$6,000.00 through the CAG program (current land rates for the Golf Club facility are approximately \$12,000.00) will allow Golf Broken Hill Inc the opportunity to channel more of their finances to improve and enhance the facility.

The development of the Golf Club into a first class facility will enhance the overall attractiveness of Broken Hill as a liveable City for the attraction and retention of new residents and will also be a drawcard for the attraction of tourists who travel the golfing circuit and enjoy the serenity and the unique natural environment of a location.

The Broken Hill Golf Course, with its grassed course; its neighbouring hills; its resident wildlife and amazing vista and sunsets viewed from the Clubhouse balcony, will benefit greatly through ongoing financial assistance to assist their growth as a major attraction for the City.

Broken Hill Advocacy Strategy

The development of the Broken Hill Golf Club aligns with the overall aim of the Broken Hill Advocacy Strategy which states:

“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...”

Community Strategic Plan

The Community Strategic Plan outlines the vision, goals and strategies for the community, and is not limited to the responsibilities of any one government or organisation. It

acknowledges that not one party alone can make things happen; and it takes partnerships to achieve a vision.

The objectives of the Community Strategic Plan set the priorities in Council Delivery Program and annual Operational Plan and are included with strategies in which they can be achieved and implemented at a local government level.

The development of the Broken Hill Golf Club aligns with the following objectives of the Community Strategic Plan:

- Objective 1.4 – Our built environment supports our quality of life*
- Objective 1.5 – Our health and wellbeing ensures that we live life to the full*
- Objective 2.1 – Our economy is strong and diversified and attracts people to work, live and invest*
- Objective 2.2 – We are a destination of choice and provide a real experience that encourages increased visitation*
- Objective 3.2 – Natural flora and fauna environments are enhanced and protected*
- Objective 3.3 – Proactive, innovative and responsible planning supports the community, the environment and beautification of the City*
- Objective 4.3 – We unite to succeed in Australia's First Heritage Listed City*

Council has an opportunity to assist an organisation to remain viable and to carryout annual improvements to its facility which supports Council's vision to enhance the overall attractiveness of Broken Hill as a place to visit, invest or live.

The report is presented for Council to consider an annual increase of \$6,000.00 to the CAG budget commencing from Round 2 of 2020/2021 and for these funds to be quarantined as a rates subsidy for Golf Broken Hill Inc should they apply through the CAG program and meet all eligibility and assessment criteria.

Community Engagement:

Round 2 of the CAG Program is open and is currently being advertised. Applications close on 31 October 2020.

Strategic Direction:

- Key Direction: 4. - Our Leadership
- Objective: 4.3 - We Unite to Succeed
- Function: Leadership and Governance
- DP Action: 4.3.1.7 - Gain a better understanding of possible alignments between Council and community groups, local associations and volunteers to ensure opportunities to work together are identified.

Relevant Legislation:

Local Government Act 1993, Section 356
Local Government General Regulations 2005
 Council's adopted Community Assistance Grants Policy

Financial Implications:

An increase of \$6,000.00 to the Community Assistance Grants program (from \$98,000.00 to 104,000.00) will be included in the next quarterly budget review.

Attachments

1. [!\[\]\(815df092dd722ee9268ef8e6d0193e3a_img.jpg\)](#) Correspondence from Golf Broken Hill Inc

JAMES RONCON
GENERAL MANAGER



Golf Broken Hill Inc

ABN 71 099 052 187

PO Box 677
Racecourse Road
BROKEN HILL NSW 2880

Phone 08 8087 9099
Email : bhillgolfclub@bigpond.com
www.brokenhillgolf.com.au

10 July 2020

Mr James Roncon
General Manager
Broken Hill City Council
PO Box 448
BROKEN HILL NSW 2880

Dear James

Re Golf Broken Hill Inc

Golf Broken Hill is a volunteer committee and in the coming months will take on the full responsibility of running the golf course including all care and maintenance and running the game of golf in its entirety.

This change of ownership details are currently under a Commercial in Confidence Agreement between two parties, so the finer details of Golf Broken Hill moving forward are not able to be provided.

In saying that, Golf Broken Hill are very keen to promote this facility as the best inland golf course in remote and regional Australia, and the committee are fully aware of the golf course's potential as a major draw card for any promotions to attract new residents and tourists to the far west region to relocate or make their stay longer, with a first class facility on offer, the golf club has the very best views in town and is a great venue with a top floor clubhouse for private and public functions, and the ability for catering for any function type. Social Golf is a huge drawcard for our community and the golf club is an inclusive entity.

The committee of Golf Broken Hill Inc are a progressive group of volunteers who are looking at all avenues to employ local people, including groundstaff and also in our retail area and clubhouse, and are looking at ideas to keep our entity viable for many years to come.

The utility costs to run the golf course are 'obscene' and the committee are looking at various ways to reduce these costs including looking at grant funding to provide a large solar system to offset electricity, installing rain water tanks and providing some member facilities such as practise nets and a new computer system, to enhance the experience for members and our guests.

The golf course also offers the possibility of establishing a nursery or turf farm, and being able to grow a variety of grasses that may be able to be utilised on the various parks and ovals located through the Broken Hill City Council area and within the region, a partnership could be established, to promote this opportunity. The golf club also provides an opportunity that could be seen as a cross training facility for horticulture staff and apprentices, with green keeping and disease management as another skill set.

Golf Broken Hill Inc needs the support of our Broken Hill and wider regional community to survive and move forward, and we ask if there is an opportunity for Golf Broken Hill Inc to meet and discuss in more detail with you.

I can be contacted on 0412 67 57 63 or by email douglasd@dodo.com.au.

Yours faithfully

Gaynor Holliday
President
Golf Broken Hill Inc

ORDINARY MEETING OF THE COUNCIL

September 11, 2020

ITEM 14**BROKEN HILL CITY COUNCIL REPORT NO. 131/20**

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 406 HELD TUESDAY, 1 SEPTEMBER 2020 11/397

Recommendation

1. That Broken Hill City Council Report No. 131/20 dated September 11, 2020, be received.
2. That That the minutes for the Local Traffic Committee Meeting No.405 held Tuesday, 1 September 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, 1 September 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 406, 1 September 2020

JAY NANKIVELL
CHIEF FINANCIAL OFFICER

JAMES RONCON
GENERAL MANAGER

LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING NO 406

Held 2.00pm Tuesday, 1 September 2020
Video conference/teleconference via BlueJeans

Acting Chairperson Bibek Bhattarai, Infrastructure Projects Engineer opened the meeting at 2.01pm and welcomed all representatives present.

406.1 Present

Biebek Bhattarai	Acting Chairperson/Infrastructure Projects Engineer
Marion Browne	Councillor
David Vant	Roads and Maritime Services (RMS) Representative
Peter Beven	Local Member's Representative
Emily Guerin	Minute Secretary/Administration Officer
Paul Bezzina	Asset Inspector
Inspector Yvette Smith	NSW Police

406.2 Apologies

Raji Navis	Chairperson/Strategic Asset Manager
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406.3 Disclosure of interest – NIL

406.4 Adoption of previous minutes

Previous minutes of meeting No 405 held 4 August 2020 were confirmed via online voting as follows:

All in favour: **Moved:** Marion Browne **Second:** David Vant

406.5 Council Resolutions

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

ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 115/20 - DATED AUGUST 14, 2020 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO 405 HELD TUESDAY, 4 AUGUST
2020 11/397

Councillor Licul declared a non-pecuniary interest in Item 13 and left the meeting at 7:57 p.m.

RESOLUTION

Minute No. 1

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

Resolved

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.

CARRIED UNANIMOUSLY

Councillor Licul returned to the meeting at 7:58 p.m. The Mayor advised Councillor Licul that the report recommendation of Item 13 had been adopted.

406.6 Correspondence In

Item No.	EDRMS No.	Details
406.6.1	D20/35512	Review No Stopping Signs – TNT Broken Hill
Discussion Notes		<p>Discussion around Crystal Lane and that there are no loading zones.</p> <p>Although the laneway is narrow there should still be a loading zoning.</p> <p>Committee determined at last meeting to install a loading zone in Oxide Street near the Astra. This zone can be utilised for Repco.</p>
Recommendation		All in favour of a letter being sent advising that there will be/is a loading zone in Oxide Street near the Astra which can be utilised.
406.6.2	D20/34421	Loading Zone request Broken Hill Pub Oxide Street - Attard's Transport
Discussion Notes		<p>Loading zone takes out a fair amount of parking and this is a busy area in Argent Street. Would be best to have the zone in Oxide Street.</p> <p>How frequently are deliveries? Is it worth changing a parking area to a loading zone for a once a week delivery?</p> <p>Further information required regarding delivery days/times. What do other pubs do in the same area?</p> <p>Only a small delivery truck used. Looking at the angled parking space in Argent Street which does not meet the road rules as it intrudes into the no stopping zone. Remove last parking and possibly get a loading zone in there allowing enough room after the street lights.</p> <p>Angled parking in Argent Street and parallel parking in Oxide Street.</p> <p>Is there a possibility to change a parking zone to a loading zone for a set timeframe?</p> <p>Council to conduct a site inspection and report back to the Committee.</p> <p>Spaces in Oxide Street – 3 or 4 – what do they service? Last carpark is a disabled carpark.</p> <p>Priority to look for spot in Argent Street.</p> <p>Also inspect Argent Lane at the end of the hotel, to see if deliveries can be delivered there.</p>
Recommendation		Council to conduct a site inspection and follow up on delivery truck size. Provide report to Committee at the next meeting.
406.6.3	D20/34891	Traffic Committee School Zone – French
Discussion Notes		<p>Childcares are not considered schools; they are actually private business. They are set up in areas that are not related to a school</p>

		<p>precinct. There is a rule that these types of businesses must have children accompanied by a responsible adult on and off the premise.</p> <p>They do not qualify for a school zone as they are not a school. They are entitled to the children's preschool sign.</p> <p>Discussion around other pre-school signs within Broken Hill: speed reduction (40km zone speed), child and then preschool underneath. Other businesses are within school zones there are not any other independent areas with a school zone. Happy Day in Kaolin Street is independent and has a school zone.</p> <p>As a condition of operation for the business, children must be accompanied on and off the business premise.</p>
	Recommendation	Not providing a school zone as it is a condition of operation that childcares must have someone accompany children on and off the premises. Further clarification to be directed to David Vant.
406.6.4	D20/35811	Burke Ward Public School 125 Year Celebration - Emily Macbeth
	Discussion Notes	<p>Provide copy of Covid-19 Safety Plan, details of the event, risk assessment and copy of public liability.</p> <p>Covid-19 restrictions to also be considered.</p>
	Recommendation	Matter to be handled internally by Council. Council to liaise directly with the Police.
406.6.5	D20/35712	Fundraiser – Lifeline
	Discussion Notes	<p>Road Closure, TCP, Insurance, and consent can be provided by Council.</p> <p>Regional road S144 permit.</p> <p>Covid-19 restrictions to also be considered.</p> <p>Yvette has already provided the required information.</p> <p>Council to contact Marissa and advise what requirements they need for the first 15km.</p> <p>Be aware that RMS will require a mobile speed zone reduction.</p> <p>Consent conditions for Council and RMS to be the same and a minimum of 3 escorts.</p>
	Recommendation	<p>Yvette to follow up with Marissa and advise about the 3 escorts, the reduced speed zone and provide David Vant's contact details.</p> <p>Council and RMS to follow up offline.</p>
406.6.6	D20/35814	Blende Street - Library parking
	Discussion Notes	Time limited parking in the that area to cater for people not parking there all day.

		<p>Timed parking along the side of the library would guarantee some parking for library users.</p> <p>There is timed parking in front of the Civic Centre but there is not timed parking in front of the Library. Most cars parked out front of the Library and are there all day.</p> <p>Parking beside the library as well – there are x3 15-minute parking. In that section there are 3-4 parks (thought they were 2 hours). If these parks were 2 hours, it would make it better for users.</p>
	Recommendation	Council to follow up and provide feedback at next meeting.
406.6.7	D20/35967	Streets as shared spaces fund – Dionne Devlin
	Discussion Notes	Application for carpark closure to be submitted to Council including TCP and insurance details.
	Recommendation	Application for carpark closure to be submitted to Council including TCP and insurance details.

406.7 Correspondence Out

Item No.	EDRMS No.	Details
406.7.1	D20/33749	343 Crystal Street – New parking space for my apartment – Jovanovic

406.8 General Business

Item No.	EDRMS No.	Details
406.8.1		Main block of Argent Street
	Discussion Notes	<p>Members Representative – 17 shoves that need fixing in Argent Street.</p> <p>Parking in the main block of Argent Street does not seem to be any fining occurring.</p> <p>Complaints that local traders, customers can not get into the block as there is day long parking. Over stay of parking in Argent Street.</p>
	Recommendation	Council to handle internally and follow up with Rangers regarding parking.
Item No.	EDRMS No.	Details
406.8.1		1 Wentworth Road, Broken Hill
	Discussion Notes	Site visit to be arranged.
	Recommendation	To follow up with Raji.

406.9 Action Item List

Item No.	397.6.1
EDRMS No.	D19/43779
CRM No.	
Responsible Officer	Council's Chief Operations Officer, Anthony Misagh
Current Status	Pending
Date	Item Details
October 2019	Angle parking at taxi rank outside the Theatre Royal Hotel – Point to Point Transport Commission
Date	Committee Recommendation/s

Action Date	Running Actions
October 2019	<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 did not believe there had been any previous concerns regarding parking in this area or accidents caused due to blind spots. They could not 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</p>

Council wanted to go down this path, instead of reinventing the wheel, speak to either of the above Council's.

Local Member Representative, Peter Bevan discussed current parking behaviours in Argent Street. Normally when someone is travelling along Argent street, even if they do not want the carpark, they normally indicate to the driver backing out that they can come out. He presumed the same thing would happen for taxis.

Discussion around the operation of the parallel parking bay, being that taxis would park in a location nearby and then just drive in, pick up their passenger and drive back out. It would be a rather quick stop.

Discussion that if the parks are still signed as angle parks can it be signed as parallel parking as well? If the proposed parking goes through the LTC process and a traffic management plan is created, then it can be implemented. Signage would need to be installed to reflect the parking arrangements. Contact with either Dubbo or Orange Council's would be handy regarding wording of signs.

Another suggestion was to mark yellow lines at the end of the current angled parks and then sign according to what the parking arrangements are within what times. The traffic management plan with Dubbo and Orange, does include coning as we would be unable to mark with yellow lines.

Moving forward, discussions with the hotel and taxis company would need to happen. Possible discussion with Dubbo and Orange first to get an idea of the process and how it operates and then if this is what Council wants to do.

Changing the angled parks to parallel will reduce parking however will not have as a huge of an impact at night as it would during the day. Ideally it be cleaner to change all 6 parks to parallel. In general, it is not ideal to mix angled and parallel parks.

Discussion around possibility of putting parking bay at the start or the end of the hotel instead, however given the hotel's 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 possibility 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.

	<p>Report to be provided by Chief Operations Officer, Anthony Misagh regarding consultation with Taxi companies, The Theatre Royal Hotel and the Police.</p>
December 2019	<p>Committee meeting cancelled</p>
February 2020	<p>Point to Point Transport Commissioner, Jenny and Chairperson, Raji have had a discussion regarding the issue at the Theatre Royal Hotel. Raji has also spoken to Orange and Dubbo Council's regarding the proposal as it has already been implemented at these sites.</p> <p>Current proposal is to change the 5 angled parks to 2 parallel parks only during taxi times. Parallel parking signs within the taxi zone sign including times would need to be installed.</p> <p>Raji has had a discussion with the Theatre Royal Hotel and Independent Taxi regarding the concerns raised and the proposal. Both have confirmed they do not have any issues with how the taxi bay currently operates.</p> <p>A discussion between Raji and Yellow Cabs has also occurred. It was identified that Yellow Cabs are the ones who have raised this issue with the Point to Point Transport Commissioner. Yellow cabs are in favour of the parallel parking.</p> <p>Raji raised the issue with Yellow Cabs on where the taxi's waiting to pick up passengers would park if the taxi zone was being utilised. The response provided was the normal carparking spaces further down which is actually illegal. Otherwise they will have to go around two blocks until taxi zone is free.</p> <p>Yellow Cabs also mentioned that the Demo Club have the same issue and parallel parking is required. Demo Club have an exit through the back door into a one-way laneway, this could be an option for taxi's to park/pick up out the back of the Club. Customers would just need to be made aware this is an option. There is no disabled access at the rear of the Club which could be an issue.</p> <p>As Police were not in attendance at the LTC meeting, notification of proposed changes in front of Theatre Royal Hotel to be supplied.</p> <p>Committee were all in favour of an interim trial period of 2 months with parallel parking at theatre Royal Hotel. Consultation with the Demo Club to happen when RMS, David Vant is in Broken Hill Tuesday, 10 March 2020.</p> <p>Council report to be created with the above recommendation.</p>
March 2020	<p>Ongoing – signs to be installed beginning of April 2020.</p>
April 2020	<p>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.</p>
May 2020	<p>Chairperson, Raji to follow up and provide an update at June meeting.</p>
June 2020	<p>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.</p> <p>The Theatre Royal Hotel has only just re-opened and the Night Trian will not be reopening until Covid-19 has been cleared.</p> <p>Both Taxi companies have requested that the first cab parking spot be shifted down to be in line with the Night Train front door.</p>

	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.
September 2020	Trial period to be extended to December due to Covid-19.

Item No.	403.6.2
EDRMS No.	D20/20316
CRM No.	
Responsible Officer	Chairperson, Raji Navis
Current Status	Pending
Date	Item Details
June 2020	37 Mica Street – Dangerous Road – Robyn Slater
Date	Committee Recommendation/s
June 2020	Install traffic classifiers
Action Date	Running Actions
June 2020	<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.

September 2020 The speed matrix shows that 85% are at 53km per hour.
Nothing unusual about these results. No further action required.

Item No.	403.6.4
EDRMS No.	D20/21069
CRM No.	
Responsible Officer	Chairperson, Raji Navis
Current Status	Pending
Date	Item Details

June 2020 Excelsior area needs a crossing – Renee Zammit

Date	Committee Recommendation/s
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June 2020 Install traffic classifiers

Action Date	Running Actions
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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.

September 2020 Data does not show any unusual activity.
No further action required at this stage by the traffic committee.

Item No.	403.6.6
EDRMS No.	D20/21069
CRM No.	
Responsible Officer	Chairperson, Raji Navis
Current Status	Pending
Date	Item Details
June 2020	Brown Street – Speeding Motorists – Ann Evers
Date	Committee Recommendation/s
June 2020	Install traffic classifiers
Action Date	Running Actions
June 2020	<p>Inspection conducted at Brown Street and there were no visible marks on the road of dangerous driving.</p> <p>This is the third email regarding the corner of Brown Street and corner of Silver City Highway. People are coming at a high speed down the street and turning. Part of the issue is that line marking has not yet been completed.</p> <p>A matter of people of driving properly. Speed bumps will not resolve the issue.</p> <p>Discussion around installing classifiers to see what is happening. Most of this issue is driver behaviour and LTC cannot do much about driver behaviour. Can make physical changes but if it is a driver behaviour issue, it comes down to enforcement.</p>
July 2020	<p>Signs and speed bumps as per the Brown Street design will be installed within the next couple weeks.</p> <p>Centre line marking has been completed. The giveaway sign marking is yet to be completed due to covid-19.</p> <p>Hopefully the above will resolve the issue. Follow up at next meeting.</p>
August 2020	Data to be reviewed September Meeting.
September 2020	<p>Brown Street the only concern but is still nothing significant.</p> <p>Some of the increased speeds are very early in the morning.</p> <p>Police, Yvette Smith to provide data to Police to monitor the area.</p> <p>Line marking to be completed, Council are currently engaging a contractor.</p>

Speed bumps to be reviewed by the traffic committee. Specification to be provided at the next Traffic Committee Meeting.

Item No.	404.6.1
EDRMS No.	D20/22740
CRM No.	
Responsible Officer	Chairperson, Raji Navis
Current Status	Pending
Date	Item Details
July 2020	23 Sulphide Street – Request Disability Parking Spot – Benevolent Society
Date	Committee Recommendation/s
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.
Action Date	Running Actions
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 car parks in Argent Street out front of the Demo and in the rear laneway.</p> <p>Establish the need, how many clients do they have that are disabled?</p> <p>If disabled parking is installed a minimum of x3 general car parks, will be removed which means neighbouring businesses would need to be consulted.</p> <p>Huge expenses involved installing a disabled 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, 6 October 2020 (2pm to 3.30pm).

406.11 Meeting Closed – 3.07pm

ORDINARY MEETING OF THE COUNCIL

September 17, 2020

ITEM 15BROKEN HILL CITY COUNCIL REPORT NO. 132/20SUBJECT: ACTION LIST REPORT11/21**Recommendation**

1. That Broken Hill City Council Report No. 132/20 dated September 17, 2020, be received.

Executive Summary:

The purpose of this report is to ensure that Council and the community are informed on the status of actions required by previous Council resolutions.

Report:

A new format Action List was presented to the June 2017 Council Meeting to provide Councillors with a clearer way of reporting on the progress of outstanding Council resolutions. As per Minute No. 45570, the Action List has been produced in the new colour coded format and shows the progress of Council' outstanding decisions (Green – completed, Yellow – in progress and Red – not yet commenced).

The Action List attached to this report covers decisions at Ordinary Council Meetings; is for information only and will be provided to Council on a monthly basis.

Discussions have been held with staff regarding the long outstanding items on the Action List, most of which are leasing/licencing matters. Staff will be working to finalise these items as a priority and/or request Council to rescind resolutions where circumstances have changed.

Community Engagement:

Nil.

Strategic Direction:

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

Relevant Legislation:

Local Government Act 1993

Financial Implications:

Nil

Attachments

1. [↓](#) Action List

JAMES RONCON
GENERAL MANAGER

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 21/09/2020 Printed: Monday, 21 September 2020 8:59:50 AM
Action Sheets Report Ordinary Council Meetings		

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/04/2018	VanDerBerg, Francois Roncon, James	Reports	COMPULSORY ACQUISITION OF WARNOCK GOSSAN STREET ROAD RESERVE
Resolved:			
<ol style="list-style-type: none"> 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 <i>Roads Act 1993</i> and Section 186 of the <i>Local Government Act 1993</i>. 3. That the acquisition be undertaken in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. 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 <i>Roads Act 1993</i>. <p>16 May 2018 - 9:45 AM - Leisa Bartlett In progress.</p> <p>15 Aug 2018 - 3:32 PM - Leisa Bartlett MPDC advised - OLG advised that the land is subject to a Native Title Claim and that compulsory acquisition cannot go ahead at this stage. Council is waiting for further advice from OLG.</p> <p>11 Sep 2018 - 4:40 PM - Leisa Bartlett No change, still awaiting advice from OLG.</p> <p>9 Oct 2018 - 5:08 PM - Leisa Bartlett Awaiting OLG advice</p> <p>13 Nov 2018 - 9:26 AM - Leisa Bartlett Still awaiting OLG advice due to Native Title.</p> <p>6 Feb 2019 - 1:51 PM - Leisa Bartlett In discussions with Crown Lands regarding Native Title.</p> <p>7 Mar 2019 - 1:55 PM - Leisa Bartlett No change, still awaiting response from Crown Lands.</p> <p>15 May 2019 - 10:41 AM - Georgina Falkner Crown Lands have advised they have no objection to receiving Proposed Acquisition Notices. Investigating budget and Native Title prior to making application to OLG.</p> <p>14 Jun 2019 - 3:27 PM - Leisa Bartlett no change in status</p> <p>4 Jul 2019 - 1:51 PM - Leisa Bartlett no change in status</p> <p>20 Aug 2019 - 3:39 PM - Anthony Misagh Acquisition is on hold and most likely will not be going ahead at this point. It holds native title and it is getting somewhat expensive.</p> <p>17 Oct 2019 - 9:54 AM - Leisa Bartlett Discussions being held with month with the Department of Crown Lands.</p> <p>14 Nov 2019 - 4:35 PM - Leisa Bartlett Seeking legal advice from Council's Solicitors</p> <p>12 Feb 2020 - 12:12 PM - Leisa Bartlett Legal advice received. Matter in progress.</p> <p>7 Apr 2020 - 10:14 AM - Leisa Bartlett 11/03/2020 - Matter still in progress.</p> <p>8 Apr 2020 - 11:16 AM - Leisa Bartlett In progress.</p> <p>8 May 2020 - 11:58 AM - Leisa Bartlett Still in progress.</p> <p>10 Jun 2020 - 2:35 PM - Leisa Bartlett Matter in progress.</p> <p>15 Jul 2020 - 1:45 PM - Leisa Bartlett Matter still in progress.</p> <p>12 Aug 2020 - 9:41 AM - Leisa Bartlett Matter still in progress.</p> <p>17 Sep 2020 - 3:05 PM - Leisa Bartlett Matter on hold until the Federation Way Acquisition is complete.</p>			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 21/09/2020 Printed: Monday, 21 September 2020 8:59:50 AM
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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			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 77/19 dated December 17, 2018, be received. 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. That the terms and conditions of the current lease agreement remain the same, including the rent of \$1 per year. That Livebetter Services Limited are responsible for any legal fees incurred by Council. That the Mayor and General Manager be authorised to sign the transfer of lease documents under the Common Seal of Council. <p>12 Jun 2019 - 10:52 AM - Georgina Falkner Transfer documents being finalised</p> <p>4 Jul 2019 - 1:54 PM - Leisa Bartlett Transfer documents with Livebetter for execution.</p> <p>20 Aug 2019 - 3:14 PM - Anthony Misagh No update</p> <p>10 Sep 2019 - 10:44 AM - Georgina Falkner Still awaiting signed documents from Livebetter, have followed up on progress.</p> <p>17 Oct 2019 - 9:57 AM - Leisa Bartlett Contact will be made again with Livebetter seeking the return of signed documents.</p> <p>14 Nov 2019 - 4:00 PM - Leisa Bartlett No change in status</p> <p>12 Feb 2020 - 12:13 PM - Leisa Bartlett Lease still with Livebetter for signature.</p> <p>8 Apr 2020 - 11:18 AM - Leisa Bartlett Have followed up with LiveBetter as Council is still awaiting a signed copy of the lease.</p> <p>8 May 2020 - 12:02 PM - Leisa Bartlett Transfer document still with Livebetter for signature.</p> <p>10 Jun 2020 - 2:36 PM - Leisa Bartlett Another email sent chasing up signed lease.</p> <p>15 Jul 2020 - 1:45 PM - Leisa Bartlett LiveBetter have advised that they have misplaced the transfer lease documents. Due to the time lapse, the original lease to Far West HACC has now expired and a new lease will now be negotiated directly with LiveBetter. A new report to Council will be presented in the coming months to consider approval of a lease offer to LiveBetter, and this item can then be removed.</p> <p>12 Aug 2020 - 9:41 AM - Leisa Bartlett New lease terms being negotiated.</p> <p>17 Sep 2020 - 3:06 PM - Leisa Bartlett In progress.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/11/2019	VanDerBerg, Francois Roncon, James	Reports	ACQUISITION OF FEDERATION WAY
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 194/19 dated October 21, 2019, be received. 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). That the acquisition be undertaken in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, under Section 186 of the <i>Local Government Act 1993</i> and for the purposes of a public road under Section 177 of the <i>Roads Act 1993</i>. 			

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- 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*.
- That the Mayor and General Manager be authorised to sign and execute any documents related to the acquisition or road opening under the Common Seal of Council.

12 Feb 2020 - 12:21 PM - Leisa Bartlett

In progress.

7 Apr 2020 - 10:46 AM - Leisa Bartlett

11/03/2020 - Still in progress

8 Apr 2020 - 11:20 AM - Leisa Bartlett

in progress.

8 May 2020 - 12:16 PM - Leisa Bartlett

Application to OLG is being drafted.

10 Jun 2020 - 2:38 PM - Leisa Bartlett

Application sent to Office of Local Government

15 Jul 2020 - 1:54 PM - Leisa Bartlett

Matter still with the OLG.

12 Aug 2020 - 9:42 AM - Leisa Bartlett

Still with OLG.

17 Sep 2020 - 3:07 PM - Leisa Bartlett

Matter still with OLG. Enquiries were made with OLG, but no timeframe was given.

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/03/2020	Nu'man, Razija Roncon, James	Committee Reports	SECTION 355 ET LAMB MEMORIAL OVAL COMMUNITY COMMITTEE - PROPOSED DISBANDING

RESOLUTION

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

CARRIED

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.

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21 Sep 2020 - 8:46 AM - Leisa Bartlett
Appointment being made for the return of the financial records.

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/06/2020	Nankivell, Jay Roncon, James	Reports	ADOPTION OF DRAFT QUEEN ELIZABETH PARK PLAN OF MANAGEMENT
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 80/20 dated June 4, 2020, be received. That Council refer the Draft Plan of Management for Queen Elizabeth Park to the Minister administering the <i>Crown Land Management Act 2016</i> 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>. That the General Manager be authorised to sign any documents required to notify the Minister. 			
CARRIED UNANIMOUSLY			
<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.</p> <p>12 Aug 2020 - 9:42 AM - Leisa Bartlett Awaiting response from Crown Lands.</p> <p>17 Sep 2020 - 3:08 PM - Leisa Bartlett Still awaiting response from Crown Lands.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Andrews, Anne Roncon, James	Reports	SALE OF 118 BROWN STREET
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 101/20 dated July 2, 2020, be received. That Council engage a real estate agent to sell the land at 118 Brown Street (Lot 2244 DP 757298). That the General Manager be authorised to negotiate and finalise the sale of 118 Brown Street. 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			
<p>7 Aug 2020 - 3:21 PM - Leisa Bartlett 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> <p>21 Sep 2020 - 8:45 AM - Leisa Bartlett Real Estate Agent engaged. Auction to be held 18 October 2020.</p> <p>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
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 104/20 dated June 23, 2020, be received. 			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 21/09/2020 Printed: Monday, 21 September 2020 8:59:50 AM
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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

12 Aug 2020 - 10:00 AM - Leisa Bartlett
Solicitors are drawing up the lease agreement.
17 Sep 2020 - 3:09 PM - Leisa Bartlett
Draft lease being finalised.

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
Resolved			
<ol style="list-style-type: none"> 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			
<p>12 Aug 2020 - 10:00 AM - Leisa Bartlett Solicitors are drawing up the licence agreement. 17 Sep 2020 - 3:09 PM - Leisa Bartlett Draft lease being finalised.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/08/2020	Schipanski, Louise Roncon, James	Notice of Motion	SEALING OF THE BROKEN HILL TO TIBOOBURRA ROAD
Resolved			
<ol style="list-style-type: none"> 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, Mr Peter Beven, Mr John Elliott and Mr John Williams be acknowledged for the role they played in ensuring the Broken Hill to Tibooburra Road was sealed. 3. That the Mayor write to Mr Black, Mr Beven, Mr Elliott and Mr Williams to acknowledge their contribution towards the sealing of the Tibooburra Road. 			
CARRIED			
<p>2 Sep 2020 - 8:57 AM - Leisa Bartlett Letters sent. COMPLETE</p>			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 21/09/2020 Printed: Monday, 21 September 2020 8:59:50 AM
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Meeting	Officer/Director	Section	Subject
Ordinary Council 26/08/2020	Schipanski, Louise Roncon, James	Notice of Motion	MENINDEE LAKES WATER SAVING PROPOSALS - WATER NSW
Resolved			
<ol style="list-style-type: none"> 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. (iv) Ensure the critical supply of water for the environment, cultural and human needs along the Darling at Menindee and within the Lower Darling/Anabranch system in dry or low flow years. (v) Provide for the critical human needs for towns cultural stock and domestic users and the needs of riparian land owners to be met before access to irrigation is allowed in the Barwon Darling and Northern tributaries. (vi) Determine critical flow triggers in the Barwon Darling and Lower Darling and storage volumes in the Menindee Lakes (minimum 2 years) that will ensure that the protection of the health of the river is made a priority before access to water for irrigation is allowed. <p style="text-align: right;">CARRIED UNANIMOUSLY</p>			
<p>2 Sep 2020 - 8:58 AM - Leisa Bartlett Letters sent. COMPLETE</p>			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 21/09/2020 Printed: Monday, 21 September 2020 8:59:50 AM
Action Sheets Report Ordinary Council Meetings		

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/08/2020	Bartlett, Leisa Roncon, James	Reports	MODEL CODE OF CONDUCT FOR LOCAL COUNCILS 2020 AND PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT 2020
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 107/20 dated August 13, 2020, be received. 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. That the \$50.00 cap on gifts and benefits be retained in Council's adopted Code of Conduct Policy and Gifts and Benefits Policy. That Council's adopted Gifts and Benefits Policy be amended to reflect the following new provisions in the 2020 Model Code of Conduct for Local Councils in NSW: <ol style="list-style-type: none"> that items up to the value of \$10.00 are not classed as "gifts and benefits" and do not need to be declared. 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. 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. 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). 			
CARRIED			
<p>2 Sep 2020 - 8:58 AM - Leisa Bartlett Council's Code of Conduct Policy updated. Policy and Model Procedures updated on Council's website. Staff advised. COMPLETE</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/08/2020	Nu'man, Razija Roncon, James	Reports	DECEMBER AND JANUARY COUNCIL MEETING ARRANGEMENTS AND CHRISTMAS SHUT DOWN PERIOD
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 108/20 dated August 5, 2020, be received. That Council's Ordinary Monthly Meeting for December 2020 be held Wednesday, December 9, 2020. That should an urgent matter arise in January, an Extraordinary Council Meeting will be arranged. 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. 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. 			
CARRIED			

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 21/09/2020 Printed: Monday, 21 September 2020 8:59:50 AM
Action Sheets Report Ordinary Council Meetings		

28 Aug 2020 - 2:42 PM - Leisa Bartlett
Staff advised.
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/08/2020	Nu'man, Razija Roncon, James	Reports	2019-2021 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 30 JUNE 2020, INCLUSIVE OF OPERATIONAL PLAN 2019/2020 OUTCOMES

Resolved

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.

CARRIED

2 Sep 2020 - 8:59 AM - Leisa Bartlett
Delivery Program KPI Progress Report uploaded to the website.
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/08/2020	Nu'man, Razija Roncon, James	Reports	2017-2021 DISABILITY INCLUSION ACTION PLAN KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 30 JUNE 2020

Resolved

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.

CARRIED

2 Sep 2020 - 9:00 AM - Leisa Bartlett
DIAP KPI Progress Report uploaded to the website.
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/08/2020	Bartlett, Leisa Roncon, James	Reports	ADOPTION OF DRAFT PROCUREMENT FRAMEWORK AND POLICY

Resolved

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.

CARRIED

28 Aug 2020 - 2:48 PM - Leisa Bartlett
All processes undertaken to adopt policy.
COMPLETE

Overdue For Action	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 1/04/2018 Date To: 21/09/2020 Printed: Monday, 21 September 2020 8:59:50 AM
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Meeting	Officer/Director	Section	Subject
Ordinary Council 26/08/2020	Bartlett, Leisa Roncon, James	Reports	ADOPTION OF DRAFT BROKEN HILL LOCAL STRATEGIC PLANNING STATEMENT
Resolved			
<ol style="list-style-type: none"> 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. 			
CARRIED			
28 Aug 2020 - 2:49 PM - Leisa Bartlett All action undertaken to adopt the Planning Statement. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/08/2020	Bartlett, Leisa Roncon, James	Reports	DRAFT POLICY MOBILE FOOD VEHICLES, TEMPORARY FOOD STALLS AND HAWKING POLICY FOR PUBLIC EXHIBITION
Resolved			
<ol style="list-style-type: none"> 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. 			
CARRIED UNANIMOUSLY			
28 Aug 2020 - 2:49 PM - Leisa Bartlett All action taken to place Draft Policy on public exhibition. COMPLETE			

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETINGS

1. QUESTIONS ON NOTICE NO. 10/20 - DATED AUGUST 28, 2020 - COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE AUGUST 2020 ORDINARY COUNCIL MEETING (11/397, 16/82, 11/417, 19/75).....234

ORDINARY MEETING OF THE COUNCIL

August 28, 2020

ITEM 1QUESTIONS ON NOTICE NO. 10/20

SUBJECT: COUNCILLOR QUESTIONS TAKEN ON NOTICE AT THE AUGUST 2020 ORDINARY COUNCIL MEETING 11/397, 16/82, 11/417, 19/75

Summary

The report provides responses to questions raised by Councillors during the August 2020 Council Meeting, which were taken on notice.

Recommendation

1. That Questions On Notice No. 10/20 dated August 28, 2020, be received.

Background

Following are the responses to questions raised by Councillors which the Mayor and/or General Manager did not answer and took on notice at the August 2020 Council Meeting.

Question:	<p><u>From Item 8 - Disability Inclusion Action Plan Consultation Committee</u></p> <p><i>Councillor Browne commented that it is disappointing that the Consultation Committee has been disbanded and asked that staff investigate alternate ways of engaging with the community user representatives to provide input into the Disability Inclusion Action Plan.</i></p>
Response:	<p>The Disability Inclusion Action Plan (DIAP) Monitoring Committee, with its terms of reference agreed to by Council, meet on a six-monthly basis regarding the DIAP as part of the Delivery Program of Council. The DIAP Monitoring Committee has been in hiatus due to COVID-19. Its purpose is not to act as a consultation medium. Other departments undertaking projects or using consultants are required to arrange suitable forums at this level.</p>
Question:	<p><u>From Item 10 – Broken Hill Local Strategic Planning Statement – Closure of Gypsum Street</u></p> <p><i>Councillor Kennedy referred to the major roadworks in Gypsum Street and asked why Council did not plan to undertake the road works in a manner that would have provided access to the businesses throughout the works and prevented businesses from closing or having to relocate?</i></p>
Response:	<p>Council's Communication and Engagement Strategy 2019-20 (adopted November 2019) states that "depending on the nature and complexity of the project/initiative being delivered, the level of community engagement</p>

	<p>may vary. Similarly, this level may vary for different aspects or stages of the project."</p> <p>The strategy utilises the International Association for Public Participation (IAP2) spectrum when considering the level of communication required for each project.</p> <p>Road closures typically fall under the "inform" category of the spectrum, however Council staff arguably extended their engagement into the "consult" category in this instance.</p> <p>Before and during the project staff dropped notices in letterboxes, held a site meeting for stakeholders, door knocked, advertised the closure in the newspaper, produced media releases, posted on social media, and met with a business owner to offer alternative construction options in an attempt to minimise disruption to trade.</p> <p>Roadworks are a common part of Council business, and the communication and engagement approach throughout this project has been significantly greater than most road closures of a similar nature.</p>
Question:	<p><u>From Item 13 – Traffic Committee – Arboretum at the Art Gallery Carpark</u></p> <p><i>Councillor Algate referred to the development of a small Arboretum in the Art Gallery Carpark and raised concerns regarding the reduction in car parking spaces; and that businesses in the vicinity had not been advised that car parking spaces were going to be lost.</i></p> <p><u>From Item 13 – Traffic Committee – Arboretum at the Art Gallery Carpark</u></p> <p><i>Councillor Kennedy advised members of the public had contacted him with concerns that car parking spaces will be reduced in the Art Gallery Carpark due to the Arboretum development and asked why a decision was made to put an Arboretum in the Art Gallery Carpark without a resolution of Council?</i></p>
Response:	<p>Council was successful in seeking NSW Government funding to undertake a pop-up 'Streets as Shared Space Activation' project. The genesis of the project comes from a few sources, including the adopted 'Cultural Framework and Synopsis Report' in particular the spin off strategies identified through that work and the 2020/21 adopted budget that committed to the development of a CBD Masterplan, which precedes the redevelopment of the CBD. The 'Streets and Shared Spaces activation' pop-up represents a great opportunity for Council to engage its community on range of different possibilities and solicit feedback.</p>
Question:	<p><u>From Item 15 – Questions on Notice - COVID-19 Travel Procedure</u></p> <p><i>Councillor Kennedy asked for the cost to Council in relation to staffing hours in the defense against the United Services Union in the Commission.</i></p>
Response:	<p>Response provided to the August 2020 Ordinary meeting of Council. Timesheets not maintained.</p>

Attachments

There are no attachments for this report

JAMES RONCON
GENERAL MANAGER

CLOSED

Council Meeting to be held **Wednesday, September 30, 2020**

1. **BROKEN HILL CITY COUNCIL REPORT NO. 133/20 - DATED**
SEPTEMBER 18, 2020 - REQUEST FOR LEASE OF THE ALMA
MECHANICS INSTITUTE, PATTON STREET - CONFIDENTIAL

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